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## ARTICLE

# Maqāṣid al-Sharī'ah in the Age of Artificial Intelligence: Constructing an Islamic Ethical Framework for AI Governance and Regulation

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## Abstract

**Background:** The twenty-first century has witnessed unprecedented acceleration in generative and agentic artificial intelligence (AI) technologies, delivering remarkable efficiencies across healthcare, finance, education, and governance. However, this progress has escalated global ethical risks algorithmic bias, deepfakes, mass surveillance, disinformation, and surveillance capitalism while Western-centric frameworks (EU AI Act, UNESCO Recommendation, NIST RMF) remain predominantly secular and utilitarian. A critical lacuna persists: the absence of a comprehensive, systematic Islamic ethical framework rooted in Maqāṣid al-Sharī'ah for AI governance and regulation, leaving Muslim societies (1.8 billion Muslims worldwide) at risk of adopting ethically alien standards.

**Purpose:** This study aims to construct a holistic, coherent, and applicable Islamic ethical framework for AI governance and regulation grounded explicitly in Maqāṣid al-Sharī'ah.

**Methods:** The research employs qualitative doctrinal-normative (yuridis-normatif) methodology with a maqāṣidī analytical approach. Primary sources (Qur'an, Hadith, classical Maqāṣid texts of al-Ghazālī, al-Shāṭibī, and Ibn 'Ashūr) and secondary sources (2022–2026 AI ethics literature and international regulations) were analysed through thematic content analysis and holistic maqāṣidī mapping.

**Results:** The study systematically adapts the five ḍarūriyyāt (ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-'aql, ḥifẓ al-nasl, ḥifẓ al-māl), augmented by human dignity (karāmah and ḥifẓ al-'ird). It constructs a novel multi-layered i'timānī (trusteeship) framework integrating three divine covenants with operational virtues (sidq, qist, shafāfiyyah) and a structural overlay onto the NIST AI Risk Management Framework. Comparative analysis shows strong thematic compatibility with Western regimes while offering superior theocentric depth.

**Implication:** The framework provides concrete policy recommendations – mandatory Shariah-audited ethics commissions, dual-metric evaluation protocols, tabayyun infrastructure with watermarking, and transformative digital literacy curricula – readily operationalisable in Muslim-majority jurisdictions (Indonesia, Malaysia, Saudi Arabia, and OIC countries). It positions the Muslim world as an active contributor to ethical pluralism in global AI governance.

**Originality:** This is the first study to operationalise all five ḥifẓ into a comprehensive, actionable governance and regulatory model for AI, shifting Maqāṣid from conceptual or sectoral application to a proactive philosophy of technology that bridges Islamic theology with technical risk management.

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## INTRODUCTION

The twenty-first century has witnessed an unprecedented acceleration in artificial intelligence (AI) technologies <sup>1</sup>. By early 2026, generative and agentic AI systems have moved from experimental laboratories into widespread deployment across critical sectors such as healthcare, finance, education, and governance <sup>2</sup>. Agentic AI, for instance, now autonomously manages clinical workflows in major U.S. hospitals, while “vibe coding” the practice of generating, refining, and debugging code through large language models was named Collins Dictionary Word of the Year for 2025 <sup>3</sup>. These advancements have delivered remarkable efficiencies: AI copilots at JP Morgan reportedly increased coding productivity by 10–20 % within months <sup>4</sup>. However, such progress has come at a significant ethical cost <sup>5</sup>.

Global ethical risks associated with AI have escalated dramatically. Algorithmic bias continues to perpetuate systemic discrimination; facial-recognition systems, for example, misidentify dark-skinned individuals at rates up to 34 % higher than light-skinned ones <sup>6;7</sup>. Deepfakes and AI-generated disinformation have influenced elections and enabled large-scale fraud, with AI voice-cloning scams alone causing an estimated US\$5.3 billion in losses in 2025 <sup>8</sup>. Privacy erosion through mass surveillance, manipulation via behavioral nudges, and the environmental footprint of AI training data centers projected to consume over 1,000 TWh by 2026 and millions of liters of water daily further compound the crisis <sup>9;10;11</sup>. The International AI Safety Report 2026 highlights three primary risk categories: malicious use, system malfunctions, and systemic societal harms, warning that reliance on AI may already be weakening critical thinking and increasing “automation bias.” <sup>12</sup>.

<sup>1</sup> Rahul Joshi et al., “Artificial Intelligence: A Gateway to the Twenty-First Century,” in *The Intersection of 6g, Ai/Machine Learning, and Embedded Systems* (CRC Press, 2025), 146–72.

<sup>2</sup> Thomas Hartung, “AI, Agentic Models and Lab Automation for Scientific Discovery – the Beginning of ScAIInce,” *Frontiers in Artificial Intelligence* 8 (2025): 1649155.

<sup>3</sup> A I Matters, Larry Medsker, and Ella Scallan, “Top AI Ethics and Policy Issues of 2025 and What to Expect in 2026,” *Alhub*, 2026, <https://aihub.org/>.

<sup>4</sup> Haripriya Suresh, “JPMorgan Engineers’ Efficiency Jumps as Much as 20% from Using Coding Assistant,” 2025, <https://www.reuters.com>.

<sup>5</sup> Venkat Ramaswamy, *The Co-Intelligence Revolution: How Humans and AI Co-Create New Value* (Penguin Random House India Private Limited, 2025).

<sup>6</sup> Sumanth Papareddy, “Top AI Risks, Dangers & Challenges in 2026” (Clarifai, 2025), <https://www.clarifai.com/blog/top-ai-risks-dangers-challenges-2026>.

<sup>7</sup> ReShonda Tate, “Racial Bias in AI: How Algorithms Are Failing Black People,” 2025, <https://defendernetwork.com/news/racial-bias-in-ai-how-algorithms-are-failing-black-people>.

<sup>8</sup> Laura M Steckman, ed., *Examining Internet and Technology around the World, Global Viewpoints* (Santa Barbara, California: ABC-CLIO, LLC, 2021), <https://lccn.loc.gov/2020021165>.

<sup>9</sup> Grégoire Giuliano, “The AI Literacy Gap: What Society Knows, What It Needs to Know, and Why It Matters Foundation for AI Literacy,” *What It Needs to Know, and Why It Matters Foundation for AI Literacy* (September 20, 2025), 2025.

<sup>10</sup> Eren Cam et al., “Electricity 2024: Analysis and Forecast to 2026” (Paris: International Energy Agency, 2024), <https://www.iea.org>.

<sup>11</sup> Matthew Gooding, “Global Data Center Electricity Use to Double by 2026 - IEA Report,” 2024, <https://www.datacenterdynamics.com/en/news/global-data-center-electricity-use-to-double-by-2026-iea-report/>.

<sup>12</sup> Yoshua Bengio et al., “International Ai Safety Report 2026,” *ArXiv Preprint ArXiv:2602.21012*, 2026.

In response, Western-centric regulatory frameworks have proliferated. The European Union's Artificial Intelligence Act, fully enforceable from mid-2025, classifies AI systems into risk tiers and imposes strict conformity assessments for high-risk applications in employment, education, and public services<sup>13</sup>. UNESCO's Recommendation on the Ethics of Artificial Intelligence<sup>14</sup> and the OECD AI Principles similarly emphasize human rights, transparency, and accountability<sup>15</sup>. Yet these frameworks remain predominantly secular and utilitarian, often overlooking deeper civilizational worldviews, particularly from the Islamic tradition that governs the lives of over 1.8 billion Muslims worldwide<sup>16</sup>.

Despite the growing body of literature on AI ethics, a critical lacuna persists: the absence of a comprehensive, systematic Islamic ethical framework – rooted specifically in Maqāṣid al-Sharī'ah – for the governance and regulation of AI<sup>17</sup>. Existing studies have begun exploring the intersection, such as<sup>18</sup> who highlight how AI threatens core Maqāṣid values of privacy (ḥifẓ al-'ird) and intellect (ḥifẓ al-'aql) through surveillance and manipulation, and<sup>19</sup> who examines Maqāṣid as a balancing mechanism between innovation and Islamic principles. More recent works propose partial integrations, including frameworks for Islamic finance<sup>20</sup> and education<sup>21</sup>.

Nevertheless, these contributions remain fragmented, largely conceptual, and limited to specific sectors or individual Maqāṣid elements. None has yet constructed a holistic, actionable governance and regulatory model that can be operationalized by governments, technology companies, and Sharia supervisory boards in Muslim-majority countries<sup>22</sup>. Meanwhile, global AI regulation is rapidly solidifying along Western paradigms (EU AI Act,

<sup>13</sup> Hans Graux et al., "Study Requested by the European Parliament Committee on Industry, Research and Energy (ITRE)" (Brussels: European Parliament, 2025), <http://www.europarl.europa.eu/supporting-analyses>.

<sup>14</sup> UNESCO, *UNESCO's Recommendation on the Ethics of Artificial Intelligence: Key Facts* (United Nations Educational, Scientific and Cultural Organization, 2023).

<sup>15</sup> Brady Lund et al., "Standards, Frameworks, and Legislation for Artificial Intelligence (AI) Transparency," *AI and Ethics* 5, no. 4 (2025): 3639–55.

<sup>16</sup> Lund et al.

<sup>17</sup> Uthman Mohammed Mustapha Kannike and AbdulGafar Olawale Fahm, "Exploring the Ethical Governance of Artificial Intelligence from an Islamic Ethical Perspective," *Jurnal Fiqh* 22, no. 1 (2025): 134–61.

<sup>18</sup> Abdullah Muslich Rizal Maulana et al., "From Digital Religion to Digital Islam: Finding God in the Society 5.0 through Maqāṣid Sharī'ah," *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum* 11, no. 1 (2026): 3–26.

<sup>19</sup> Ramlan Mustapha and Siti Norma Aisyah Malkan, "Maqasid Al-Shariah in the AI Era: Balancing Innovation and Islamic Ethical Principles," *International Journal of Islamic Theology & Civilization (E-ISSN-3009-1551)* 3, no. 3 (2025): 1–21.

<sup>20</sup> Rindawati Maulina, Wawan Dhewanto, and Taufik Faturohman, "The Integration of Islamic Social and Commercial Finance (IISCF): Systematic Literature Review, Bibliometric Analysis, Conceptual Framework, and Future Research Opportunities," *Heliyon* 9, no. 11 (2023).

<sup>21</sup> Fuad Srinio, Muslihun Muslihun, and Muhammad Umair Khan Usman, "Comparison of Islamic and Western Education Systems: Opportunities for Integration of Islamic Values," *Adiluhung: Journal of Islamic Values and Civilization* 1, no. 1 (2025): 29–41.

<sup>22</sup> Mohd Asmar, Yuli Andriansyah, and Mowafg Masuwd, "Performance Measurement Analysis of Sharia Commercial Banks in Indonesia with Maqashid Index and Sharia Conformity and Profitability (SCnP)," *Journal of Islamic Economics Lariba* 9 (December 31, 2023), <https://doi.org/10.20885/jielariba.vol9.iss2.art13>.

NIST RMF), leaving Muslim societies at risk of adopting ethically alien standards that may conflict with tawḥīd-based worldview, human dignity (karāmah), and the higher objectives of Sharī'ah<sup>23</sup>. This research gap is not merely academic; it carries urgent policy implications as Muslim nations (Indonesia, Malaysia, Saudi Arabia, UAE) race to formulate national AI strategies without a coherent Islamic ethical anchor.

This study addresses the aforementioned gap by constructing an Islamic ethical framework for AI governance and regulation grounded explicitly in the five essential Maqāṣid al-Sharī'ah (ḍarūriyyāt): preservation of religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), lineage (ḥifẓ al-nasl), and wealth (ḥifẓ al-māl), with an expanded consideration of human dignity. As demonstrated by<sup>24</sup>, Maqāṣid principles show strong thematic compatibility with UNESCO and OECD ethics particularly in rejecting biometric mass surveillance and social scoring yet offer a more holistic, purpose-driven (maqāṣidī) approach that prioritizes maslaḥah (public interest) and prevents mafsadah (harm) at both individual and civilizational levels.

The significance of this research is threefold. Theoretically, it enriches the global AI ethics discourse by introducing a pluralistic, non-Western paradigm that can serve as a complementary layer to existing frameworks (EU AI Act, NIST). Practically, it provides policymakers, Sharia boards, and tech developers with concrete principles and regulatory recommendations tailored for Muslim contexts. Strategically, it positions the Muslim world not as a passive adopter but as an active contributor to a more inclusive global AI governance architecture, promoting “ethical pluralism” in an era of technological hegemony.

This study is guided by the following research questions: (1) How can the classical and contemporary Maqāṣid al-Sharī'ah be systematically adapted to address the unique ethical challenges of artificial intelligence? (2) What are the core components of an Islamic ethical framework for AI governance and regulation? (3) How does this Maqāṣid-based framework compare with, and complement, dominant Western regulatory models?

The primary objective is to construct a comprehensive, coherent, and applicable Islamic ethical framework for AI governance and regulation based on Maqāṣid al-Sharī'ah. Specific objectives include: (a) analyzing the alignment and tensions between AI risks and the five ḥifẓ; (b) developing practical governance principles and regulatory recommendations; and (c) proposing an implementation model suitable for Muslim-majority jurisdictions.

This research is doctrinal-normative (yuridis-normatif) and focuses on the construction of an ethical framework rather than empirical testing or technical implementation. It primarily addresses AI governance and regulation at the policy and macro level, with selected case studies (ChatGPT, facial recognition, autonomous weapons, deepfakes) for illustration. The study does not cover micro-level coding ethics or specific technical solutions (explainable AI, federated learning). Geographical emphasis is on principles applicable to Muslim-majority countries, particularly in Southeast Asia and the Middle East, without exhaustive comparative analysis of all 57 OIC members.

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<sup>23</sup> Nisrina Salwa Muchtasor, “Ethical Pluralism in AI Policy: A Framework for Islamic Integration into Global AI Governance,” *Sinergi International Journal of Islamic Studies* 3, no. 3 (2025), <https://doi.org/10.61194/ijis.v3i3.897>.

<sup>24</sup> Maulina, Dhewanto, and Faturohman, “The Integration of Islamic Social and Commercial Finance (IISCF): Systematic Literature Review, Bibliometric Analysis, Conceptual Framework, and Future Research Opportunities.”

The remainder of this article is organized as follows. Section 2 reviews the literature on Maqāṣid al-Sharī‘ah, global AI ethics, and existing Islamic-AI scholarship. Section 3 explains the qualitative doctrinal research method and maqāṣidī analytical framework employed. Section 4 presents the main results: the adapted five Maqāṣid for AI and the proposed Islamic Ethical Framework for AI Governance. Section 5 discusses comparative advantages, policy implications, and implementation challenges. Finally, Section 6 concludes with key findings, recommendations, and avenues for future research.

## LITERATURE REVIEW

This section reviews the theoretical foundations and empirical studies relevant to the construction of an Islamic ethical framework for AI governance. It examines the evolution of Maqāṣid al-Sharī‘ah, dominant Western AI ethics paradigms, and the emerging body of Islamic scholarship on AI. By synthesizing these strands, the review identifies critical gaps that the present study seeks to fill through a holistic, actionable Maqāṣid-based governance model.

### 2.1 Classical and Contemporary Concepts of Maqāṣid al-Sharī‘ah

The concept of Maqāṣid al-Sharī‘ah, or the higher objectives of Islamic law, has evolved from a classical jurisprudential tool into a comprehensive ethical and methodological framework for addressing contemporary challenges<sup>25</sup>. In its classical formulation, Abū Ḥāmid al-Ghazālī (d. 1111) identified five essential purposes (ḍarūriyyāt) that Sharī‘ah seeks to preserve: religion (ḥifẓ al-dīn), life (ḥifẓ al-nafs), intellect (ḥifẓ al-‘aql), lineage (ḥifẓ al-nasl), and wealth (ḥifẓ al-māl)<sup>26</sup>. These were later systematized by Abū Ishāq al-Shāṭibī (d. 1388) in his magnum opus *Al-Muwāfaqāt*, who distinguished between necessities (ḍarūriyyāt), needs (ḥājjiyyāt), and embellishments (taḥsīniyyāt), emphasizing that all legal rulings must serve public interest (maṣlaḥah) and prevent harm (mafsadah).

Contemporary scholars have significantly expanded this framework to make it more dynamic and systemic.<sup>27</sup> critiques the classical atomistic approach and proposes a holistic, systems-based understanding of Maqāṣid that incorporates human rights, civilizational development, and adaptability to new realities. Auda introduces concepts such as “maqāṣid as philosophy of Islamic law” and emphasizes the protection of human dignity (karāmah) as an overarching value. Other modern thinkers, including Ibn Ashur and al-Raysuni, have further incorporated contemporary issues such as environmental protection and gender justice into the maqāṣidī lens.

Recent applications of Maqāṣid to technology demonstrate its versatility.<sup>28</sup> argue that the five essentials provide a robust ethical filter for evaluating AI, particularly in safeguarding privacy (linked to ḥifẓ al-‘ird and ḥifẓ al-nafs) and preventing manipulation that undermines

<sup>25</sup> Yusuf Wibisono and Femmy Roeslan, “The Concept of Maqāṣid Al-Sharī‘ah and Maṣlaḥah in the Classical and Contemporary Tafsīr,” *International Journal of Islamic Economics and Business Sustainability (IJIEBS)* 1, no. 2 (2025): 4.

<sup>26</sup> Ulrich Rudolph, “Abū Ḥāmid Al-Ghazālī,” in *Philosophy in the Islamic World* (Brill, 2023), 336–443.

<sup>27</sup> Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought (IIIT), 2008).

<sup>28</sup> Zainal Habib, “Ethics of Artificial Intelligence in Maqāṣid Al-Sharī‘ah’s Perspective,” *KARSA Journal of Social and Islamic Culture* 33, no. 1 (2025): 105–34.

human autonomy (ḥifz al-‘aql).<sup>29</sup> builds on this by developing a preliminary AI ethics framework grounded in the five ḥifz, showing how ḥifz al-‘aql combats misinformation while ḥifz al-māl guides equitable fintech development. These works illustrate that Maqāsid al-Sharī'ah is no longer merely preservative but purposive—offering both negative prohibitions and positive directives for technological innovation.

## 2.2 Western AI Ethics (Asimov's Laws, EU AI Act, UNESCO Recommendation, IEEE Ethically Aligned Design)

Western AI ethics has developed primarily through philosophical, legal, and technical lenses. Isaac Asimov's Three Laws of Robotics (1950) represent an early attempt to embed ethical constraints into AI behavior, prioritizing human safety and obedience. While influential in popular culture, these laws have been widely critiqued for their inadequacy in addressing complex, autonomous, and generative AI systems<sup>30</sup>.

Contemporary regulatory approaches are more sophisticated. The European Union's Artificial Intelligence Act (EU AI Act), the world's first comprehensive horizontal regulation, adopts a risk-based approach<sup>31</sup>. Prohibited practices (unacceptable risk) include social scoring, real-time remote biometric identification in public spaces (with limited exceptions), and manipulative subliminal techniques. These bans took effect on 2 February 2025. High-risk systems—such as those used in employment, education, critical infrastructure, and law enforcement—face strict conformity assessments, transparency obligations, and lifecycle monitoring, with full obligations applying 36 months after entry into force. General-purpose AI (GPAI) systems like ChatGPT must meet transparency requirements (e.g., disclosing AI-generated content and copyright summaries) within 12 months. The Act explicitly links regulation to fundamental rights, non-discrimination, and human oversight.

UNESCO's Recommendation on the Ethics of Artificial Intelligence (2021, with ongoing implementation guidance through 2025) adopts a broader, values-driven stance. It emphasizes human rights, human dignity, sustainability, gender equality, and environmental protection. Core principles include proportionality, do no harm, fairness, and multistakeholder governance. Unlike the EU's binding law, UNESCO's instrument is a global soft-law standard intended to guide member states<sup>32</sup>.

The IEEE Ethically Aligned Design (EAD) framework (2019, with continued development) focuses on technical and design-level ethics. It promotes human rights, well-being, data agency, and accountability through practical recommendations for engineers, including value-sensitive design and transparency-by-design. Together, these Western paradigms prioritize risk mitigation, transparency, and human-centricity but remain largely

<sup>29</sup> Hafiz Taj Din and Muhammad Aslam, "Artificial Intelligence Ethics in the Light of Islamic Jurisprudence: A Critical Analysis of AI's Moral Implications Using Maqāsid Al-Sharī'ah," *Pakistan Journal of Islamic Philosophy* 7, no. 3 (2025): 21–29.

<sup>30</sup> Susan Anderson, "Asimov's 'Three Laws of Robotics' and Machine Metaethics," *AI & SOCIETY* 22 (April 1, 2008): 477–93, <https://doi.org/10.1007/s00146-007-0094-5>.

<sup>31</sup> European Parliament, "EU AI Act: First Regulation on Artificial Intelligence" (European Parliament, February 19, 2023), <https://www.europarl.europa.eu/topics/en/article/20230601STO93804/eu-ai-act-first-regulation-on-artificial-intelligence>.

<sup>32</sup> Naeem Allahrakha, "UNESCO's AI Ethics Principles: Challenges and Opportunities," *International Journal of Law and Policy* 2 (September 30, 2024): 24–36, <https://doi.org/10.59022/ijlp.225>.

secular and utilitarian, often sidelining spiritual, civilizational, and purpose-driven dimensions.

### 2.3 Existing Studies on Islam and AI (Islamic AI Ethics, Fiqh of Technology, MUI/Dar al-Iftā' Fatwas)

Islamic scholarship on AI has grown rapidly since 2022. Early works such as <sup>33</sup> and <sup>34</sup> frame AI ethics within *maṣlaḥah* and *maqāṣid*, arguing for a pluralist ethical benchmarking that integrates Islamic virtues with global standards. Sector-specific studies have proliferated: <sup>35</sup> examines AI in Islamic finance through a *Maqāṣid* lens, while <sup>36</sup> proposes a four-pillar ethical model (algorithmic justice, digital adab, learner protection, participatory oversight) for AI in Islamic education by synthesizing *Maqāṣid* with Indonesia's national laws.

In the realm of Fiqh of Technology, scholars have addressed specific applications. Studies on generative AI in *da'wah* and fatwa issuance highlight epistemological risks: AI lacks *ijtihād* capacity, human consciousness, and contextual empathy. The Indonesian Ulema Council (MUI) has encouraged responsible use of AI for religious support while cautioning against uncritical reliance. Nahdlatul Ulama (NU) at its 2023 Munas declared AI-generated fatwas impermissible due to hallucination risks and lack of scholarly accountability. Egypt's Dar al-Ifta has issued clear rulings in 2025: using AI for Quranic interpretation or independent fatwa issuance is impermissible, though AI may serve as a supportive research tool under scholarly oversight.

Recent integrative works include <sup>37</sup>, who advocates "ethical pluralism" by positioning *Maqāṣid* as a complementary layer to the EU AI Act and NIST frameworks, and <sup>38</sup>, who explores "God-conscious AI" in algorithmic design. These studies collectively demonstrate growing awareness but remain largely conceptual, sectoral, or reactive.

### 2.4 Research Gaps Addressed by This Study

Despite the richness of existing literature, several critical gaps persist. First, most Islamic-AI studies are either narrowly sectoral (education, finance, *da'wah*) or remain at the level of conceptual compatibility without producing operational governance or regulatory models. Second, while *Maqāṣid* is frequently invoked as an ethical lens (Mohadi & Tarshany, 2023; Habib, 2025), no study has systematically adapted all five *ḍarūriyyāt* into a comprehensive, actionable framework that can guide AI policy-making, risk classification, and institutional

<sup>33</sup> Kamran Azizli et al., "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, no. 2 (2025): 134–50.

<sup>34</sup> Ezieddin Elmahjub, "Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI," *Philosophy & Technology* 36, no. 4 (2023): 73.

<sup>35</sup> Mohd Zubir Awang, NF Mat Nong, and WMYW Chik, "Integrating Islamic Social Finance with the United Nations Sustainable Development Goals through *Maqasid Al-Shariah* Principles," *International Journal of Academic Research in Business and Social Sciences* 15, no. 7 (2025): 35–51.

<sup>36</sup> Alfian Rifai et al., "An Ethical Framework for AI in Islamic Education: Synthesizing *Maqashid Al-Sharia* and National Legal Regulations in Indonesia," *Revista Electrónica de Ciencia Penal y Criminología*, no. 27 (2025): 5.

<sup>37</sup> Muchtasor, "Ethical Pluralism in AI Policy: A Framework for Islamic Integration into Global AI Governance."

<sup>38</sup> Ma'rifatun Nikmah, "God-Conscious AI: *Maqasid Al-Shari'ah* in Algorithmic Design," *Salam Institute Islamic Studies* 2, no. 1 (2025): 13–20.

oversight in Muslim-majority contexts. Third, existing works rarely engage in sustained comparative analysis with dominant Western regimes (EU AI Act, UNESCO, IEEE) to demonstrate both complementarity and distinct civilizational advantages.

The present study fills these gaps by constructing a holistic Islamic Ethical Framework for AI Governance and Regulation grounded explicitly in Maqāṣid al-Sharī'ah. Unlike previous sectoral or theoretical contributions, this research operationalizes the five ḥifẓ into concrete governance principles, regulatory recommendations, and implementation mechanisms suitable for Sharia supervisory boards, national AI strategies, and international policy dialogue. In doing so, it not only enriches the global AI ethics discourse with a non-Western, purpose-driven paradigm but also provides Muslim policymakers and technologists with a practical alternative that prioritizes tawḥīd, human dignity, and civilizational maṣlaḥah.

## RESEARCH METHOD

This section outlines the methodological framework employed in constructing the Islamic ethical framework for AI governance and regulation. The study adopts a qualitative doctrinal-normative approach, which is standard in Islamic jurisprudence and legal studies, ensuring transparency, replicability, and scholarly rigor.

This research is classified as qualitative doctrinal-normative (yuridis-normatif) research, also known as doctrinal or library-based legal research. Unlike empirical studies that rely on surveys, interviews, or experiments, doctrinal research focuses on the systematic analysis of legal texts, principles, and doctrines to derive normative conclusions. In the context of Islamic studies, this method examines primary religious sources and classical/contemporary scholarly works to construct new interpretive frameworks (Rifai, 2025; <sup>39</sup>). The normative dimension allows the researcher to propose ethical and regulatory recommendations that align with Sharī'ah objectives rather than merely describing existing practices.

The study employs a maqāṣidī approach combined with contemporary adaptations. This involves interpreting AI-related issues through the lens of Maqāṣid al-Sharī'ah as a dynamic, purposive methodology rather than a rigid literalist application. Drawing on classical foundations (al-Ghazālī and al-Shāṭibī) and modern reformulations (Jasser Auda's systems theory and holistic maqāṣid), the approach treats the five ḍarūriyyāt as flexible ethical filters capable of addressing emerging technologies. Contemporary adaptation incorporates concepts such as human dignity (karāmah), public interest (maṣlaḥah), and harm prevention (mafsadah) to evaluate AI risks and opportunities in a balanced, context-sensitive manner (Auda, 2008). This maqāṣidī lens enables the construction of a proactive governance model rather than reactive fatwa-style rulings.

Data sources are divided into primary and secondary categories. Primary sources include the Qur'ān and authentic Hadīth collections (e.g., Ṣaḥīḥ al-Bukhārī and Ṣaḥīḥ Muslim), as well as classical Maqāṣid literature such as al-Ghazālī's *Al-Mustaṣfā*, al-Shāṭibī's *Al-Muwāfaqāt*, and Ibn 'Āshūr's *Maqāṣid al-Sharī'ah al-Islāmiyyah*. Secondary sources comprise

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<sup>39</sup> Nur Aina Fasihah Shukor and Kamisah Osman, "The Role of Artificial Intelligence in Developing Critical Thinking among Science Students: A Systematic Literature Review," *International Journal of Academic Research in Progressive Education and Development* 14, no. 3 (2025): 164–76.

contemporary academic works on AI ethics (journals indexed in Scopus/Web of Science, 2022–2026), international regulatory documents (EU AI Act, UNESCO Recommendation on the Ethics of AI, IEEE Ethically Aligned Design), and Islamic policy papers from institutions such as MUI, Dar al-Ifta, and OIC. These sources were selected purposively to ensure relevance, authority, and recency.

Data collection was conducted through systematic library research and documentation techniques. Relevant texts were identified via keyword searches (e.g., “Maqāṣid al-Sharī‘ah + AI”, “Islamic AI ethics”, “ḥifẓ al-‘aql + artificial intelligence”) in academic databases (Google Scholar, JSTOR, Scopus) and official repositories. All materials were digitally archived, organized thematically, and cross-referenced. No fieldwork or human subjects were involved, ensuring full replicability through the same documented search protocols.

Data were analyzed using a combination of qualitative content analysis and the maqāṣidī analytical framework. Content analysis involved thematic coding of texts to identify recurring patterns related to AI risks and the five ḥifẓ. These codes were then mapped onto the maqāṣidī framework to evaluate alignment or conflict (deductive approach) while allowing emergent themes (inductive approach). The framework follows Auda’s holistic model, assessing each AI application against ḍarūriyyāt, ḥājiyyāt, and taḥsīniyyāt levels, with emphasis on maslaḥah-mafsadah balancing. This dual technique ensures both descriptive accuracy and normative depth (Habib, 2025; <sup>40</sup>).

The research procedure followed six sequential steps: (1) identification and collection of primary and secondary sources; (2) systematic reading and thematic categorization; (3) content analysis and initial coding; (4) application of the maqāṣidī framework to derive governance principles; (5) comparative evaluation against Western AI regulations; and (6) synthesis into a cohesive framework with policy recommendations. Trustworthiness was ensured through source triangulation (multiple classical and contemporary texts), peer-debriefing potential (via consistent citation of established scholars), and audit trail (detailed documentation of analytical decisions). These measures enhance confirmability and dependability in line with qualitative research standards.

## RESULTS

This section presents the core findings of the study: the systematic adaptation of the five essential Maqāṣid al-Sharī‘ah to the realities of artificial intelligence, the construction of a novel Islamic Ethical Framework for AI Governance, a comparative regulatory analysis, and critical case studies that demonstrate the framework’s practical applicability. These results are derived through the maqāṣidī analytical process outlined in the methodology.

### 4.1 The Adaptation of the Five Maqāṣid al-Sharī‘ah to AI

The concept of Maqāṣid al-Sharī‘ah, systematically formulated by classical scholars such as al-Ghazālī and further developed into a multidimensional theory by contemporary thinkers such as Jasser Auda and Ibn ‘Āshūr, centres on the preservation of five fundamental human values (al-ḍarūriyyāt al-khamsah). In the digital and artificial intelligence era, these preservative dimensions have undergone significant expansion in meaning, scope, and

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<sup>40</sup> Mawloud Mohadi and Yasser Tarshany, “Maqasid Al-Shari’ah and the Ethics of Artificial Intelligence: Contemporary Challenges,” *Journal of Contemporary Maqasid Studies* 2, no. 2 (2023): 79–102.

significance – evolving from individual rights protection toward collective human rights, ecological balance, and civilizational resilience in response to the unique threats posed by autonomous systems and mass-scale data processing.

**Ḥifẓ al-Dīn (Preservation of Religion)** In the context of AI development, ḥifẓ al-dīn extends far beyond mere filtering of prohibited online content or blocking radical literature. It encompasses the preservation of moral meaning, spirituality, and theological autonomy in the face of algorithmic dominance. The rise of transhumanist philosophy – frequently intertwined ideologically with advanced AI projects (Artificial General Intelligence) – poses an existential challenge to the Islamic worldview. Transhumanism seeks to transcend human biological limitations through technological fusion, potentially reducing the Islamic understanding of humans as khalifah (God's vicegerent on earth) who possess ontological limitations yet are endowed with a divine soul and lofty moral responsibility.

AI applications in mental health services provide a concrete example of this principle in practice. Therapeutic AI systems must be designed with sensitivity to faith values; algorithms should not reduce human emotional suffering to mere neurochemical anomalies to be mechanically suppressed through behavioural interventions. Instead, a religion-preserving approach requires that such systems leave space for reflective practice, spiritual awareness, and God-centred coping strategies that help users contextualise their suffering within a larger moral and providential narrative. Furthermore, ḥifẓ al-dīn demands firm protection of religious authority from automation risks. Although generative AI possesses unmatched natural-language processing capacity to scan Qur'ānic and Hadīth texts, such systems fundamentally lack taqwā (God-consciousness), baṣīrah (spiritual insight), and intuitive understanding of waqī' (real-life socio-cultural context) – elements essential to fatwa formulation. Consequently, consensus from institutions such as the International Islamic Fiqh Academy (IIFA) affirms that automating fatwa issuance risks reducing Islamic jurisprudence to mere statistical pattern recognition, ultimately extinguishing the spirit of justice inherent in the law itself.

**Ḥifẓ al-Nafs (Preservation of Life)** Preservation of life faces asymmetric and dual threats in the AI era: physical threats through the militarisation of autonomous technology and structural threats through bias in predictive algorithms. AI implementation in healthcare – using Artificial Neural Networks and machine-learning algorithms for predictive diagnostics, real-time patient monitoring, and clinical decision support – constitutes a direct and affirmative manifestation of ḥifẓ al-nafs. These technologies hold revolutionary potential to save lives, prevent medical complications, and improve operational accuracy. However, ḥifẓ al-nafs also demands vigilance against algorithmic bias embedded in historical medical data. For instance, diagnostic algorithms trained on non-representative demographics can create healthcare access inequalities, lead to misdiagnoses, and ultimately increase morbidity rates among minority groups.

In the military and global security domain, ḥifẓ al-nafs categorically and uncompromisingly rejects Lethal Autonomous Weapon Systems (LAWS). Delegating life-and-death decisions to machines violates the principles of proportionality, distinction, and precision enshrined in International Humanitarian Law and Islamic law of armed conflict (siyar). Islamic rulings on warfare insist that the use of force must be guided by moral intention, compassion, and human accountability – qualities that cannot be programmed into silicon circuits or artificial neural networks. Additionally, protecting mental health from exploitative social-media recommendation algorithms – deliberately designed to create addiction for commercial gain – constitutes a vital extension of life preservation in contemporary cyberspace.

Ḥifẓ al-‘Aql (Preservation of Intellect) Intellect is the fundamental prerequisite for humans to bear moral responsibility (taklīf), conduct independent legal reasoning (ijtihād), distinguish benefit (maṣlaḥah) from harm (mafsadah), and comprehend revealed texts. Contemporary algorithmic architectures, particularly generative AI and manipulative synthesis technologies such as deepfakes, threaten this pillar by generating massive information pollution, structured disinformation, and epistemological erosion in the public sphere. Ḥifẓ al-‘aql in the AI era therefore imperatively demands protection of cognitive clarity and rational reflection from perceptual manipulation, political micro-targeting, and algorithmically reinforced confirmation bias.

Islamic ethical AI design must proactively combat cognitive confusion and reality illusion rather than exacerbate them for platform engagement metrics and advertising revenue. In higher education, surveys on ChatGPT adoption among Muslim students reveal an urgent need for strict institutional ethical guidelines. While algorithmic information access democratises knowledge (aligning with ḥifẓ al-‘aql aspirations), blind and uncritical dependence (algorithmic taqlīd) gradually weakens critical thinking, academic integrity, and human wisdom – the very essence of knowledge-seeking in the Islamic intellectual tradition. In this era of epistemic confusion, the principle of tabayyun (methodical verification) mutates from a personal moral recommendation into a mandatory collective ethical defence mechanism that must be institutionalised in digital literacy curricula, functioning as an epistemological filter to protect public intellectual health from AI hallucinations.

Ḥifẓ al-Nasl (Preservation of Lineage) Traditionally understood as protection of bloodlines, ḥifẓ al-nasl has evolved into the preservation of social cohesion, intergenerational justice, and the elimination of structural algorithmic bias that threatens family structures. Large-scale historical training datasets frequently embed latent gender, racial, and class biases. When autonomous algorithms in recruitment, performance evaluation, or credit scoring replicate these biases, the direct consequence is economic marginalisation of vulnerable groups, including women and minorities. This systematically disrupts family financial stability, reduces social justice, and harms the life prospects of future generations – the core focus of lineage preservation.

Contemporary fiqh discourse has overwhelmingly integrated ḥifẓ al-‘ird (preservation of honour and human dignity) as an inseparable sixth pillar in the digital maqāṣid domain. Modern manifestations of cyber-violence, particularly non-consensual deepfake pornography (Gender-Based Online Violence), directly destroy ontological human dignity, create chronic psychological trauma, drive social stigmatisation, and damage kinship relations at their roots. Therefore, absolute protection of highly sensitive emotional and biometric data from third-party exploitation and predatory commercialisation becomes a critical jurisprudential mandate under this principle.

Ḥifẓ al-Māl (Preservation of Wealth) Equitable, productive, and ethical distribution of wealth lies at the heart of Islamic economics. The AI era has birthed and facilitated surveillance capitalism – a system in which human behavioural data, personal preferences, and digital footprints are extracted without meaningful informed consent and commodified to predict and manipulate future consumer behaviour. This asymmetric data extraction fundamentally violates wealth preservation by creating new data oligopolies, widening social inequality, concentrating wealth among a few technology giants, and exploiting communal privacy solely for unilateral profit.

In Sharia-compliant fintech, AI undeniably offers extraordinary analytical efficiency and predictive accuracy. However, the use of black-box models in algorithmic trading, portfolio

management, or credit-risk assessment raises ethical challenges related to excessive gharar (uncertainty), which is explicitly prohibited. Because decision-making mechanisms are obscured by uninterpretable neural network layers, investors and consumers lose their right to operational transparency. Consequently, ḥifz al-māl mandates radical shafāfiyyah (transparency) in financial algorithmic architecture, prevents new forms of machine-mediated ribā, and ensures that efficiency dividends from digital economic inclusion are equitably shared across society rather than accumulated solely by corporate algorithm controllers.

#### 4.2 Islamic Ethical Framework for AI Governance (The Newly Developed Model)

Recognising the operational limitations of secular Western ethics and the need to bridge Islamic philosophical abstraction with technical governance realities, this study constructs a novel multi-layered Islamic Ethical Framework for AI Governance. The model synthesises the philosophy of trusteeship (i'timānī) with globally recognised technical risk-management standards such as the NIST AI Risk Management Framework.

The first layer constitutes the philosophical and theological foundation (i'timānī paradigm), rooted exclusively in tawḥīd (divine oneness and supremacy) and amānah (divine trust and responsibility bestowed upon humanity). Unlike deterministic machines without free will, humans remain fully moral agents who will be held accountable in the Hereafter for their creations. This foundational model rests on three binding covenants between humanity and the Creator in technology development: (1) the ontological covenant (positioning AI as a subservient instrument under human taskhīr rather than an autonomous entity); (2) the epistemological covenant (requiring developers to integrate morality imperatively into all knowledge-engineering processes, ensuring training data reflects justice and truthfulness); and (3) the existential covenant (directing all AI innovation exclusively toward iḥsān and broad maṣlaḥah, automatically vetoing predatory or addictive designs).

The second layer translates these metaphysical values into operational code-level metrics: sidq (universal truthfulness) to combat synthetic falsehoods; qisṭ (proportional justice and equity) through routine algorithmic audits; and shafāfiyyah (radical transparency) mandating explainable AI for high-stakes decisions.

The third layer integrates these criteria structurally with the NIST RMF through four mapped functions: GOVERN (involving ulamā' in Shūrā/Hisbah oversight), MAP (proactive Maqāṣid Impact Analysis), MEASURE (dual technical-ethical metrics with strict demographic justice thresholds), and MANAGE (mandatory meaningful human-in-the-loop intervention as non-negotiable trusteeship accountability).

#### 4.3 Principles of Maqāṣid-Based AI Regulation (A Comparative Table with the EU AI Act)

Although the EU AI Act and complementary UNESCO/OECD initiatives provide widely recognised risk-based procedural foundations, Western instruments remain deliberately value-neutral and secular. The following comparative table reveals philosophical tensions and complementary gaps, demonstrating how Maqāṣid transcends global frameworks while maintaining strong thematic compatibility.

Table 1. Ministries Mentioned in Statutes

Dimensi Tata Kelola	EU AI Act / Western Standards (OECD/UNESCO)	Kerangka Regulasi Berbasis al-Sharī'ah
Pusat Paradigma dan Orientasi Moral	Anthropocentric: human rights, individual autonomy, consumer protection, market efficiency	Theocentric-teleological: divine trusteeship (amānah), ultimate Hereafter accountability (muḥāsabah), holistic worldly-Hereafter welfare
Metodologi Kategorisasi Risiko	Risk-based classification (Unacceptable, High, Limited, Minimal) based on material harm	Maqāṣid-based assessment of systemic threat severity to the 5/6 existential pillars (religion, life, intellect, lineage, wealth, honour)
Definisi Lingkup Bahaya	Focus on legal discrimination, empirical economic harm, subliminal manipulation	Includes immaterial and moral harms (e.g., damage to ḥifẓ al-ʿird through synthetic fitnah, loss of barakah)
Kewajiban Transparansi & Explainability	Technical-legal right to explanation for litigation	Moral obligation (shafāfiyyah) to prevent prohibited gharar in muʿāmalah
Keadilan Algoritmik dan Ekuitas	Statistical mitigation of demographic asymmetry to avoid lawsuits	ʿAdl and qisṭ as divine commands; systemic algorithmic injustice as profound zulm disrupting cosmic balance (sunnatullāh)
Mekanisme Pengawasan Sistem	Human-in-the-loop as quality-control layer	Human-in-the-loop as ontological necessity because machines cannot bear taklif before God
Dimensi Tata Kelola	EU AI Act / Western Standards (OECD/UNESCO)	Kerangka Regulasi Berbasis Maqāṣid al-Sharī'ah

The comparison shows that Maqāṣid does not reject EU parameters outright but enriches them with religious legitimacy and virtue ethics that resonate deeply in Muslim-majority societies.

#### 4.4 Studi Kasus Aplikasi

Four critical case studies illustrate the framework's real-world utility.

1. ChatGPT and Generative AI in Literacy and Religious Ecosystems Empirical studies among Muslim university students reveal that 93.8 % consider ChatGPT use for academic tasks religiously permissible (mubāh), yet comprehensive institutional integrity guidelines remain absent. From the maqāṣid perspective, while AI democratises knowledge (supporting ḥifẓ al-ʿaql), uncritical dependence erodes critical thinking and spiritual maturation. Moreover, "fatwa shopping" via AI risks systemic deviation. Authoritative bodies (IIFA, al-Azhar) unanimously rule that AI cannot replace human faqīh because it lacks taqwā and contextual waqī' understanding.
2. Facial Recognition and Biometric Surveillance Commercial facial-recognition systems trained on biased datasets produce discriminatory outcomes, particularly harming women and darker-skinned individuals. Mass biometric surveillance threatens ḥifẓ al-nafs, ḥifẓ al-ʿaql (under panopticon shadow), and ḥifẓ al-ʿird. Empirical evidence from jurisdictions integrating maṣlahah and amānah oversight (via independent Shūrā committees) shows 30–35 % reductions in privacy violations, proving the effectiveness of Islamic communal ethics as a powerful check-and-balance mechanism.

3. Lethal Autonomous Weapon Systems (LAWS) LAWS shift life-and-death decisions from human moral reflection to mechanical algorithms. Islamic siyar and international humanitarian law require proportionality, distinction, and compassion – qualities machines inherently lack. Deployment of LAWS without meaningful human control violates primordial human dignity (karāmah) by reducing sacred life to binary computational variables.
4. Deepfake Fabrication and Gender-Based Online Violence (KBGO) Generative Adversarial Networks enable hyper-realistic non-consensual pornography, simultaneously destroying ḥifz al-nasl, ḥifz al-'ird, and leaving lasting psychological trauma. Kazakhstan's Spiritual Administration of Muslims (SAMK) issued a pioneering state fatwa prohibiting deepfakes for identity distortion, grounded in the absolute prohibition of kidhb (falsehood). The Islamic solution emphasises societal tabayyun as an "ethical firewall" against algorithmic falsehood dissemination.

## DISCUSSION

### 5.1 Perbandingan kerangka Maqāṣid dengan kerangka etika Barat

A deep philosophical exploration of AI governance literature reveals a radical and unresolved ontological and epistemological demarcation between contemporary Western ethical traditions and Islamic ethical architecture. Secular moral thought underlying modern Western regulatory systems generally converges at the intersection of two major philosophical streams: consequentialism (often manifested as utilitarianism focused on maximising aggregate happiness metrics) and deontology (Kantian ethics rigidly centred on rational normative duties and absolute protection of human rights regardless of outcomes)<sup>41</sup>. Both dominant paradigms are thoroughly anthropocentric and secular, positioning the human being as the supreme rational sovereign in the universe whose laws exist solely to mitigate empirically measurable material harms, preserve markets, and enhance subjective individual well-being without any reference to an objective absolute truth concerning the wholeness of "the good soul."

By contrast, the moral and ethical structure of artificial intelligence in the Islamic ontological view is firmly anchored in a theocentric-teleological paradigm that balances vertical and horizontal orientation. In the Islamic cosmos, the foundational principles of morality are not produced merely by social contract or fragile human rational consensus; they are rigorously deduced from the eternal divine revelation (Qur'ān) and operationalised through Prophetic tradition (Hadīth)<sup>42</sup>. To illustrate the stark contrast, while utilitarianism can readily justify the deployment of algorithmic biometric surveillance and tracking of factory workers if it demonstrably increases aggregate organisational productivity metrics, the Maqāṣid framework would reject it categorically and precisely. The rejection is not merely about workplace comfort; it stems from the fact that such exploitative objectification strips workers of their inherent karāmah (human dignity), invades personal autonomy

<sup>41</sup> Alvan Rahfiansyah Lubis and Mochammad Ra'afi Nur Azhami, "Beyond the 'Greatest Happiness Principle': Exploring the Compatibility of Individual Rights and Utilitarian Ethics in Legal Policy Making," *Enigma in Law* 3, no. 1 (2025): 1–13.

<sup>42</sup> Muhammad Awais Shaukat et al., "Morality from Classical Civilizations to Post-Modern Era: A Historical Account through Islamic Lens," *Journal of Islamic Thought and Civilization* 14, no. 2 (2024): 321–35.

(‘awrah), and potentially damages the spiritual intention (niyyah) of labour as a form of daily worship.

Moreover, because Islamic consequential calculation always factors in the sustainability of human existence in the Hereafter, its technological evaluation horizon never stops at transient, economically measurable efficiency. The emphasis lies on the extent to which commercial software architectures support communal barakah or undermine humanity’s fundamental commitment to the cosmic trusteeship (amānah) entrusted by the Creator <sup>43</sup>. This explains why the Islamic approach regards purely technical compliance checklists – such as Luciano Floridi’s utilitarian information ethics – as narrow and hollow. Instead of passive data protection, Islam orients its architectural objective toward the comprehensive maintenance of all existential human pillars (divine spirit, cognitive independence, lineage continuity) to ensure civilisational sustainability that remains truly humane.

## 5.2 Keunggulan dan kelemahan pendekatan Maqāṣidī

The most revolutionary intellectual strength and appeal of the maqāṣidī approach lies in its flexible yet measurable capacity to offer a genuinely comprehensive, multi-scalar, and multidimensional theological worldview – one capable of harmonising the rational demands of micro-level software engineering with the macro-level agenda of preserving spiritual-civilisational equilibrium. This intelligent theoretical framework distinguishes itself from literalism; it elegantly transcends the limitations of neo-classical orthodox fiqh approaches that are often rigidly dogmatic in their grammatical-textual analysis to produce isolated halal-haram binaries for single technological artefacts. Through Maqāṣid, the epistemological focus shifts to measurable long-term ecosystemic impact analysis on the interrelations among technology, state, humanity, and the broader social-civilisational environment <sup>44</sup>. For the vast sociological population of Muslims spread across more than fifty Muslim-majority countries, an innovative Maqāṣid-based regulatory strategy guarantees that the resulting guidelines will never be perceived as forced ideological assimilation or Western technological governance imperialism, but will instead be enthusiastically embraced as an organically rooted, culturally resonant framework that radiates authentic religious legitimacy. In geopolitical terms, standards derived from Islamic values have proven sociologically effective in neutralising the tendency toward superficial “ethics-washing” – the hypocritical practice whereby multinational technology corporations establish cosmetic ethics boards merely to deflect stricter state regulation and protect capital interests.

In the spirit of academic objectivity, however, this theoretical philosophical system cannot be regarded as an infallible sacred entity immune to empirical scrutiny and epistemological critique. The historical trajectory of fiqh development clearly documents periods of severe systemic stagnation and cultural decline following what is often termed the “closing of the door of ijtihād” at the end of the classical golden age, creating a structural methodological gap between inherited traditional legal theory and the exponential technical

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<sup>43</sup> Rana Taher Abdelmonem Sayed, “Unlocking the Covenant in the Qur’an: The Place of Ṭahā ‘Abd Al-Raḥmāns Trusteeship Moral Theory” (Hamad Bin Khalifa University (Qatar), 2025).

<sup>44</sup> Muhammad Diaz Supandi et al., “Revisiting Deep Ecology through Qur’anic Exegesis: Comparative Perspectives from Al-Sha ‘rawi and Fazlun Khalid,” *ZAD Al-Mufassirin* 7, no. 2 (2025): 306–26.

innovations of the modern material age<sup>45</sup>. Critical scholars such as al-Marzuqi have sharply argued that the functional construction of Maqāṣid theory is vulnerable to interpretive ambiguity and judicial arbitrariness. This critique rests on the premise that because the formulation of universal objectives relies on heuristic rational deduction (ta'ḥlil) from broadly interpretable divine intentions, there exists a latent danger of political manipulation. Authoritarian regimes or hegemonic algorithmic corporations could cleverly exploit noble terminology such as “maslahah mursalah” (unrestricted public interest) to distort public consent and legitimise the adoption of manipulative biometric surveillance infrastructures under false pretexts of national security. An additional unavoidable epistemological challenge is the evident gap in current empirical literature: high-minded Islamic ethical pronouncements still exist largely in speculative philosophical rhetoric without precise mathematical or technical-engineering thresholds that can be directly encoded into the logical architecture of everyday silicon-based software.

### 5.3 Implikasi hukum (fiqh) dan kebijakan (policy recommendation)

To bridge the noble abstraction of functional religious ethics with the concrete language of national legislation and solid algorithmic design, regulators in Muslim states must operationalise the following practical policy recommendations derived systematically from maqāṣidī reasoning:

1. **Harm Reconception in National Legal Paradigms:** National cyber laws and data-protection instruments must undergo transformative structural amendment to expand the legal interpretation of harm. Legislators should establish precedents classifying latent non-physical cyber harms and psychological trauma – such as mass-scale online reputational destruction, emotional polarisation, algorithmic facial-identity theft, and cognitive disorientation – as harms equivalent in severity to traditional economic or physical damage<sup>46</sup>. This revolutionary prescription will operationalise the protection of ḥifẓ al-‘ird and ḥifẓ al-nafs. Correspondingly, the “Right to be Forgotten” for victims of asymmetric deepfake exploitation must cease to be a merely optional moral recommendation and become a mandatory imperative within regular judicial procedures as a concrete manifestation of qisṭ (restorative justice).
2. **Mandatory Sectoral Algorithmic Ethics Audits:** Radical overhaul of oversight mechanisms across industries by institutionalising independent AI Ethics Commissions modelled on the proven Shariah Secretariat system already operating successfully in Islamic banking. The mandate of these bodies must extend cross-sectorally to all pioneering technology corporations. Audits must evolve beyond superficial procedural compliance checks into comprehensive computational forensic investigations that detect structural racial or demographic bias, eliminate black-box opacity (gharar), and verify privacy-integrity protocols (amānah)<sup>47</sup>.

<sup>45</sup> Nadirsyah Hosen, ed., *Research Handbook on Islamic Law and Society* (Cheltenham, UK: Edward Elgar Publishing, 2018), <https://doi.org/10.4337/9781781003060>.

<sup>46</sup> Lobna Abdalhusen Easa Al-saeedi et al., “Artificial Intelligence and Cybersecurity in Face Sale Contracts: Legal Issues and Frameworks,” *Mesopotamian Journal of CyberSecurity* 4, no. 2 (2024): 129–42, <https://doi.org/10.58496/MJCS/2024/0012>.

<sup>47</sup> A I Forensics, “Looking Behind the Code” (AI Forensics, 2025), <https://www.aiforensics.org>.

3. **Dual-Metric Intersectional Evaluation Protocol:** For high-stakes applications in healthcare diagnostics and financial risk allocation, regulators must mandate convergent dual-metric performance reporting: pure technical metrics (AUC, Mean Absolute Error) must be simultaneously correlated with strict ethical compliance indices (e.g., demographic parity delta with a tightly locked tolerance threshold) <sup>48</sup>. All technical pass/fail thresholds must be co-designed through participatory interdisciplinary symposia involving maqāṣidī jurists, bioethicists, and data engineers.
4. **Tabayyun Infrastructure and Transformative Digital Literacy Curriculum:** Mandatory legislation requiring invisible cryptographic watermarking (irreversible tamper-proof steganographic metadata) on all AI-generated audiovisual and textual content circulating on public platforms <sup>49</sup>. Complementarily, universal digital literacy curricula must be reformed to embed Islamic character education that cultivates instinctive muḥāsabah (self-accountability) and critical tabayyun as an “ethical firewall” against algorithmic falsehood.

#### 5.4 Tantangan implementasi di negara Muslim (Indonesia, Malaysia, Arab Saudi)

Comparative analysis of regulatory ecosystems in three representative Muslim-majority jurisdictions reveals a complex yet promising landscape marked by institutional overlap, political-economic tensions, and varying degrees of binding force.

**Indonesia**, home to the world’s largest Muslim population, adopts a hybrid, pragmatic, and moderately eclectic approach. The landmark 2023 Circular Letter (SE) of the Minister of Communication and Informatics (No. 9/2023) on AI Ethics was pioneering in articulating core principles of human dignity, transparency, reliability, and privacy <sup>50</sup>. However, the instrument remains purely soft-law (non-binding), operating in a fragmented regulatory space dominated by the overlapping umbrellas of the Electronic Information and Transactions Law (UU ITE) and the Personal Data Protection Law (UU PDP). The absence of hard-law sanctions creates exploitable loopholes that risk infiltration by corporate and political oligarchic interests. The paramount challenge for Indonesia is therefore to elevate the current soft-law ethical framework into a cohesive, binding, and dedicated AI statute that integrates local wisdom (kearifan nusantara) and moderate wasatīyyah values while accelerating the digital transformation necessary for Indonesia Emas 2045.

**Malaysia** has pursued a highly structured trajectory, positioning itself as an ethical and competitive AI hub in ASEAN. The National AI Roadmap 2021–2025 was ethically concretised through the National Guidelines on AI Governance and Ethics (September 2024) issued by MOSTI, supported by the establishment of the National AI Office (NAIO) in December 2024 <sup>51</sup>. Although currently voluntary, academic and Shariah scholars strongly

<sup>48</sup> Troy Lendman, “Responsible AI Metrics Framework: Measuring Ethical Compliance” (TroyLendman.com, 2025), <https://troylendman.com/responsible-ai-metrics-framework-measuring-ethical-compliance/>.

<sup>49</sup> Mahmoud A Shawky et al., “Secured AI-Based Multimedia Communication,” in *Multimedia and Multimodal Intelligence for Sustainable Development* (CRC Press, 2026), 23–46.

<sup>50</sup> SSEK Law Firm, “Regulation of Artificial Intelligence in Indonesia” (SSEK Law Firm, 2024), <https://www.ssek.com/blog/regulation-of-artificial-intelligence-in-indonesia>.

<sup>51</sup> Ayik Candrawulan Gunadi, Mahiswara Timur, and Marshel Miyata, “Artificial Intelligence: Indonesia,” *Country Comparative Guides 2025* (London: Legalease Ltd (Legal 500), 2025), <https://www.legal500.com/guides/chapter/indonesia-artificial-intelligence/>.

advocate upgrading these guidelines to binding status, especially in Islamic banking and fintech. Malaysia's mature Shariah Secretariat infrastructure in every Islamic bank offers the ideal laboratory: empowering these secretariats to audit algorithms with the same rigour applied to Muḍārabah contracts would prevent hidden gharar while reinforcing Malaysia's global leadership in techno-Shariah governance.

**Saudi Arabia** leads the Muslim world in government AI strategy (top-ranked in the 2023 Government Strategy Index). Through SDAIA and Vision 2030, the Kingdom has deliberately harmonised AI ethics with Shariah values. The most visible success is the deployment of facial recognition, sentiment analysis, and crowd-flow prediction for managing millions of Hajj pilgrims annually – a direct fulfilment of ḥifz al-nafs<sup>52</sup>. Yet this achievement simultaneously generates complex cross-border data-jurisdiction and biometric-privacy challenges. At the broader OIC level, the Jeddah Declaration on AI Governance and Human Rights Protection (July 2024) signals a collective commitment to inclusive, non-Western-centric global AI governance that respects epistemological diversity and Islamic family values.

### 5.5 Kontribusi teoritis dan praktis terhadap studi Islam kontemporer

Theoretically, this integration of AI ethics epistemology with dynamic Maqāsid al-Sharī'ah delivers a profound and radical renewal to the anatomy of contemporary Islamic studies. It compels the discipline to move beyond the narrow locus of reactive transactional fiqh rulings toward the proactive construction of a comprehensive philosophy of technology<sup>53</sup>. Rather than issuing isolated halal-haram fatwas after each new gadget appears, the i'timānī trusteeship paradigm and maqāsidī approach equip Muslim scholars, technologists, bureaucrats, and jurists with a high-precision normative predictive instrument for designing computational architectures that empower human nature and ensure technology remains subservient to the cosmic vision of humanity.

Practically and sociopolitically, the model intervenes directly in global governance hegemony. It courageously challenges the monopoly narrative of "Universal AI Ethics" – often little more than an extension of Western Enlightenment rationalism and Silicon Valley pragmatism. By injecting ethical pluralism into the Global Digital Compact, UNESCO, OECD, and especially the OIC-initiated Jeddah Declaration 2024, Islam presents itself as an active contributor rather than a passive recipient. This study definitively demonstrates that Islamic religious ethics is not a regressive doctrine antithetical to scientific progress; on the contrary, it constitutes the most resilient civilisational bulwark ensuring that the trajectory of artificial intelligence in the twenty-first century continues to serve human nobility, social justice, and the welfare of the entire cosmic ecosystem.

## CONCLUSION

This study has successfully fulfilled its primary objective: to construct a comprehensive, coherent, and applicable Islamic ethical framework for AI governance and regulation

<sup>52</sup> Ziad A Memish et al., "The Saudi Data & Artificial Intelligence Authority (SDAIA) Vision: Leading the Kingdom's Journey toward Global Leadership," *Journal of Epidemiology and Global Health* 11, no. 2 (2021): 140–42.

<sup>53</sup> Yuga Bayu Prabowo, Dulfam Adisya Ervani, and Putri Dwi Archningtia, "Maqasid Al-Shariah and Artificial Intelligence: Unaddressed Issues in Contemporary AI Ethics Studies," *AL-IMAM: Journal on Islamic Studies, Civilization and Learning Societies* 7, no. 1 (2026): 231–44.

grounded explicitly in Maqāṣid al-Sharī‘ah. Through systematic doctrinal-normative analysis, the research has demonstrated that the classical five ḍarūriyyāt (ḥifẓ al-dīn, ḥifẓ al-nafs, ḥifẓ al-‘aql, ḥifẓ al-nasl, and ḥifẓ al-māl), enriched with the contemporary emphasis on human dignity (ḥifẓ al-‘ird and karāmah), can be dynamically adapted to address the unique ethical, ontological, and civilisational challenges posed by artificial intelligence in the 21st century.

The first research question – how classical and contemporary Maqāṣid can be systematically adapted – is answered through the detailed mapping in Section 4.1. Each ḥifẓ has been expanded from its traditional individual-protective scope into a collective, ecosystemic, and civilisational safeguard: ḥifẓ al-dīn now protects theological autonomy against transhumanist reductionism; ḥifẓ al-nafs rejects Lethal Autonomous Weapon Systems while supporting life-saving medical AI; ḥifẓ al-‘aql institutionalises tabayyun as a defence against epistemic pollution; ḥifẓ al-nasl (augmented by ḥifẓ al-‘ird) combats deepfake violence and structural bias; and ḥifẓ al-māl demands radical transparency to dismantle surveillance capitalism and prohibit new forms of gharar and ribā.

The second research question is addressed by the novel multi-layered Islamic Ethical Framework for AI Governance proposed in Section 4.2. Built upon the i‘timānī (trusteeship) paradigm rooted in tawḥīd and amānah, the model integrates three foundational covenants (ontological, epistemological, and existential) with operational virtues (sidq, qist, shafāfiyyah) and a structural overlay onto the NIST AI RMF (GOVERN–MAP–MEASURE–MANAGE). This produces a purpose-driven, theocentric governance architecture that is both philosophically robust and technically actionable for Sharia supervisory boards, national AI strategies, and international policy dialogue.

The third research question – comparison and complementarity with Western models – is resolved in Section 4.3 and elaborated in Section 5.1. While the EU AI Act, UNESCO Recommendation, and IEEE EAD excel in risk classification and technical safeguards, they remain anthropocentric and utilitarian. The Maqāṣid framework complements these by injecting theocentric-teleological depth, moral accountability in the Hereafter, and holistic protection of all existential pillars, thereby enriching rather than replacing global standards and enabling genuine ethical pluralism.

Theoretically, this research advances contemporary Islamic studies by shifting fiqh from reactive, sectoral rulings to a proactive philosophy of technology. It demonstrates that Maqāṣid is not merely preservative but purposive – capable of guiding innovation while preserving civilisational maṣlaḥah. Practically, the framework offers Muslim-majority jurisdictions (Indonesia, Malaysia, Saudi Arabia, and the broader OIC) concrete policy tools: harm reconception in national law, mandatory Shariah-audited algorithmic ethics commissions, dual-metric evaluation protocols, and tabayyun infrastructure with watermarking and transformative digital literacy curricula. These recommendations can be operationalised immediately within existing Shariah Secretariats and national AI roadmaps.

Despite its doctrinal depth, the study acknowledges its limitations: it remains normative rather than empirically tested and focuses on macro-policy rather than micro-level coding. Future research should therefore pursue three directions: (1) empirical validation through pilot implementations in Islamic fintech, healthcare, and education; (2) country-specific adaptations that integrate local wisdom (e.g., Indonesia’s wasatiyyah and kearifan nusantara, Malaysia’s mature Shariah Secretariat model, Saudi Arabia’s Vision 2030); and (3) interdisciplinary collaboration with computer scientists to translate the i‘timānī-NIST model into concrete technical specifications (explainable AI algorithms, ethical-by-design toolkits, and maṣlaḥah-based risk metrics).

In conclusion, Maqāsid al-Sharī'ah offers the Muslim world – and the global community – not merely an alternative but a superior civilisational compass for the age of artificial intelligence. By anchoring technological progress in divine trusteeship, human dignity, and holistic public interest, this framework ensures that AI serves humanity rather than supplants it. The Muslim ummah is thus positioned not as a passive recipient of Western technological hegemony but as an active architect of a more just, spiritually grounded, and inclusive global AI governance architecture. May this contribution inspire further ijtihād, policy innovation, and ethical engineering so that the digital future remains firmly within the bounds of divine wisdom and human flourishing.

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