P-ISSN: 2987-8071 | E-ISSN: 2987-8063 | DOI: https://doi.org/10.53955/jsderi.v4i2.236

Journal of Sustainable Development and Regulatory Issues (JSDERI)
http://journal.contrariusactus.com/index.php/JSDERI/index

| Research Article |

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Artificial Intelligence in Islamic Law: Ethics, Governance, and Accountability

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Received: November 13, 2025 / Accepted: April 26, 2026 / Published: June 3, 2026

Abstract: Muslim countries increasingly adopt Artificial Intelligence technologies, creating challenges related to accountability, explainability, discrimination, and oversight, while existing regulatory frameworks remain insufficient to govern high risk Artificial Intelligence systems comprehensively. This study examines the regulatory shortcomings of Artificial Intelligence governance in selected Muslim countries and formulates an Islamic governance framework based on the principles of *Maqāṣid al Sharīʿah*. The study applies normative legal research through statutory, comparative, and Islamic legal philosophical approaches to evaluate existing regulatory models and identify normative gaps. The analysis demonstrates three principal findings. First, existing regulatory frameworks do not adequately regulate explainability standards, algorithmic auditing mechanisms, judicial review procedures, and legal liability for automated decisions. Second, the widespread use of opaque algorithmic systems in digital surveillance, financial technology, and public administration increases the potential for indirect discrimination, unequal legal relationships, and disproportionate exercises of discretionary authority. Third, the principles of *ḥifẓ al ʿaql, ḥifẓ al māl, and ḥifẓ al ʿird* establish normative foundations that support explainability, meaningful human oversight, privacy protection, and economic justice within Artificial Intelligence governance.

Keywords: Artificial Intelligence; Governance; Islamic Law; *Maqāṣid al Sharīʿah*;

INTRODUCTION

The integration of Artificial Intelligence into smart governance, Islamic fintech, and digital surveillance has generated complex legal challenges regarding automated decision making, judicial oversight, and protection of fundamental rights in Muslim majority countries.[1] Artificial Intelligence no longer functions merely as a technological instrument designed to improve administrative and economic efficiency. Instead, it has evolved into a decision making mechanism that directly influences individual legal rights, public governance, national security, digital economic transactions, and the legitimacy of legal and religious authority.[2] The implementation of AI in smart governance, Islamic fintech, predictive surveillance, Islamic family law services, biometric identification, and digital public administration demonstrates that AI simultaneously operates within the domains of public law, private law, and Islamic

[1] Albandari Alshahrani, Denis Dennehy and Matti Mäntymäki, 'An Attention-Based View of AI Assimilation in Public Sector Organizations: The Case of Saudi Arabia', *Government Information Quarterly*, 39.4 (2022), 101617 https://doi.org/10.1016/j.giq.2021.101617

[2] Muhammad Sopiyan and others, 'Artificial Intelligence in Islamic Family Law: Addressing Ethical and Regulatory Gaps through a Maqāṣid Al-Sharī'ah Approach', *Mawaddah: Jurnal Hukum Keluarga Islam*, 4.1 (2026), 1 – 18 https://doi.org/10.52496/mjhki.v4i1.31

law.[3] These developments have generated legal problems that conventional legal approaches and classical Islamic jurisprudential doctrines can no longer adequately address because both systems traditionally assume that human beings remain the primary legal subjects responsible for all legal actions.[4]

During recent years, Muslim countries have actively developed national AI strategies as part of broader digital transformation and economic diversification programs. Saudi Arabia incorporated AI into Saudi Vision 2030 and established the Saudi Data and Artificial Intelligence Authority to support economic modernization and digital governance.[5] The United Arab Emirates adopted the UAE Artificial Intelligence Strategy 2031 to strengthen smart governance and predictive administration. Malaysia expanded AI integration through the National Artificial Intelligence Roadmap and Islamic digital economy policies, while Indonesia introduced the National Artificial Intelligence Strategy 2020 to 2045. Despite the rapid implementation of AI technologies, these countries have not enacted comprehensive legal frameworks capable of regulating legal accountability, algorithmic transparency, explainability obligations, and human oversight within autonomous decision-making systems.[6]

One of the principal legal challenges in AI governance concerns the construction of legal responsibility for algorithmic decisions.[7] Islamic law grounds legal accountability on the concepts of *taklif*, free will, moral capacity, and the human ability to distinguish lawful conduct from unlawful conduct. AI systems do not possess moral consciousness, intention, or independent reasoning capacity and therefore cannot function as autonomous legal subjects.[8] Nevertheless, modern AI systems operate through autonomous decision-making mechanisms capable of generating decisions without direct human intervention. This condition creates substantial uncertainty regarding the parties responsible for legal harm, discrimination, administrative error, or violations of individual rights caused by AI systems. Existing regulations in Muslim countries have not clearly determined whether legal responsibility belongs to programmers, system operators, technology corporations, digital service providers, or

[3] Nur Faizin, A Samsul Maarif and Yusuf Hanafi, 'Considering Religious Moderation in Islamic Law through AI ChatGPT and Bahsul Masail of Nahdlatul Ulama', *Law, Innovation and Technology*, 17.1 (2025), 271–88 https://doi.org/10.1080/17579961.2025.2469351

[4] I Ketut Gede Adi Ramadika and I Ketut Kasta Arya Wijaya, 'Legality of Copyright Protection on Artificial Intelligence Works', *Glorification of Justice*, 2.1 (2025), 105–14 https://doi.org/10.62383/pk.v2i1.460

[5] Mohamed Mesroua, *Emergence of Generative AI Challenges and Opportunities for Shariah Auditors*, *Artificial Intelligence and the Future of Islamic Finance*, 2026 https://doi.org/10.4324/9781003620525-11

[6] Vernika Agarwal and others, 'Urban Innovation Dilemmas: Tackling the Challenges for Urban Growth in Smart City', *Technology in Society*, 85 (2026), 103194 https://doi.org/10.1016/j.techsoc.2025.103194

[7] Abdul Kadir Jaelani and others, 'Legal Protection of Employee Wage Rights in Bankrupt Companies: Evidence from China', *Legality: Jurnal Ilmiah Hukum*, 31.2 (2023), 202–23 https://doi.org/10.22219/ljih.v31i2.25874

[8] Neni Nuraeni and Muhammad Najib Abdullah, 'APPLYING AL-RIDHA BI AL-SYAI' RIDHA BIMA YATAWALLADU MINHU TO ENSURE VALIDITY IN ISLAMIC ECONOMICS', *Asy-Syari'ah*, 25.2 (2023), 119–38 https://doi.org/10.15575/as.v25i2.29343

end users. This regulatory gap has intensified legal uncertainty within Islamic fintech, public services, predictive governance, and digital surveillance systems.[9]

In Saudi Arabia, AI governance closely relates to the Saudi Personal Data Protection Law of 2021, which regulates personal data protection within AI based digital processing systems. Article 5 requires personal data processing to pursue legitimate and clearly defined purposes, while Article 6 obliges data controllers to obtain explicit consent from data subjects before processing personal information. However, the regulation does not define the legal status of automated decision-making systems or recognize the public right to reject algorithmic decisions.[10] This omission becomes particularly problematic because Saudi Arabia actively deploys AI technologies in smart surveillance, facial recognition systems, and predictive analytics within national security and digital administration programs. The extensive use of AI surveillance without adequate judicial oversight may threaten privacy rights and violate proportionality principles recognized in both modern legal systems and Islamic legal principles protecting human dignity and honor.[11]

The United Arab Emirates faces similar legal concerns through Federal Decree Law No. 45 of 2021 on Personal Data Protection. Article 6 requires clear consent for personal data processing, while Article 9 grants data subjects the right to access, correct, and erase personal data. Nevertheless, UAE regulations do not impose explainability obligations or algorithmic audit requirements for AI systems used in smart governance and digital public services. The absence of such safeguards raises serious due process concerns because individuals cannot understand the legal basis of administrative decisions generated by algorithms. Consequently, AI based governance risks limiting public access to explanation mechanisms, legal objections, and judicial review against automated governmental decisions.[12]

Malaysia also encounters legal difficulties in regulating AI within Islamic fintech and the Islamic digital economy. The Personal Data Protection Act 2010, particularly Sections 6 and 10, requires lawful consent and limits personal data processing to legitimate purposes. In addition, Bank Negara Malaysia introduced the Shariah Governance Policy Document to regulate Sharia compliance within digital financial technologies.[13] Despite these measures, Malaysian regulations still do not require

[9] Ahmet Faruk Aysan, Hussain Mohi Ud Din Qadri and Hassnian Ali, *Artificial Intelligence and the Future of Islamic Finance*, *Artificial Intelligence and the Future of Islamic Finance*, 2026 https://doi.org/10.4324/9781003620525

[10] Fatima Ali and others, 'Islamic Ethics and AI: An Evaluation of Existing Approaches to AI Using Trusteeship Ethics', *Philosophy and Technology*, 38.3 (2025) https://doi.org/10.1007/s13347-025-00922-4

[11] Shuq Hussein and Ali Al-Obeidi, 'Robotics and AI Systems: Legal Personality for AI System Under UAE Law and Islamic Jurisprudence', in *2023 24th International Arab Conference on Information Technology, ACIT 2023*, 2023 https://doi.org/10.1109/ACIT58888.2023.10453710

[12] Muhammad Hazim Mohd Azhar and others, 'Ethics and Limits of Artificial Intelligence (AI) in Quranic Exegesis According to the Epistemological Framework of Islamic Knowledge; [ETIKA DAN HAD PENGGUNAAN KECERDASAN BUATAN (AI) DALAM TAFSIR AL-QURAN MENURUT KERANGKA EPISTEMOLOGI ILMU ISLAM]', *Quranica*, 17.2 (2025), 97–124 https://www.scopus.com/pages/publications/105018233406?origin=resultslist

[13] M Ilham and others, 'Between Ḥifẓ Al-ʿIrḍ (the Protection of Dignity) and Algorithmic Visibility: A Maqāṣid Al-Sharīʿah Approach to Digital Modesty in the Age of Self-Commodification', *Mazahibuna: Jurnal Perbandingan Mazhab*, 8.1 (2026), 75–91 https://doi.org/10.24252/mazahibuna.vi.64536

mandatory algorithmic audits or explainable AI obligations within machine learning based Islamic financing systems. The use of black box algorithms in credit scoring and financing assessments creates significant risks of algorithmic discrimination that may violate the Islamic principles of justice and equality. AI systems trained on socially and economically biased datasets may produce automated discrimination against specific social groups without providing effective legal mechanisms for affected individuals to challenge algorithmic outcomes.[14]

Indonesia faces more complex regulatory challenges because it has not enacted a dedicated AI law. Current AI related provisions remain scattered across sectoral regulations, including Law Number 27 of 2022 on Personal Data Protection and the Electronic Information and Transactions Law. Article 20 paragraph (1) of the Personal Data Protection Law requires lawful consent for personal data processing, while Article 30 grants individuals the right to access and correct personal data.[15] However, Indonesian regulations still do not regulate the legal standing of AI generated decisions, explainability requirements, mandatory human oversight, or corporate liability for harms caused by autonomous systems. This regulatory fragmentation weakens legal protection for society within Islamic fintech, electronic commerce, digital public services, and data-based surveillance systems.[16]

Ethical considerations in AI development have become increasingly important because contemporary AI systems generate legal concerns related to algorithmic bias, privacy violations, automated discrimination, lack of algorithmic transparency, and diminishing meaningful human control. AI systems operate through machine learning and large-scale data processing mechanisms that frequently reproduce social bias embedded within training datasets. As a result, AI technologies may generate discriminatory decisions against particular social groups. Furthermore, AI based digital surveillance, biometric identification, and mass data collection create serious threats to privacy rights and personal data protection. Islamic law regards these practices as inconsistent with the principles of justice, public welfare, trustworthiness, and human dignity. Consequently, AI development cannot rely solely on technological efficiency and economic interests. Legal systems must establish regulatory and ethical frameworks capable of ensuring accountability, human supervision, algorithmic transparency, and protection against abuses of algorithmic power.[17]

The reduction of meaningful human control within autonomous decision-making systems also represent a critical issue in contemporary Islamic law. Modern AI systems increasingly replace human involvement in administrative, financial, and religious

[14] Hangtang Li, Zhijian Li and Peng Zhu, 'Digital Platforms as Enablers of Circular Economy Practices: Insights from a Chinese Province?', *Technology in Society*, 84 (2026), 103075 https://doi.org/10.1016/j.techsoc.2025.103075

[15] Uthman Mohammed Mustapha Kannike and Abdulgafar Olawale Fahm, 'EXPLORING THE ETHICAL GOVERNANCE OF ARTIFICIAL INTELLIGENCE FROM AN ISLAMIC ETHICAL PERSPECTIVE', *Jurnal Fiqh*, 22.1 (2025), 134–61 https://doi.org/10.22452/fiqh.vol22no1.5

[16] Dwi Suhartanto and others, 'Millennial Loyalty towards Artificial Intelligence-Enabled Mobile Banking: Evidence from Indonesian Islamic Banks', *Journal of Islamic Marketing*, 13.9 (2022), 1958–72 https://doi.org/10.1108/JIMA-12-2020-0380

[17] Apipuddin Apipuddin and others, 'Integrating Electronic Information and Transaction Law (UU ITE) and Islamic Criminal Law: Addressing Malware-Based Data Theft', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 9.2 (2024), 154–170 https://doi.org/10.22515/alahkam.v9i2.10269

decision-making processes.[18] This development creates serious concerns regarding moral agency, legal accountability, and supervisory responsibility because algorithmic systems do not possess moral capacity or legal responsibility. Islamic law recognizes human beings as *khalifah* who bear moral and legal obligations to preserve justice and prevent social harm. Therefore, reducing human oversight within AI systems may conflict with the principles of *amanah* and human responsibility as the primary legal subject within Islamic jurisprudence.[19]

Islamic perspectives on technology and ethics possess strong historical and jurisprudential foundations. Classical Islamic civilization consistently integrated scientific and technological advancement with moral and spiritual values. Muslim scholars viewed technology not merely as an instrument of material progress but as a means of promoting public welfare and fulfilling human responsibility as *khalifah* on earth. Contemporary Muslim scholars therefore have begun to formulate AI governance frameworks based on the principles of *tawḥīd*, *iḥsān*, *ʿadl*, *amanah*, and *Maqāṣid al Sharīʿah*. This approach positions AI not simply as a technical innovation but as a socio technological system that must remain subject to legal supervision, moral control, and social accountability. Islamic virtue-based ethics further emphasizes justice, balance, proportionality, and moral responsibility within AI regulation, particularly concerning the use of automated systems by governments and digital corporations.[20]

Empirical developments demonstrate that Muslim countries increasingly implement AI within Islamic family law, Islamic finance, education, and public administration. However, these developments simultaneously create serious concerns regarding algorithmic bias, personal data protection, legal accountability, and inadequate normative supervision of automated decisions. AI may improve efficiency and accessibility within Islamic legal services, yet automated legal systems may also weaken the protection of religion, life, intellect, lineage, and property as safeguarded under *Maqāṣid al Sharīʿah*. Research on Artificial Intelligence in Islamic Family Law demonstrates that AI continues to face serious challenges involving privacy infringement, insensitive automated decision making, excessive dependence on automated systems, and the inability of algorithms to comprehend moral and social dimensions within Islamic legal reasoning. Consequently, contemporary scholarship increasingly emphasizes the importance of establishing regulatory and ethical governance frameworks grounded in *Maqāṣid al Sharīʿah* that prioritize algorithmic transparency, explainability, legal accountability, and supervision by state and religious authorities as essential components of AI governance in Muslim countries.[21]

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[18] Mahmood Shaker Alaloosh, Govar Majed Ahmad and Lara Adel Jabbar, 'Adapting Iraqi Law to Smart Contracts: A Comparative Analysis Incorporating Islamic Law Principles and Consumer Protection in the Contemporary Digital Era', *MILRev: Metro Islamic Law Review*, 5.1 (2026), 210–46 https://doi.org/10.32332/milrev.v5i1.13031

[19] Mehmet Birgün, 'Integrating AI into Qur'an Learning: Technical Advances and Pedagogical Gaps', *Social Sciences & Humanities Open*, 13 (2026), 102499 https://doi.org/10.1016/j.ssaho.2026.102499

[20] Ahmad Jafar and Hussain Mohi Ud Din Qadri, *Automation in the Takaful Industry and the Role of AI*, *Artificial Intelligence and the Future of Islamic Finance*, 2026 https://doi.org/10.4324/9781003620525-14

[21] Zainal Habib, 'Ethics of Artificial Intelligence in Maqāṣid Al-Sharīʿa's Perspective', *KARSA*, 33.1 (2025), 105 – 134 https://doi.org/10.19105/karsa.v33i1.19617

Academic discourse concerning AI within Islamic law has developed significantly in recent years, particularly regarding ethical governance, regulation, and legal accountability. Raquib et al. (2022) introduced the concept of Islamic virtue-based ethics as an alternative to Western AI ethical paradigms that tend to emphasize utilitarian and secular approaches. Their study highlighted the importance of integrating Islamic moral values into technological governance to ensure that AI promotes humanitarian protection and social justice rather than purely economic efficiency. Mohamed Elmahjub (2023) further developed a pluralist ethical benchmarking approach based on the concept of *maṣlahah* and argued that global AI governance remains dominated by Western paradigms. He therefore emphasized the need for multicultural approaches that incorporate Islamic legal principles within international AI regulation.[22] Sopiyan et al. (2026) examined AI implementation within Islamic family law and found that although AI improves the efficiency of Sharia services, it also creates serious challenges involving algorithmic bias, privacy violations, weak normative sensitivity, and excessive dependence on automated systems. The study recommended establishing a *Maqāṣid al Sharīʿah* based regulatory framework emphasizing algorithmic transparency, accountability, and supervision by both legal and religious authorities.[23] Arifardhani et al. (2025) further argued that AI governance within digital business requires a hybrid regulatory model integrating modern positive law with Sharia principles, particularly concerning personal data protection, algorithmic transparency, and legal certainty in AI liability.[24] Nevertheless, previous studies remain limited because most adopt normative conceptual approaches and have not comprehensively examined regulatory harmonization among Muslim countries, legal accountability for autonomous systems, explainability obligations within digital administrative law, or the effectiveness of AI regulations in Saudi Arabia, the United Arab Emirates, Malaysia, and Indonesia.[25]

Based on these issues, this study focuses on analyzing the construction of legal accountability for AI generated decisions, regulatory gaps concerning algorithmic transparency and explainability, personal data protection within AI based surveillance systems, algorithmic discrimination in Islamic fintech and public services, and the legitimacy of AI implementation within digital fatwa systems and Islamic legal services. This study aims to analyze weaknesses within AI regulation in Muslim countries and formulate an Islamic AI Governance Framework capable of integrating the principles

[22] Ezieddin Elmahjub, 'Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI', *Philosophy and Technology*, 36.4 (2023) https://doi.org/10.1007/s13347-023-00668-x

[23] Sopiyan and others.

[24] Yoyo Arifardhani, Nur Hidayah Che Ahmat and Moh. Mukri, 'The Role of Law in AI-Based Business Ecosystems: A Contextualized Perspective from Islamic Law', *Jurnal Ilmiah Mizani*, 12.1 (2025), 284 – 296 https://doi.org/10.29300/mzn.v12i1.6961

[25] Imad Ibraheem Mostafa and others, 'Evaluating the Efficiency of Three Different Artificial Intelligence Models in Solving Jurisprudential Problems: An Exploratory Study', in *2025 Global Congress on Emerging Technologies, GCET 2025*, 2025, pp. 123–28 https://doi.org/10.1109/GCET68529.2025.11450907

of *Maqāṣid al Sharīʿah* with legal certainty, digital rights protection, and modern technological governance.[26]

METHOD

This study applies normative legal research using statutory, comparative, and Islamic legal philosophy approaches. The study employs these approaches to analyze regulatory structures and legal accountability concerning the use of Artificial Intelligence in Saudi Arabia, United Arab Emirates, Malaysia, and Indonesia. The statutory approach examines Saudi Personal Data Protection Law 2021, Federal Decree Law No. 45 of 2021 on Personal Data Protection in the United Arab Emirates, the Malaysian Personal Data Protection Act 2010, and Indonesian Law Number 27 of 2022 on Personal Data Protection together with the Electronic Information and Transactions Law. The study also analyzes several national AI policies, including Saudi Vision 2030, the UAE Artificial Intelligence Strategy 2031, the Malaysian National Artificial Intelligence Roadmap, and the Indonesian National Artificial Intelligence Strategy 2020 to 2045. The comparative approach evaluates AI regulatory models, personal data protection mechanisms, algorithmic accountability, explainability obligations, and human oversight within the legal systems of Muslim countries.[27] In addition, the Islamic legal philosophy approach examines AI governance through the principles of *Maqāṣid al Sharīʿah*, *ʿadl*, *amanah*, *maṣlaḥah*, and the Islamic conception of human beings as *khalifah*. The study relies on primary, secondary, and tertiary legal materials collected through library research. The analysis applies a qualitative prescriptive analytical method to evaluate weaknesses in existing AI regulations and formulate an Islamic AI Governance Framework capable of ensuring legal accountability, algorithmic transparency, protection of digital rights, and meaningful human control within AI systems in Muslim countries.[28]

RESULT AND DISCUSSION

Ethical Foundations of Artificial Intelligence in Islamic Law

The absence of regulations governing explainability obligations, judicial review, and meaningful human control within autonomous decision making systems demonstrates that AI regulations in Muslim countries continue to preserve a personal data protection paradigm rather than establishing a rights based AI governance framework.[29] As a result, the use of Artificial Intelligence in smart governance, Islamic fintech, predictive surveillance, and digital Islamic legal services has expanded algorithmic administrative power without adequate legal oversight mechanisms. In practice, automated decisions generated by AI systems may directly affect economic rights, privacy rights, and administrative rights without requiring transparency obligations or providing individuals with the right to challenge algorithmic decisions.

[26] Ahmad Daoud Mohammad Shahrouri, 'The Cultural and Social Impact of Artificial Intelligence on Islamic Law Standard: A Fundamental Purposeful Study', *Studies in Big Data*, 136 (2023), 194–201 https://doi.org/10.1007/978-3-031-42455-7_18

[27] Sukindar and others, 'Legal Innovation in Religious Courts: The Potential Utilization of Artificial Intelligence (AI) in Resolving Contemporary Cases', *MILRev: Metro Islamic Law Review*, 3.2 (2024), 388–410 https://doi.org/10.32332/milrev.v3i2.8199

[28] Arifardhani, Ahmat and Mukri.

[29] Margarita Robles Carrillo, 'Artificial Intelligence: From Ethics to Law', *Telecommunications Policy*, 44.6 (2020), 101937 https://doi.org/10.1016/j.telpol.2020.101937

This condition reflects a structural shift from human centered governance toward algorithmic governance that legal systems in Muslim countries have not yet accompanied with a comprehensive restructuring of legal accountability principles.[30]

Table 1. Comparative Analysis of Ethical and Regulatory Issues of AI Governance in Muslim Countries Based on Maqāṣid al-Sharīʿah

Country	Main Regulation	Key Legal Issues	Regulatory Gaps	Relevant Islamic Principles
Saudi Arabia	Saudi PDPL 2021	AI surveillance, privacy violations, lack of judicial review	No explainability and human oversight provisions	*ʿAdl*, *Maṣlaḥah*, *Ḥifẓ al-ʿIrd*
United Arab Emirates	Federal Decree Law No. 45 of 2021	Automated decisions, weak due process, legal uncertainty	No algorithmic audit and right-to-explanation rules	*ʿAdl*, *Amanah*, *Ḥifẓ al-ʿAql*
Malaysia	PDPA 2010; Shariah Governance Policy	Algorithmic discrimination in Islamic fintech	No fairness assessment and explainable AI requirements	*ʿAdl*, *Ḥifẓ al-Māl*, *Maṣlaḥah*
Indonesia	PDP Law 2022; ITE Law	Weak AI liability and automated discrimination	No specific AI regulation and transparency obligations	*Amanah*, *Ḥifẓ al-Māl*, *Ḥifẓ al-ʿAql*
Muslim Countries Generally	National AI policies	AI fatwa legitimacy and digital religious services	No regulation on AI authority in Islamic law	*Ḥifẓ al-Dīn*, *Amanah*, *Maṣlaḥah*

Source: Compiled by the Authors from statutory and scholarly sources.

From the perspective of Islamic law, this situation does not merely represent a technological issue but also raises fundamental concerns regarding the protection of rights and legal justice. The principle of *ʿadl* requires every legal decision to uphold proportionality, rationality, and equality while preventing discrimination. However, modern Artificial Intelligence systems operate through machine learning and predictive analytics mechanisms that depend heavily on training datasets. When training data contain social, economic, or geographical bias, AI systems may generate algorithmic discrimination that contradicts the Islamic principle of equality before the law. This problem appears prominently in the use of AI within Islamic fintech and automated credit scoring systems in Malaysia and Indonesia. Malaysia, through the Personal Data Protection Act 2010, regulates lawful processing under Section 6 and purpose limitation under Section 10, yet the legislation does not establish fairness assessment obligations, explainable AI requirements, or prohibitions against discriminatory automated profiling. Section 129 of the Malaysian PDPA even permits several exemptions for administrative and commercial data processing without regulating the discriminatory impact of profiling algorithms.[31]

The absence of fairness assessment mechanisms enables digital corporations to use black box algorithms in determining financing eligibility without any obligation to explain the logic behind automated decisions to consumers. This condition creates asymmetric legal power between corporations and society because companies maintain full control over algorithmic systems while affected individuals lack access to understand or challenge AI decisions affecting their economic rights. In modern legal practice, such conditions may produce indirect discrimination because profiling algorithms classify individuals according to economic patterns, geographical location,

[30] Onur Sari and Sener Celik, 'Legal Evaluation of the Attacks Caused by Artificial Intelligence-Based Lethal Weapon Systems within the Context of Rome Statute', *Computer Law & Security Review*, 42 (2021), 105564 https://doi.org/10.1016/j.clsr.2021.105564

[31] Rohail Hassan and Maran Marimuthu, 'Bridging and Bonding: Having a Muslim Diversity on Corporate Boards and Firm Performance', *Journal of Islamic Accounting and Business Research*, 9.3 (2018), 457–78 https://doi.org/10.1108/JIABR-02-2016-0022

and digital behavior without adequate transparency.[32] The legal consequence of this regulatory gap lies in the loss of public access to objection procedures and legal remedies against unfair automated decisions. This condition demonstrates that a consent-based data protection framework cannot adequately control AI related risks because consent to personal data processing does not automatically guarantee protection against algorithmic discrimination or digital abuse of power.[33]

Indonesia faces similar legal deficiencies through Law Number 27 of 2022 concerning Personal Data Protection. Article 20 paragraph (1) requires lawful consent for personal data processing, while Article 30 grants data owners the right to access and correct personal information. Nevertheless, the regulation does not recognize explainability rights for automated decisions or provide individuals with the right to reject profiling algorithms used in fintech, electronic commerce, and digital public services.[34] Indonesian regulations also fail to distinguish ordinary data processing from high-risk automated decision-making systems that directly affect individual rights. Consequently, the legal system positions individuals merely as data subjects rather than legal subjects directly affected by algorithmic decisions. From the perspective of modern administrative law, this condition may violate procedural fairness because individuals do not receive sufficient opportunity to understand the basis of decisions, obtain explanations, or challenge automated decisions affecting their legal rights.[35]

Islamic law also establishes the principle of *amanah* as a normative foundation for human oversight and legal responsibility in the use of AI. Serious concerns emerge when autonomous systems begin replacing meaningful human control in administrative, financial, and religious decision making.[36] Modern AI systems can generate decisions without direct human intervention, yet AI systems do not possess moral agency, free will, or legal capacity under the doctrine of *taklif*. Islamic law recognizes only human beings as legal subjects capable of bearing legal responsibility because humans serve as *khalifah* entrusted with preserving justice and preventing social harm. Therefore, transferring decision making authority entirely to algorithms without supervisory control contradicts the principle of *amanah* and the Islamic conception of legal responsibility. From the standpoint of modern administrative law,

[32] Ahmad Jafar and Muhammad Bilal Zafar, 'Corporate Social Responsibility Disclosure in the Takaful Sector', *International Journal of Ethics and Systems*, 2025 https://doi.org/10.1108/IJOES-11-2024-0367

[33] Zaid Muhmoud Agaileh, 'EDUCATIONAL WAQF (ENDOWMENT) IN ARTIFICIAL INTELLIGENCE PROGRAMS: TOWARD A NEW FORM OF WAQF', *Journal of Governance and Regulation*, 13.1 (2024), 231–40 https://doi.org/10.22495/jgrv13i1art21

[34] I Budak Arpinar, Ugur Kursuncu and Dilshod Achilov, 'Social Media Analytics to Identify and Counter Islamist Extremism: Systematic Detection, Evaluation, and Challenging of Extremist Narratives Online', in *Proceedings - 2016 International Conference on Collaboration Technologies and Systems, CTS 2016*, 2016, pp. 611–12 https://doi.org/10.1109/CTS.2016.113

[35] Shatha Ismaeel, Khalid Alammari and Zinah Ghanim Younus, 'Evidentiary Challenges in AI-Mediated E-Commerce Disputes: Comparative Perspectives from the EU, US, GCC, and Islamic Law', *Justicia Islamica*, 23.1 (2026), 85–118 https://doi.org/10.21154/justicia.v23i1.11809

[36] Fristi Riandari, Sarjon Defit and Yuhandri, 'ARTIFICIAL INTELLIGENCE APPROACH FOR SMART SHARIA TOURISM: A REVIEW', *Journal of Theoretical and Applied Information Technology*, 100.13 (2022), 4932–40 https://www.scopus.com/pages/publications/85134405863?origin=resultslist

this condition also creates legal uncertainty because regulations fail to identify clearly the parties responsible for harms caused by autonomous systems.[37]

Saudi Personal Data Protection Law 2021 and Federal Decree Law No. 45 of 2021 on Personal Data Protection in the United Arab Emirates have not adequately addressed these issues.[38] Articles 5 and 6 of the Saudi PDPL regulate lawful processing and consent requirements for personal data, yet the law does not regulate legal liability arising from autonomous systems or impose mandatory human review obligations for automated decisions. The regulation also fails to provide the public with the right to challenge AI decisions used in smart governance and predictive surveillance. Consequently, the use of AI by the state may create unchecked executive algorithmic power because AI based administrative decisions remain outside effective judicial review and independent oversight mechanisms. In modern administrative law, such conditions contradict procedural fairness and due process of law because individuals cannot effectively examine the legality or rationality of algorithmic administrative decisions.[39]

These concerns become increasingly significant because Saudi Arabia actively deploys facial recognition systems, biometric identification, and predictive analytics within Saudi Vision 2030. However, existing regulations do not establish proportionality limitations, necessity tests, or constitutional safeguards governing state use of AI surveillance.[40] As a result, predictive surveillance systems may significantly expand governmental discretionary power without sufficient oversight. From the perspective of constitutional governance, this condition may produce concentrated algorithmic administrative power that traditional checks and balances mechanisms cannot effectively control.[41] Modern administrative law requires every restriction upon individual rights to satisfy the principles of necessity, proportionality, and legitimate aim. Nevertheless, AI surveillance systems operating without clear legal limitations may generate excessive state control and disproportionate expansion of administrative authority. Islamic law considers such practices inconsistent with the

[37] Hui Shan Lee and others, 'Efficiency, Firm-Specific and Corporate Governance Factors of the Takaful Insurance', *International Journal of Islamic and Middle Eastern Finance and Management*, 12.3 (2019), 368–87 https://doi.org/10.1108/IMEFM-06-2018-0187

[38] Yan Putra Timur, Ahmad Ajib Ridlwan, Khusnul Fikriyah, Fitriah Dwi Susilowati, and others, 'Understanding Public Perceptions of Digital Sharia Pawnshops in Indonesia: A Sentiment Analysis with Machine Learning', in *2024 International Conference on Sustainable Islamic Business and Finance, SIBF 2024*, 2024, pp. 177–85 https://doi.org/10.1109/SIBF63788.2024.10883859

[39] Sholahuddin Al-Fatih and others, 'Artificial Intelligence in Indonesia's Financial Sector: Regulatory and Islamic Law Perspectives', *Justicia Islamica*, 22.2 (2025), 303–26 https://doi.org/10.21154/justicia.v22i2.10479

[40] Abdulazeem Abozaid, *Financial Applications of Artificial Intelligence: Shariah Issues and Maqasid Considerations*, *Islamic Finance in the Digital Age*, 2024 https://doi.org/10.4337/9781035322954.00020

[41] Yan Putra Timur, Ahmad Ajib Ridlwan, Khusnul Fikriyah and Fitriah Dwi Susilowati, 'Two Years of Digital Sharia Bank in Indonesia, What Do Consumers Think?: A Sentiment Analysis Using Machine Learning', *Multidisciplinary Science Journal*, 7.6 (2025) https://doi.org/10.31893/multiscience.2025273

principle of *ḥifẓ al ʿird* because the protection of honor and privacy constitutes an essential component of individual rights protection.[42]

The United Arab Emirates encounters similar legal problems. Federal Decree Law No. 45 of 2021 protects personal data processing through Articles 6 and 9, yet the regulation does not impose explainability obligations for automated administrative decisions or require algorithmic audits for AI systems used by public institutions.[43] UAE regulations also fail to recognize the right to human intervention in automated decisions affecting public rights.[44] Consequently, administrative decisions generated through black box algorithms cannot undergo transparent review and therefore create legal uncertainty within digital public administration. From the perspective of administrative law, such conditions may violate due process of law because individuals lose the right to receive explanations, the right to be heard, and the right to challenge AI based administrative decisions. Furthermore, the absence of explainability and judicial oversight may contradict constitutional governance principles because the state exercises algorithmic administrative power without adequate safeguards against digital abuse of power. Islamic law also regards such conditions as inconsistent with the principles of *ʿadl* and *amanah* because state authority operates without sufficient transparency and accountability.[45]

The concept of *Maqāṣid al Sharīʿah* provides a more comprehensive normative framework for addressing these regulatory weaknesses. *Maqāṣid al Sharīʿah* functions not only as an ethical principle but also as a regulatory framework limiting technological use in order to protect fundamental rights. Within AI governance, the principle of *maṣlaḥah* should operate as a normative limitation against unrestricted automation. Therefore, legal systems cannot justify AI deployment solely on grounds of technological efficiency or administrative acceleration when such systems weaken individual rights protection, due process, and procedural justice. *Maqāṣid al Sharīʿah* consequently functions as a normative mechanism limiting the expansion of algorithmic power that lacks legal accountability.[46]

The principle of *ḥifẓ al ʿaql* also provides a legal basis for explainability obligations and meaningful human control within AI governance. Islamic law requires individuals to possess rational capacity to understand legal decisions affecting their rights and

[42] Taha Almarayeh and Beatriz Aibar-Guzmán, 'Do Religious Values Mitigate the Effect of Formal Corporate Governance Rules on Earnings Management in Islamic Countries? Evidence from Jordan', *Competitiveness Review*, 35.6 (2024), 1039–59 https://doi.org/10.1108/CR-03-2024-0055

[43] Ahmad Bin Muhammad Husni and others, 'Relationship of Maqasid Ai-Shariah with Qisas and Diyah: Analytical View', *Social Sciences (Pakistan)*, 7.5 (2012), 725–30 https://doi.org/10.3923/sscience.2012.725.730

[44] Ahmad Iman Sukri, Retno Kusumastuti and Achmad Lutfi, 'A Deconstruction of Rural Governance Policy to Drive Local Economies', 3.2 (2025), 372–99 https://doi.org/10.53955/jsderi.v3i2.111

[45] Amjad Mohammad Badah and others, 'The Usage of Artificial Intelligence in Legal Translation: Bridging the Gap between Law and Language', *Ampersand*, 16 (2026), 100248 https://doi.org/10.1016/j.amper.2025.100248

[46] Abdurrohman Kasdi and others, 'Fatwa and Religious Authority: Islamic Law, Social Media Ethics and Digital Age', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 11.1 (2026), 56–66 https://doi.org/10.22515/alahkam.v11i1.10755

obligations.[47] When AI systems generate automated decisions without explanation, individuals lose the ability to defend themselves legally or challenge such decisions. Explainability therefore constitutes not merely a technological ethics issue but also an essential component of legal rights protection and due process within contemporary Islamic law. The absence of explainability in AI systems may also violate the principle of *gharar* because individuals become compelled to accept decisions whose underlying reasoning remains unclear.[48]

The most sensitive issue concerns the use of AI within digital fatwa systems and automated Islamic legal services. Saudi Arabia, United Arab Emirates, Malaysia, and Indonesia have begun developing religious digital platforms that use AI to provide Islamic legal recommendations. Nevertheless, no regulation currently defines the legal status of AI generated fatwa recommendations or establishes clear limitations concerning AI use within the process of *ijtihad*. From the perspective of Islamic law, AI systems lack the capacity for *ijtihad* because they cannot comprehend *maqāṣid* principles, social realities (*fiqh al wāqiʿ*), or the moral and spiritual dimensions of Islamic legal reasoning. This regulatory vacuum may generate normative conflict between religious scholars and algorithmic systems because religious decision making gradually shifts toward technologies lacking religious legitimacy. Under the principle of *ḥifẓ al dīn*, legal systems should position AI solely as a decision support tool operating under the supervision of qualified scholars and Sharia authorities.[49]

These conditions demonstrate that the primary challenge of AI governance in Muslim countries does not merely concern technological ethics but rather reflects regulatory failure in integrating Sharia principles within modern AI governance systems. Existing regulations continue to emphasize personal data protection and have not developed into comprehensive AI governance frameworks regulating algorithmic accountability, explainability obligations, judicial review, proportionality limitations, constitutional safeguards, meaningful human control, and legal liability for autonomous systems. Therefore, Muslim countries must position *Maqāṣid al Sharīʿah* as the principal normative foundation in the formation of AI regulations in order to ensure that AI systems remain subject to justice, legal certainty, digital rights protection, and public welfare.[50]

AI Governance and Regulatory Frameworks in Muslim-Majority Countries

The absence of explainability mechanisms, judicial oversight, and enforceable accountability within autonomous decision making systems demonstrates that the principal challenge of AI governance in Muslim countries does not merely concern the

[47] Siti Hatikasari, 'Development of Green Banking Concept in Banking Policy for Considering Environmental Protection The World Economic Forum Report Entitled The Global Risk Report 2021 , One of the Important Issues Is How to Deal with the Increasingly Real Threat of Climate ', 1.3 (2023), 133–50 https://doi.org/10.53955/jsderi.v1i3.14

[48] Shereen Fernandez, 'AI and Spatialised Islamophobia', *Political Geography*, 2026, 103570 https://doi.org/10.1016/j.polgeo.2026.103570

[49] Wazin, Nihayatul Maskuroh and Aan Ansori, 'OPTIMIZING ARTIFICIAL INTELLIGENCE IN FIDUCIARY SUPERVISION SYSTEMS IN ACCORDANCE WITH ISLAMIC LEGAL PRINCIPLES', *Petita: Jurnal Kajian Ilmu Hukum Dan Syariah*, 10.1 (2025), 95–111 https://doi.org/10.22373/petita.v10i1.681

[50] Muhamad Amin, Murdiono Murdiono and Renat Sarimov, 'Evolution of the Islamic Judicial System: Justice in the Governance of Caliph 'Umar Ibn Al-Khaṭṭāb', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 8.2 (2023), 133–145 https://doi.org/10.22515/alahkam.v8i2.8061

urgency of regulation, but also concerns the manner in which legal systems design, implement, and enforce such regulations.[51] Therefore, Islamic AI governance must operate through a multilayer regulatory structure integrating state supervision, judicial control, algorithmic audit, corporate responsibility, and supervision by Sharia authorities. This structure must ensure that AI systems remain subject to legal accountability and human supervision rather than functioning as autonomous mechanisms exercising uncontrolled decision-making power.[52] Governments must function as the primary regulatory authorities through the establishment of independent AI supervisory institutions. These institutions should possess authority to register high risk AI systems, establish standards for algorithmic impact assessment, impose mandatory algorithmic audits, and apply administrative sanctions against AI developers, operators, or digital corporations that violate principles of transparency, nondiscrimination, and personal data protection. Consequently, the use of AI within public and private sectors cannot rely solely upon lawful consent for personal data processing. Legal systems must also require risk-based evaluation mechanisms before AI systems operate within public administration, digital finance, surveillance governance, or automated decision-making services.[53]

In relation to governmental use of AI, particularly within smart governance, predictive surveillance, and digital public administration, legal systems must strengthen supervisory mechanisms through judicial review and the right to contest automated decisions. Every AI based administrative decision affecting public rights must remain open to explanation, legal examination, and judicial challenge. Public institutions should therefore provide clear reasoning for administrative decisions, disclose essential algorithmic information, and establish human review procedures through authorized public officials. This model directly addresses the problem of unchecked executive algorithmic power because AI generated decisions cannot operate as final and irreversible automated determinations beyond legal scrutiny.[54]

[51] Ahmad Dirwan, Mohammad Jamin and Jadmiko Anom Husodo, 'Indigenous Community Governance Policy Perspectives on Forest Area Protection', 1.2 (2023), 122–32 https://doi.org/10.53955/jsderi.v1i2.12

[52] Leonardo Fontoura and others, 'Energy Gen-AI Technology Framework: A Perspective of Energy Efficiency and Business Ethics in Operation Management', *Technology in Society*, 81 (2025), 102847 https://doi.org/10.1016/j.techsoc.2025.102847

[53] Muhammad Khaeruddin Hamsin, Rizaldy Anggriawan and Farisma Jiatrahman, 'Unveiling Ethical Implications: AI Robot Accountability in Islamic Context', *Jurnal Media Hukum*, 30.2 (2023), 117–35 https://doi.org/10.18196/jmh.v30i2.18524

[54] Uswatun Hasanah, 'The Effectiveness Of Islamic Law Implementation To Address Cyber Crime: Studies In Arab, Brunei Darussalam, And China', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 3.2 (2018), 107–122 https://doi.org/10.22515/alahkam.v3i2.1348

Table 2. Case Studies of AI Applications in Islamic Countries and Their Regulatory Framework

Country	AI Application	Existing Legal Basis	Main Regulatory Gap	Adjusted Governance Solution
Saudi Arabia	Facial recognition, biometric analytics, predictive surveillance	Saudi PDPL 2021, Articles 5–6; Saudi Vision 2030; SDAIA	Consent and lawful processing exist, but no clear judicial review, necessity test, or proportionality limit for AI surveillance	SDAIA should require AI impact assessment, judicial authorization for high-risk surveillance, independent algorithmic audit, and proportionality review before deployment
UAE	Smart governance and automated public administration	Federal Decree Law No. 45 of 2021, including automated/electronic data processing rules and breach reporting obligations	No explicit right to explanation, human intervention, or audit for automated public decisions	Data protection obligations should be expanded into algorithmic accountability duties, including right to explanation, right to human review, public-sector AI audit, and administrative appeal mechanism
Malaysia	Islamic fintech credit scoring and risk assessment	PDPA 2010 Sections 6 and 10; Bank Negara Malaysia Shariah Governance Policy	Data consent and purpose limitation exist, but no fairness assessment for AI credit scoring	Bank Negara Malaysia and Shariah boards should require fairness assessment, Shariah algorithmic audit, consumer explanation rights, and liability for discriminatory financing decisions
Indonesia	AI in fintech, e-commerce, and digital public services	PDP Law 2022 Articles 10, 20, 30, 31; ITE Law; National AI Strategy 2020–2045	Right to object to automated decisions exists, but implementing rules on explainability, audit, and human review remain underdeveloped	Government should issue AI-specific implementing regulation on right to explanation, algorithmic audit, mandatory human oversight, corporate liability, and judicial remedies
Muslim-majority jurisdictions generally	AI-assisted fatwa and Islamic legal services	National religious authority rules and digital governance policies	No clear legal status for AI-generated religious recommendations	AI should be legally classified as a decision-support tool only; final validation must remain with religious authorities through Shariah supervisory committees

Source: Compiled by the Authors from statutory regulations and relevant literature.

In Saudi Arabia, the government must regulate the use of Artificial Intelligence in facial recognition, biometric analytics, and predictive surveillance through necessity tests, proportionality tests, and judicial authorization before public surveillance systems become operational.[55] Saudi Personal Data Protection Law 2021 currently regulates lawful processing and consent requirements under Articles 5 and 6, yet the

[55] Rostam J Neuwirth, 'Prohibited Artificial Intelligence Practices in the Proposed EU Artificial Intelligence Act (AIA)', *Computer Law & Security Review*, 48 (2023), 105798 https://doi.org/10.1016/j.clsr.2023.105798

regulation does not establish specific limitations governing AI surveillance, independent audit obligations, or public objection mechanisms against algorithmic surveillance decisions.[56] Therefore, Saudi Arabia must strengthen the existing legal framework by introducing regulations requiring independent oversight, algorithmic audit, and judicial supervision over AI based surveillance systems. Such mechanisms would enable the state to preserve national security objectives while simultaneously protecting *ḥifẓ al ʿird*, particularly the protection of human dignity and privacy rights.[57]

The United Arab Emirates must direct the use of AI in smart governance through mandatory explainability obligations, the right to human intervention, and compulsory algorithmic audits. Federal Decree Law No. 45 of 2021 regulates personal data protection through Articles 6 and 9, yet the regulation does not require public institutions to explain the legal reasoning underlying automated administrative decisions.[58] The UAE government should therefore enact implementing regulations obligating every institution using AI in digital governance to provide transparent explanations regarding algorithmic decisions, data sources, levels of human intervention, and administrative review procedures. Such mechanisms would ensure that citizens do not remain passive objects of data processing but instead function as legal subjects possessing the right to understand, reject, and challenge automated decisions affecting their rights.[59]

Within the Islamic fintech sector in Malaysia, AI governance must operate through dual supervision involving financial regulators and Sharia authorities. Bank Negara Malaysia together with national Sharia boards should require mandatory fairness assessments before Islamic financial institutions implement automated credit scoring systems.[60] These assessments must evaluate whether financing algorithms generate indirect discrimination based on economic status, geographical location, or digital behavior patterns.[61] Financial institutions should also provide clear explanations whenever AI systems reject financing applications and must establish human review procedures allowing customers to request reconsideration of automated decisions. This mechanism addresses the problem of asymmetric legal power between

[56] Abozaid.
[57] Ahmad Saeed Ezzat, 'Confidentiality and Privacy in Personal Data Processing: An Analytical of Islamic Law and Egyptian Law No. 151 of 2020', *Manchester Journal of Transnational Islamic Law and Practice*, 20.3 (2024), 375–80 https://www.scopus.com/pages/publications/85211204669?origin=resultslist
[58] Mohd Hasrul Yushairi Johari, 'Artificial Intelligence in Zakat and Waqf Management: Enhancing Fund Utilisation for Tourism Initiatives', *Journal of Islamic Accounting and Business Research*, 2025, 1–17 https://doi.org/10.1108/JIABR-10-2024-0385
[59] Sarah Hussain and others, 'Workforce Readiness: Industry Insights on Building Future-Ready Talent for Hospitality', *Worldwide Hospitality and Tourism Themes*, 18.1 (2026), 83–103 https://doi.org/10.1108/WHATT-12-2025-0302
[60] Othman Abdullah and others, 'AI APPLICATIONS FOR FIQH RULINGS IN ISLAMIC BANKS: SHARĪʿAH COMMITTEE ACCEPTANCE', *ISRA International Journal of Islamic Finance*, 16.1 (2024), 111–26 https://doi.org/10.55188/ijif.v16i1.685
[61] Riandari, Defit and Yuhandri.

corporations and society because consumers obtain the legal right to understand and challenge algorithmic decisions affecting their economic rights.[62]

In Indonesia, the most urgent legal necessity concerns the establishment of a specific AI regulation complementing Law Number 27 of 2022 concerning Personal Data Protection. Articles 20 and 30 of the law regulate lawful data processing and data access rights, yet these provisions remain insufficient to address autonomous decision-making systems. Indonesia therefore must adopt AI regulations governing high risk AI classification, algorithmic transparency obligations, mandatory human oversight, corporate liability, and compensation mechanisms for individuals harmed by automated decisions. Without such regulations, the use of AI within fintech, electronic commerce, and digital public administration will continue operating within a fragmented and uncertain legal structure.[63] Religious authorities must also assume a specialized role in AI governance, particularly regarding digital fatwa systems and algorithmic Islamic legal services. AI systems cannot function as independent fatwa authorities because they do not possess *ijtihad* capacity, *taklīf*, or comprehension of *maqāṣid* principles and *fiqh al wāqiʿ*. Therefore, AI should operate solely as a legal analytical support tool while final legal authority remains under qualified scholars and official fatwa institutions.[64] Muslim countries should consequently establish Sharia AI supervisory committees composed of Islamic legal scholars, technology experts, data regulators, and digital ethics specialists. These committees should evaluate the legitimacy of AI applications within religious services, define limitations governing AI deployment, and ensure that AI generated legal recommendations possess no binding legal authority without validation from recognized Sharia institutions.[65]

AI transparency and accountability must develop through the expansion of existing personal data protection regulations by introducing specific legal obligations governing high risk AI systems. In Saudi Arabia, Saudi Personal Data Protection Law 2021 already obliges data controllers under Articles 5 and 6 to process personal data according to lawful grounds and explicit consent.[66] However, the regulation does not explicitly govern AI use in predictive surveillance, facial recognition, and automated public administration.[67] The Saudi Data and Artificial Intelligence Authority should

[62] Suud Sarim Karimullah, 'The Relevance of the Concept of Justice in Islamic Law to Contemporary Humanitarian Issues', *Al-Ahkam: Jurnal Ilmu Syari'ah Dan Hukum*, 8.1 (2023), 77–91 https://doi.org/10.22515/alahkam.v8i1.7654

[63] Reema Al Qaruty and others, 'Artificial Intelligence and Islamic Jurisprudence: Ethical, Legal, and Theological Considerations', in *2025 International Conference on Cybersecurity and AI-Based Systems, Cyber-AI 2025*, 2025, pp. 59–66 https://doi.org/10.1109/Cyber-AI66431.2025.11233662

[64] Dwi Suhartanto, Setiawan Setiawan and Feni Malinda Safitri, 'AI-Enabled Brand Experience and Shariah Compliance in Islamic Digital Banking', *Journal of Islamic Marketing*, 2026, 1–20 https://doi.org/10.1108/JIMA-07-2025-0411

[65] Norashikin Ahmad, Mohd Shukri Hanapi and Yusma Fariza Yasin, 'Maqasid Shariah and Islamic Fintech Research: Trends, Topics and Collaborations', *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 2271–2310 https://doi.org/10.26811/peuradeun.v13i3.1829

[66] Khairul Azhar Meerangani and others, 'ARTIFICIAL INTELLIGENCE IN THE REALM OF FATWA: AN ANALYTICAL STUDY ON ITS USE AS A REFERENCE TOOL IN MALAYSIA', *Journal of Fatwa Management and Research*, 31.1 (2026), 109–30 https://doi.org/10.33102/jfatwa.vol31no1.721

[67] Heru Susetyo and Qurrata Ayuni, *Challenges of Law and Governance in Indonesia in the Disruptive Era II*, *Challenges of Law and Governance in Indonesia in the Disruptive Era II*, 2021 https://www.scopus.com/pages/publications/85132470628?origin=resultslist

therefore enact implementing regulations requiring all government institutions and AI providers to conduct algorithmic impact assessments before deploying AI within national security and public services. These assessments must identify AI objectives, categories of processed data, training data sources, discrimination risks, privacy risks, forms of human intervention, and compliance with necessity and proportionality principles. SDAIA should also require institutions using AI to submit periodic algorithmic audit reports and provide judicial authorities with supervisory access whenever AI deployment potentially restricts citizens' rights. Through this mechanism, Articles 5 and 6 of the Saudi PDPL would function not merely as legal foundations for data processing but also as instruments controlling high risk AI systems used by the state.[68]

In the United Arab Emirates, Federal Decree Law No. 45 of 2021 regulates electronic and automated personal data processing, including data protection obligations and reporting duties concerning data breaches. Nevertheless, the regulation does not explicitly recognize citizens' rights concerning AI based administrative decisions.[69] The UAE government must therefore enact implementing regulations obligating public institutions using AI in smart governance to provide the right to explanation, the right to human intervention, and administrative objection mechanisms against automated decisions. Every institution using AI should disclose the principal factors influencing algorithmic decisions, data sources, levels of human oversight, and review procedures conducted by administrative officials.[70] Furthermore, Article 9 concerning data breach reporting should expand into an algorithmic risk reporting obligation requiring public institutions and digital corporations to report system bias, algorithmic failures, biometric identification errors, and discriminatory impacts of AI systems to national regulators. Consequently, reporting obligations would extend beyond personal data breaches and include misuse of algorithmic power within public administration.[71]

In Malaysia, the Personal Data Protection Act 2010 through Sections 6 and 10 already requires lawful consent and purpose limitation for personal data processing. However, the regulation does not govern AI use within Islamic fintech and automated credit scoring systems. Bank Negara Malaysia should therefore expand the Shariah Governance Policy Document by requiring Islamic financial institutions to

[68] Soumaya Khammassi and Yusra Alshanqityi, 'Digital Rights, AI, and The Law: International Perspectives on Saudi Arabia's Legal Framework and International Experience', *Access to Justice in Eastern Europe*, 8.Special Issue (2025), 146–77 https://doi.org/10.33327/AJEE-18-8.S-a000154

[69] Khairul Azhar Meerangani, Muhammad Safwan Harun and Muhamad Sayuti Mansor, 'Principles of Fiqh in AI-Based Information Dissemination on Social Media; [PRINSIP FIQH DALAM PENYEBARAN MAKLUMAT BERASASKAN KECERDASAN BUATAN (AI) DI MEDIA SOSIAL]', *Jurnal Fiqh*, 22.2 (2025), 235–61 https://doi.org/10.22452/fiqh.vol22no2.2

[70] Jianzheng Shi and others, 'Technological Innovation and Regulatory Harmonization in Islamic Finance: A Systematic Review and Machine Learning Analysis (2000–2023)', *Journal of Islamic Accounting and Business Research*, 2025 https://doi.org/10.1108/JIABR-01-2025-0026

[71] Anjana Junius Vidanaralage, Anuja Thimali Dharmaratne and Shamsul Haque, 'AI-Based Multidisciplinary Framework to Assess the Impact of Gamified Video-Based Learning through Schema and Emotion Analysis', *Computers and Education: Artificial Intelligence*, 3 (2022), 100109 https://doi.org/10.1016/j.caeai.2022.100109

conduct mandatory fairness assessments before using AI in financing evaluations.[72] These assessments must examine whether financing algorithms generate indirect discrimination based on economic status, geographical location, or digital behavior. Financial institutions must also provide consumers with explanation rights regarding every AI based financing decision. When AI systems reject financing applications, institutions should disclose the primary factors influencing the decision, identify the data sources used, and provide human review procedures through qualified financial analysts. Sharia boards should additionally receive authority to conduct Sharia algorithmic audits ensuring that algorithmic logic within Islamic financing systems remains consistent with the principles of *ʿadl*, *amanah*, and *ḥifẓ al māl*. Through this mechanism, Sharia supervision would extend beyond financial products and include algorithmic design and AI deployment within Islamic economic transactions.[73]

In Indonesia, Law Number 27 of 2022 concerning Personal Data Protection already establishes preliminary provisions regulating automated decisions. Article 10 grants data subjects the right to object to decisions based exclusively on automated processing, including profiling, whenever such decisions generate legal consequences or significant impacts. Article 20 regulates lawful data processing, Article 30 recognizes access rights for data subjects, and Article 31 obliges data controllers to record all personal data processing activities. Nevertheless, the regulation still lacks implementing provisions specifically governing high risk AI systems within public and private sectors. Indonesia must therefore establish specific AI regulations obligating all electronic system operators to conduct algorithmic audits, AI impact assessments, and mandatory human oversight concerning AI use within fintech, electronic commerce, and digital public services. These regulations must also require AI operators to provide the right to explanation, the right to human review, and administrative objection mechanisms against automated decisions. In addition, regulators should possess authority to impose administrative sanctions, suspend high risk AI systems, and impose civil liability upon digital corporations when AI systems produce legal harm to society.[74]

AI transparency must develop through progressive and legally binding mechanisms. First, every AI developer and operator must prepare algorithmic documentation before deploying AI systems. Such documentation should explain the objectives of AI use, categories of processed data, training data sources, decision making methods, bias risks, forms of human intervention, and risk mitigation procedures. Second, national regulators must require algorithmic impact assessments for all high-risk AI systems before deployment within public and private sectors. These assessments must evaluate AI impacts upon privacy rights, discrimination risks, economic rights, administrative rights, and the protection of *Maqāṣid al Sharīʿah*. Third, every institution using AI must provide the right to explanation, the right to human intervention, and the right

[72] Aliff Nawi and others, 'Exploring Opportunities and Risks of Artificial Intelligence Research for Islamic Ethical Guidelines', *Afkar*, 25.2 (2023), 1–34 https://doi.org/10.22452/afkar.vol25no2.1

[73] P R Biju and O Gayathri, 'Structural Oppression and AI: A Systematic Review of Data Policy Frameworks in India', *Technological Forecasting and Social Change*, 223 (2026), 124415 https://doi.org/10.1016/j.techfore.2025.124415

[74] Chairul Fahmi, 'The Impact of Regulation on Islamic Financial Institutions Toward the Monopolistic Practices in the Banking Industrial in Aceh, Indonesia', *Jurnal Ilmiah Peuradeun*, 11.2 (2023), 667–686 https://doi.org/10.26811/peuradeun.v11i2.923

to contest automated decisions for affected individuals. Fourth, regulators must possess authority to conduct algorithmic audits, suspend unlawful AI systems, order corrective measures, and impose administrative or civil sanctions upon AI providers violating transparency and accountability principles.[75]

AI accountability must also operate through an explicit distribution of legal responsibility. AI developers must remain responsible for algorithmic design, model security, and mitigation of technical bias. AI operators must bear responsibility for system deployment within public administration, economic transactions, and digital governance. Digital corporations must remain liable for consumer harm resulting from discriminatory or nontransparent automated decisions. States must also bear responsibility whenever AI systems used within administrative decisions or public surveillance violate citizens' rights. From the perspective of Islamic law, legal responsibility cannot shift to AI systems because AI lacks *taklīf*, *niyyah*, and moral agency. Therefore, legal accountability must remain attached to human beings, state institutions, and corporations that develop, operate, or benefit from AI systems.[76]

Legal Accountability and Responsibility in AI Systems

Accountability in Artificial Intelligence cannot rely solely upon technological ethics or administrative supervision. Legal systems must construct AI accountability through explicit liability frameworks defining legal responsibility, evidentiary standards, remedial mechanisms, and institutional authority governing autonomous systems.[77] The central issue in AI governance no longer concerns merely the use of technology, but rather concerns the manner in which legal systems determine responsibility when algorithmic systems produce discrimination, privacy violations, administrative errors, or economic harm affecting society. In practice, autonomous systems have created new structures of power operating through automated decisions based on data processing and machine learning without sufficient transparency. Consequently, affected individuals frequently remain unable to identify the parties responsible when AI generated decisions produce harmful legal consequences.[78]

At the global level, several international instruments have begun establishing foundational standards for AI accountability through risk-based regulation and protection of fundamental rights.[79] The European Union through the EU AI Act adopts a risk based regulatory approach classifying AI into categories consisting of

[75] Hendrik Hendrik, Sri Suning Kusumawardani and Adhistya Erna Permanasari, 'The Emerging Landscape of Halal Tourism in the Digital Era: An IT Perspective', *Journal of Islamic Marketing*, 15.8 (2024), 1995–2015 https://doi.org/10.1108/JIMA-04-2023-0130

[76] Hafiz Syed Mohsin Abbas, 'Technology, Institutions, and Migration: A Fusional Governance Framework for Mitigating State Fragility', *Technology in Society*, 85 (2026), 103175 https://doi.org/10.1016/j.techsoc.2025.103175

[77] Imaro Sidqi, Siti Maymanatun Nisa and Hening Sukma Daini, 'Development of Artificial Intelligence in the Dispute Resolution of Religious Courts', *Jurnal Hukum Islam*, 21.1 (2023), 83–112 https://doi.org/10.28918/jhi_v21i1_04

[78] Illy Yanti and others, 'Negotiating Sharīʿah and Customary Law: Legal Pluralism in Familial Relationships among the Suku Anak Dalam in Jambi', *Journal of Islamic Law*, 6.2 (2025), 177–205 https://doi.org/10.24260/jil.v6i2.3311

[79] Yudho Taruno Muryanto, Dona Budi Kharisma and Anjar Sri Ciptorukmi Nugraheni, 'Prospects and Challenges of Islamic Fintech in Indonesia: A Legal Viewpoint', *International Journal of Law and Management*, 64.2 (2021), 239–52 https://doi.org/10.1108/IJLMA-07-2021-0162

minimal risk, limited risk, high risk AI systems, and unacceptable risk AI systems. AI used in public administration, biometric identification, law enforcement, healthcare, education, and critical infrastructure falls within the category of high risk AI systems and therefore must comply with mandatory risk assessment, technical documentation, human oversight, conformity assessment, and AI registration requirements before operational deployment.[80] The EU AI Act also prohibits social scoring systems and several forms of real time biometric surveillance because such systems threaten fundamental rights and violate proportionality principles within constitutional governance. OECD AI Principles further recognize transparency, fairness, accountability, and human centered AI governance as essential standards of global AI regulation, while the UNESCO Recommendation on the Ethics of Artificial Intelligence emphasizes human rights protection, ethical impact assessment, and independent oversight regarding AI deployment. Nevertheless, these global instruments primarily emphasize administrative governance and digital rights protection without fully integrating moral accountability, religious authority, and normative technological limitations grounded in *Maqāṣid al Sharīʿah*.[81]

From the perspective of Islamic law, AI accountability must operate through *fiqh al masʾūliyyah*, which recognizes human beings as the primary subjects of legal responsibility. AI systems do not possess *taklīf*, *niyyah*, or moral agency and therefore cannot function as independent legal subjects. Consequently, every legal consequence produced by autonomous systems must remain attributable to human beings, corporations, or state institutions responsible for developing, operating, or benefiting from AI systems. [82] Islamic jurisprudence categorizes negligence in mitigating algorithmic risks as *tafrīṭ* because developers fail to exercise legal caution toward technologies affecting public rights. Similarly, institutions using AI without adequate human supervision may commit *taʿaddī* because they actively employ technologies capable of producing legal harm without sufficient control mechanisms. The doctrine of *ḍamān* therefore provides the legal basis for compensation and liability against parties causing harm through AI deployment, while *masʾūliyyah taqṣīriyyah* establishes responsibility arising from negligence in developing and operating autonomous systems.[83]

Based upon these principles, Muslim countries must establish a multilayer liability framework explicitly determining legal liability models governing AI systems. [84] AI developers should remain subject to product liability and negligence liability

[80] Zulkifli, Dhea Urfina Zulkifli and Donald Qomaidiasyah Tungkagi, 'Artificial Intelligence and Islamic Ethical Guidelines: A Systematic Review', in *2025 13th International Conference on Cyber and IT Service Management, CITSM 2025*, 2025 https://doi.org/10.1109/CITSM67730.2025.11291209

[81] Seyed Shahramadin Tavakoli and others, 'Explaining the Effect of Artificial Intelligence on the Technology Acceptance Model in Media: A Cloud Computing Approach', *The Electronic Library*, 41.1 (2023), 1–29 https://doi.org/10.1108/EL-04-2022-0094

[82] Maila D H Rahiem, 'Generative AI in Higher Education in Indonesia: Patterns of Use and Learning Impact', *Social Sciences & Humanities Open*, 13 (2026), 102672 https://doi.org/10.1016/j.ssaho.2026.102672

[83] M M Abdullah Al Mamun Sony and others, 'Bias in AI-Driven HRM Systems: Investigating Discrimination Risks Embedded in AI Recruitment Tools and HR Analytics', *Social Sciences & Humanities Open*, 12 (2025), 102082 https://doi.org/10.1016/j.ssaho.2025.102082

[84] Jingchen Zhao, 'Promoting More Accountable AI in the Boardroom through Smart Regulation', *Computer Law & Security Review*, 52 (2024), 105939 https://doi.org/10.1016/j.clsr.2024.105939

whenever algorithmic systems contain design defects, systemic bias, or security failures causing legal harm. Under this framework, developers may bear responsibility when they fail to conduct security testing, bias audits, or algorithmic impact assessments before deploying AI systems. Within Islamic fintech, digital corporations and financial institutions should remain subject to strict liability for economic losses caused by automated credit scoring systems because automated financing decisions directly affect public economic rights. Consequently, consumers should not bear the burden of proving detailed technical errors within algorithmic systems but should only demonstrate the existence of legal harm resulting from AI generated decisions.[85]

AI operators and institutional users must also remain subject to operational liability and vicarious liability because administrative and economic decisions generated through AI continue to represent institutional decisions.[86] State institutions, digital corporations, and financial entities cannot avoid legal responsibility merely because algorithms generate decisions. Within public administration, states must remain subject to state liability whenever AI surveillance, facial recognition, or automated administrative systems violate fundamental rights. Therefore, every AI based administrative decision must remain classified as a state legal act subject to judicial review and constitutional complaint procedures.[87]

In Saudi Arabia, the government through the Saudi Data and Artificial Intelligence Authority must establish AI Licensing Regulations requiring all governmental institutions and technology corporations to obtain authorization before deploying AI within predictive surveillance, facial recognition, and digital public administration.[88] SDAIA should obligate developers to disclose algorithmic documentation, training data sources, system accuracy levels, decision making methods, and risks of algorithmic discrimination. SDAIA must also conduct predeployment algorithmic audits evaluating compliance with necessity, proportionality, and privacy protection principles established under the Saudi Personal Data Protection Law 2021. AI systems failing to satisfy audit requirements should fall within the category of unacceptable risk AI systems and therefore remain prohibited within public administration and national security sectors. Such limitations align with the Islamic legal principles of *sadd al dharā'iʿ* and *darʾ al mafāsid* because states bear responsibility to prevent technologies capable of generating social harm and violations of public rights.[89]

[85] Ching-Hua Chuan and others, 'EXplainable Artificial Intelligence (XAI) for Facilitating Recognition of Algorithmic Bias: An Experiment from Imposed Users' Perspectives', *Telematics and Informatics*, 91 (2024), 102135 https://doi.org/10.1016/j.tele.2024.102135

[86] Tika Widiastuti and others, 'Innovating Zakat Governance through Good Amil Governance (GAG): A Structural Policy Model Using DEMATEL-ANP in Indonesia', *Journal of Open Innovation: Technology, Market, and Complexity*, 12.1 (2026), 100711 https://doi.org/10.1016/j.joitmc.2025.100711

[87] Aref Izzeddin Hassouneh and Abeer Al-Amayreh, 'Civil Liability for Damages Arising from the Use of Artificial Intelligence: A Comparative Study between Islamic Jurisprudence and Positive Law', *Journal of Human Security*, 21.2 (2025), 47–51 https://doi.org/10.12924/johs2025.210207

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[89] Tianchen Huang and others, 'Artificial Intelligence in Urban Design: A Systematic Review', *Cities*, 169 (2026), 106527 https://doi.org/10.1016/j.cities.2025.106527

In the United Arab Emirates, Federal Decree Law No. 45 of 2021 should expand through the establishment of AI Administrative Governance Regulations obligating every public institution to provide the right to explanation, the right to human intervention, and administrative appeal mechanisms concerning automated decisions.[90] The UAE government should also establish AI Review Units within public institutions using AI in smart governance. These units should possess authority to correct algorithmic decisions, order repeated audits, and suspend AI systems whenever systemic discrimination or administrative violations occur. Regulators should additionally require every AI system to maintain mandatory audit trails and data disclosure obligations so that regulators and courts may examine algorithmic decision-making processes.[91] Legal evidentiary issues constitute one of the most serious challenges within AI accountability because black box algorithms make it difficult for victims to prove system errors.[92] AI regulations should therefore apply reversal burden of proof mechanisms to high-risk AI systems. Under this approach, developers and operators must prove that their systems comply with security, fairness, and data protection standards. Legal systems should also recognize explainability as an evidentiary obligation, meaning that failure to provide explanations regarding algorithmic decisions may constitute administrative or civil violations. Every AI system should maintain algorithmic documentation, audit trails, and data disclosure obligations during legal proceedings. Through this mechanism, affected individuals would not bear the unrealistic burden of proving inaccessible technical structures within AI systems.[93]

In Malaysia, Bank Negara Malaysia should expand the Shariah Governance Policy Document and the Islamic Financial Services Act through the creation of an AI Compliance and Shariah Audit Framework governing Islamic fintech.[94] These regulations should require mandatory fairness assessments, Shariah algorithmic audits, and consumer explanation rights regarding automated credit scoring systems. Islamic financial institutions should also establish human review mechanisms and compensation procedures for consumers harmed by AI generated financing decisions. In practice, victims of discriminatory or nontransparent automated financing decisions should obtain access to judicial compensation, administrative cancellation, and injunctive relief mechanisms.[95] In Indonesia, the government must establish either a

[90] Niall Curry, Paul Baker and Gavin Brookes, 'Generative AI for Corpus Approaches to Discourse Studies: A Critical Evaluation of ChatGPT', *Applied Corpus Linguistics*, 4.1 (2024), 100082 https://doi.org/10.1016/j.acorp.2023.100082

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[93] Ritab Alkhouri and Khaled Halteh, 'The Integrated Ethical Governance Framework: Bridging Ethical Theory and Regulatory Practice in FinTech', *Social Sciences & Humanities Open*, 13 (2026), 102661 https://doi.org/10.1016/j.ssaho.2026.102661

[94] Julia Singer, *Fatwas from Islamweb.Net on Robotics and Artificial Intelligence*, *Artificial Intelligence in the Gulf: Challenges and Opportunities*, 2021 https://doi.org/10.1007/978-981-16-0771-4_12

[95] Ibnu Akbar Maliki, Zezen Zainul Ali and Muhammad Khusaini, 'Artificial Intelligence and the Law: The Use of Artificial Intelligence as a Tool to Assist Judges in Deciding Polygamy Cases', *Nurani*, 23.2 (2023), 211–28 https://doi.org/10.19109/nurani.v23i2.20152

dedicated AI Law or implementing regulations complementing Law Number 27 of 2022 concerning Personal Data Protection.[96] These regulations should govern high risk AI classification, mandatory AI registration, algorithmic audits, AI impact assessments, and human oversight obligations. Indonesia should also establish a National AI Regulatory Authority possessing authority to certify AI systems, conduct digital investigations, suspend unlawful AI deployment, and impose administrative sanctions against AI operators violating legal obligations. Regulators should additionally possess authority to order disclosure of algorithmic documentation during legal proceedings whenever AI systems produce public harm. The legal framework must also provide access to class actions, constitutional complaints, and judicial review mechanisms whenever AI deployment violates fundamental rights.[97]

AI accountability becomes increasingly complex because autonomous systems operate across jurisdictions. AI systems may originate in one country, process data through servers located in another jurisdiction, and affect individuals in entirely different legal systems.[98] For example, developers may create AI systems in the United Arab Emirates, deploy them through digital platforms operating in Indonesia, process data through foreign cloud infrastructure, and use personal information belonging to Saudi citizens. Muslim countries must therefore establish cross border AI liability frameworks regulating jurisdiction, recognition of legal judgments, exchange of investigative data, and regulatory cooperation concerning transnational AI misuse. Without harmonized regulation, digital corporations may exploit differences among legal systems to avoid legal responsibility and shift legal risks toward jurisdictions possessing weaker regulatory standards.[99]

In addition to administrative and civil liability mechanisms, AI regulations must determine categories of AI systems requiring restriction or absolute prohibition.[100] The use of mass social scoring, unrestricted biometric surveillance, autonomous lethal systems, and fully autonomous fatwa generation should fall within prohibited AI systems because such technologies may violate the principles of *ḥifẓ al dīn*, *ḥifẓ al ʿaql*, *ḥifẓ al nafs*, and *ḥifẓ al ʿird*. From the perspective of Islamic law, such restrictions represent a form of maqāṣid limitation against unrestricted automation intended to

[96] Muhammad Yafiz and others, 'Localizing Islamic Economics: Integrating Sharia Principles into the Salingka Nagari Tradition in Minangkabau', *Jurnal Ilmiah Peuradeun*, 13.3 (2025), 1643–1668 https://doi.org/10.26811//peuradeun.v13i3.2022

[97] Mohamed Hamadikinane Maiga, 'Achieving Maqāṣid Al-Sharīʿah through Artificial Intelligence: Mechanisms of Facilitation, Control, and Quality Assurance', *Mazahibuna: Jurnal Perbandingan Mazhab*, 7.1 (2025), 54–70 https://doi.org/10.24252/mazahibuna.vi.55038

[98] Miszairi Sitiris and Saheed Abdullahi Busari, 'THE LEGAL CAPACITY (AL-AHLIYYAH) OF ARTIFICIAL INTELLIGENCE FROM AN ISLAMIC JURISPRUDENTIAL PERSPECTIVE', *Malaysian Journal of Syariah and Law*, 12.1 (2024), 31–42 https://doi.org/10.33102/mjsl.vol12no1.453

[99] Ali Al-Obeidi and Shuq Hussein, 'The Legal Nature of Contracts Concluded by Artificial Intelligence According to The Uae Electronic Transactions and E-Commerce Law No. (46) of 2021', in *2023 24th International Arab Conference on Information Technology, ACIT 2023*, 2023 https://doi.org/10.1109/ACIT58888.2023.10453892

[100] Randi Swandaru and Aishath Muneeza, 'Can Fraud in Islamic Financial Institutions Be Prevented Using High Standards of Shariah Governance?', *International Journal of Law and Management*, 64.6 (2022), 469–85 https://doi.org/10.1108/IJLMA-07-2022-0162

prevent technological practices capable of undermining social justice, individual liberty, and the legitimacy of religious authority.[101]

Digital fatwa services and Islamic legal systems, Muslim countries should establish Shariah AI Supervisory Boards consisting of Islamic scholars, technology experts, data regulators, and digital ethics specialists.[102] Regulations must clearly determine that AI functions solely as a legal reasoning assistance tool without authority to issue independent fatwas. Every legal recommendation generated through AI should therefore undergo verification and authorization by official religious institutions before implementation within society. Consequently, AI accountability within Muslim countries must operate through a comprehensive Islamic AI accountability framework integrating liability doctrines, evidentiary mechanisms, legal remedies, cross border governance, supervisory regulation, and *Maqāṣid al Sharīʿah* as the principal normative foundation governing autonomous systems.[103]

CONCLUSION

The development of Artificial Intelligence in Muslim countries has transformed the relationship between technology, state authority, and the protection of public rights. The use of AI in predictive surveillance, smart governance, Islamic fintech, and Islamic legal services no longer generates merely technical concerns but also creates legal problems involving the legitimacy of automated decisions, limitations on state authority, protection of digital rights, and the distribution of responsibility for algorithmic actions. Regulations in Saudi Arabia, United Arab Emirates, Malaysia, and Indonesia continue to rely primarily upon lawful data processing and consent-based data protection approaches and therefore remain incapable of addressing explainability, algorithmic discrimination, judicial review, and legal liability within autonomous decision-making systems. Regulatory approaches centered exclusively on personal data protection can no longer adequately control high risk AI systems operating within public administration and digital economic transactions. Black box algorithms have created asymmetric legal power between states, digital corporations, and society because affected individuals cannot easily understand or effectively challenge algorithmic decisions. Within public administration, the use of AI without proportionality limitations and independent oversight may expand state discretionary power through digital surveillance and automated public services. Within Islamic fintech, automated credit scoring systems may also produce indirect discrimination unless institutions conduct fairness assessments and Sharia based algorithmic audits. *Maqāṣid al Sharīʿah* must therefore function as the principal normative foundation governing AI systems in Muslim countries. The principle of *ḥifẓ al ʿaql* provides the legal basis for explainability and meaningful human oversight, *ḥifẓ al māl* establishes protection for economic justice, while *ḥifẓ al ʿird* justifies legal limitations upon AI

[101] Sadam Al-Azani, Shadi Abudalfa and Hussein Samma, 'A Comprehensive Review of Artificial Intelligence in Qur'anic Research: Trends, Methods, Challenges, and Future Directions', *Information Processing & Management*, 63.7, Part B (2026), 104870 https://doi.org/10.1016/j.ipm.2026.104870

[102] Wardah Yuspin and others, 'The Law Alteration on Artificial Intelligence in Reducing Islamic Bank's Profit and Loss Sharing Risk', *Legality: Jurnal Ilmiah Hukum*, 30.2 (2022), 267–82 https://doi.org/10.22219/ljih.v30i2.23051

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surveillance and facial recognition systems used by the state. Consequently, Muslim countries must establish a comprehensive Islamic AI governance framework integrating judicial oversight, algorithmic audit, AI impact assessment, corporate liability, and Sharia supervision over AI deployment in order to ensure that technological innovation remains consistent with the principles of *ʿadl*, *amanah*, transparency, and protection of digital rights.

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