

MAQASID AL-SHARIAH IN THE AGE OF ARTIFICIAL INTELLIGENCE: RECONSTRUCTING ISLAMIC ETHICAL PRINCIPLES FOR DIGITAL MUSLIM SOCIETIES

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Abstract

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Artificial intelligence (AI) now mediates how Muslims learn, work, transact, and seek religious guidance, yet the ethical principles that govern it have been written largely outside the Islamic intellectual tradition. This conceptual paper argues that *maqasid al-shariah* (the higher objectives of Islamic law) can serve as a coherent ethical architecture for AI, but only if the classical objectives are reconstructed rather than merely restated. Using a qualitative design that combines document analysis with thematic synthesis, the paper examines three bodies of material: classical and contemporary maqasid scholarship, peer-reviewed work on Islamic AI ethics published between 2020 and 2026, and current governance instruments, including the UNESCO Recommendation, the European Union AI Act, and Malaysia's National Guidelines on AI Governance and Ethics. The analysis shows that existing scholarship agrees on the relevance of the maqasid but remains divided on three questions: whether *maslahah* should be read in utility-based or duty-based terms, whether Islamic ethics should complement or replace prevailing AI principles, and who holds interpretive authority when algorithms generate religious content. It also finds a persistent gap between normative statements and operational tools. The paper responds by re-specifying the five essential objectives (religion, life, intellect, lineage, and property) for algorithmic conditions, adding dignity and justice as cross-cutting objectives, and proposing a three-tier maqasid impact assessment that ranks AI harms and benefits as essential, complementary, or embellishing. Recommendations are offered for scholars, regulators, developers, and universities in Muslim-majority societies.



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Introduction

AI has moved from a specialist technology to an everyday infrastructure. Recommendation engines decide what people read, predictive models influence who receives credit or medical attention, and generative systems now produce text, images, and advice on demand. Global responses have multiplied accordingly. Jobin et al. (2019) identified 84 sets of AI ethics guidelines and found that they converge on five principles: transparency, justice and fairness, non-maleficence,

responsibility, and privacy. Floridi et al. (2018) proposed a similar set built on beneficence, non-maleficence, autonomy, justice, and explicability. UNESCO (2022) then adopted the first global standard-setting instrument on AI ethics, and the European Union followed with a binding, risk-based regulation (European Parliament & Council of the European Union, 2024). Muslim-majority states have joined this movement. Malaysia's Ministry of Science, Technology and Innovation (MOSTI, 2024) issued voluntary national guidelines built on seven principles, including fairness, privacy and security, transparency, accountability, and the pursuit of human benefit and happiness.

The issue is that this body of principles has been produced in a narrow part of the world and rests on a narrow set of moral assumptions. Jobin et al. (2019) reported that the guidelines they reviewed came mainly from economically developed countries, with regions such as Africa, South and Central America, and Central Asia barely represented. Elmahjub (2023) observed that Western ethical theories dominate the theoretical discussion of AI ethics, and Mohamed et al. (2020) warned that AI systems can reproduce colonial patterns of extraction and dependency unless other traditions help shape them. The principles are also weak in practice. Hagendorff (2020) showed that AI ethics guidelines lack mechanisms to enforce their own normative claims, and Mittelstadt (2019) argued that principles alone cannot guarantee ethical AI because the field lacks the shared aims, professional norms, and accountability structures that give principles force in fields such as medicine. Muslim societies therefore inherit a framework that is both culturally partial and practically thin.

The Islamic tradition has a developed resource for this problem. *Maqasid al-shariah* holds that the law exists to secure human welfare by protecting religion, life, intellect, lineage, and property, and that interests are ranked as essential (*daruriyyat*), complementary (*hajiyyat*), or embellishing (*tahsiniyyat*) (Kamali, 2008). Al-Shatibi's *al-Muwafaqat* gave this theory its classical codification (Al-Shatibi, 2011), and modern scholars have widened it. Ibn Ashur (2006) added universal objectives such as freedom, equality, and the preservation of social order, while Auda (2008) recast the maqasid as an open system oriented toward human development and rights rather than protection alone. A growing literature now applies this framework to AI (Raquib et al., 2022; Mohadi & Tarshany, 2023; Kannike & Fahm, 2025). The framework is attractive because it is purposive: it asks what a technology is for and whom it serves, not only whether a procedure was followed.

A clear gap nonetheless remains, and it has three parts. First, most studies map the five classical objectives onto AI risks without asking whether objectives formulated for a pre-digital world capture harms such as behavioural manipulation, synthetic media, or data extraction; Chaudhary (2020) noted that a broader Islamic philosophical framework for digital technologies had yet to be developed. Second, the literature is overwhelmingly conceptual. A systematic review of 104 Scopus-indexed publications from 2016 to 2025 found a restricted research scope and a continuing disconnect between universal ethical principles and their implementation in Muslim societies (Abdullah & Bashori, 2026). Third, there is little empirical knowledge of how Muslims actually use AI. One of the few available studies found that 93.8% of surveyed students at an Islamic university considered ChatGPT permissible while no clear ethical guidelines were available to them (Hakim & Shamsuddin, 2024). Normative theory, operational tools, and lived practice have not yet been joined.

The current situation makes the debate urgent and unsettled. Generative AI now answers religious questions, and Bunt (2018) had already shown that digital environments were reshaping religious authority before these systems appeared. In Indonesia, Wong-A-Foe (2025) documented educators who separate religion from technical training, religious leaders who caution against attributing spirit or intention (*niyyah*) to machines, and students who see AI as both a national development tool and a site for Qur'anic ethics. Scholars disagree on fundamentals. Elmahjub (2023) argued for a pluralist approach in which Islamic *maslahah*, read in either utility-based or duty-based terms, contributes to global benchmarking. Raquib et al. (2022) argued instead that a maqasid-

grounded virtue ethics should stand as an alternative to an AI industry driven by market logic. Ghaly (2024) took a middle position, finding no insurmountable barrier in the Islamic tradition to adopting AI in the workplace, provided that precautions protect moral values. Meanwhile, the data economy that Zuboff (2019) described as surveillance capitalism continues to expand, and most of the AI systems Muslims use are designed outside their own ethical tradition. This paper therefore asks how the *maqasid* should be reconstructed so that they can guide AI in digital Muslim societies, and what practical instruments would follow from that reconstruction.

Literature Review

Maqasid theory and its modern expansion

The *maqasid* tradition is not a fixed list but a method that has been revised repeatedly. Al-Shatibi's *al-Muwafaqat* is regarded as the first systematic codification of the objectives of the shariah (Al-Shatibi, 2011). Kamali (2008) explained that the five essentials were derived inductively from the texts and that later jurists treated the list as open to extension. Ibn Ashur (2006) shifted attention from the individual to society, naming orderliness, equality, freedom, and the preservation of human nature (*fitrah*) as general objectives. Auda (2008) criticised classical formulations for focusing on individuals and on protection, and proposed a systems approach in which the *maqasid* are purposive, multidimensional, and directed at human development. Chapra (2008) likewise read the five objectives as conditions for comprehensive human well-being rather than as minimum legal safeguards. Dusuki and Abdullah (2007) showed that the three-level ranking of *maslahah* can work as a decision framework when interests conflict. This history matters for AI because it shows that reconstruction is an established practice within the tradition, not a departure from it.

Mainstream AI ethics: convergence and weakness

The mainstream literature shows convergence on principles and doubt about their effect. Floridi et al. (2018) and Jobin et al. (2019) documented broad agreement on a small set of principles, and UNESCO (2022) translated similar values into a global recommendation. Critics argue that agreement on words hides disagreement on meaning and priority. Mittelstadt (2019) noted that principles must still be translated into practice and that AI development lacks proven methods and legal accountability for doing so. Hagendorff (2020) found that guidelines rarely affect developers' decisions because nothing enforces them. The evidence of harm is concrete. Obermeyer et al. (2019) demonstrated that a widely used health-care algorithm in the United States underestimated the needs of Black patients because it used cost as a proxy for illness. Zuboff (2019) described a business model built on extracting behavioural data to predict and shape conduct. Mohamed et al. (2020) added that such harms fall unevenly and follow older lines of global inequality. The European Union's response has been to move from voluntary ethics to binding rules graded by risk (European Parliament & Council of the European Union, 2024).

The emergence of Islamic AI ethics

A distinct Islamic literature has formed since 2020. Chaudhary (2020) opened the discussion by identifying the philosophical and theological questions hidden inside contemporary digital practices and by marking where Islamic perspectives converge with or diverge from other digital ethics. Raquib et al. (2022) proposed a virtue-based framework grounded in the *maqasid* and questioned the assumption that unrestricted AI development is inherently good. Mohadi and Tarshany (2023) used a qualitative approach to argue that privacy and manipulation are central AI challenges because they touch values the *maqasid* protect. Kannike and Fahm (2025) combined the *maqasid* with *tawhid*, *ihsan*, and *'adl* and identified algorithmic bias, privacy infringement, erosion of autonomy, and unclear accountability as the main risks. Noordin and Zailan (2025) drew on the Qur'an and *tafsir* to link AI ethics with justice, accountability, remembrance, reflection, and gratitude. These studies establish that the tradition has relevant concepts. Most of them, however, apply the classical five objectives as given.

The first debate: utility or duty, complement or alternative

The sharpest disagreement concerns the meaning of *maslahah* and the relationship between Islamic and mainstream ethics. Elmahjub (2023) showed that Islamic jurisprudence contains both welfarist, utility-based readings of *maslahah* and duty-based readings that give priority to intrinsic values such as fairness, dignity, and human agency. He argued that both can inform a pluralist benchmark for AI and that engaging global frameworks does not mean abandoning the distinctiveness of Islamic thought. Raquib et al. (2022) took a more critical position. They presented maqasid-based virtue ethics as an alternative system, valued because its ontological foundation allows it to resist the socio-economic pressures that shape the technology industry. Ghaly (2024) offered evidence for a moderate reading: the Islamic moral understanding of work poses no insurmountable obstacle to AI, and the historical flourishing of automata in Islamic civilisation shows that the tradition has accommodated intelligent machines before. The debate is unresolved, and its outcome determines whether a maqasid framework would refine existing AI governance or challenge its premises.

The second debate: authority and lived practice

A second line of work asks who speaks for Islam when machines produce religious content. Bunt (2018) showed that cyber-Islamic environments had already transformed how religious authority is exercised and contested. Generative AI intensifies this change. The limited empirical evidence suggests that Muslim users adopt AI faster than guidance appears. Hakim and Shamsuddin (2024) surveyed 83 students and interviewed Islamic scholars and AI experts; they found near-universal belief in the permissibility of ChatGPT, an absence of clear ethical guidelines, and scholarly insistence on critical thinking and the primacy of human wisdom. They concluded that permissibility depends on context and must be assessed against the maqasid, especially the protection of religion and life. Wong-A-Foe (2025), drawing on 14 months of ethnographic fieldwork in Indonesia, described an "ethical in-betweenness" in which Muslims move between technocratic, religious, and nationalist framings of AI without reducing them to one. Both studies indicate that ethical reasoning about AI is already taking place in ordinary Muslim life, largely without institutional support.

Synthesis and remaining gap

Read together, the literature supports three conclusions. The maqasid are widely accepted as the appropriate Islamic framework for AI ethics. The framework has so far been applied mostly as a mapping exercise, with few attempts to revise the objectives themselves in the way Ibn Ashur (2006) and Auda (2008) revised them for earlier conditions. And the field lacks operational instruments and empirical testing. Abdullah and Bashori (2026) reached the same finding at scale: research clusters around framework design, challenges and opportunities, and broader implications for human values, while the bridge from normative theory to practical design remains weak. National instruments illustrate the consequence. Malaysia's guidelines adopt seven principles aligned with international frameworks (MOSTI, 2024), yet the scholarly work needed to connect such principles to the maqasid in a usable form is still missing. This paper addresses that gap.

Methodology

Research design

This study uses a qualitative, conceptual design. Jaakkola (2020) distinguished four types of conceptual article: theory synthesis, theory adaptation, typology, and model. This paper is a theory adaptation. It takes an established theory, the maqasid, and revises it by confronting it with a new domain, AI ethics. No primary data were collected from human participants.

Data sources

The data are documents, analysed following Bowen's (2009) account of document analysis as a systematic procedure for reviewing and interpreting texts. Three groups of documents were selected purposively:

1. Maqasid scholarship: a classical source in translation (Al-Shatibi, 2011) and five contemporary treatments (Ibn Ashur, 2006; Dusuki & Abdullah, 2007; Auda, 2008; Chapra, 2008; Kamali, 2008).
2. Islamic AI and digital ethics literature published between 2020 and 2026 in peer-reviewed journals and proceedings, including conceptual studies, one systematic review, one mixed-methods study, and one ethnographic study.
3. Mainstream AI ethics scholarship and governance instruments: the UNESCO Recommendation, the European Union AI Act, and Malaysia's National Guidelines on AI Governance and Ethics.

Inclusion criteria

A document was included if it (a) addressed the objectives of Islamic law, AI ethics, or their intersection directly; (b) was published by a recognised academic publisher, peer-reviewed journal, or official body; and (c) could be traced to a verifiable record such as a DOI, a publisher's catalogue, or an official repository. The final corpus consists of the 30 sources listed in the references.

Analysis

The documents were analysed thematically, guided by the six phases described by Braun and Clarke (2006): familiarisation with the texts, generation of initial codes, searching for themes, reviewing themes, defining and naming themes, and producing the report. Coding was both deductive and inductive. The five essential objectives served as the initial deductive codes. Harms and safeguards that did not fit any of the five were coded inductively and later grouped into the cross-cutting objectives proposed in the discussion. The three-level ranking of *maslahah* was then used to order the resulting themes by severity.

Trustworthiness and limitations

Credibility was pursued by comparing the three document groups against one another, so that a claim made in the Islamic ethics literature was checked against the classical theory and against evidence from mainstream studies. The study has three limitations. It relies on English-language and translated sources, so Arabic, Malay, and Indonesian scholarship is under-represented. The corpus was selected purposively rather than through an exhaustive database search, so it is illustrative, not complete. The proposed framework is conceptual and has not been validated with experts or tested on real AI systems; that work is set out in the suggestions below.

Discussion

From protection to development

The analysis supports one central argument: the maqasid can govern AI only if each objective is read as a positive goal to be advanced as well as an interest to be protected. This follows Auda's (2008) shift from protection to development and Chapra's (2008) reading of the objectives as conditions of well-being. Protecting intellect, for example, classically meant prohibiting intoxicants. Under algorithmic conditions the threat to intellect is different: systems designed to capture attention and predict behaviour (Zuboff, 2019), and convenient tools that invite users to stop reasoning for themselves, a concern raised by the scholars interviewed by Hakim and Shamsuddin (2024). A reconstructed *hifz al-'aql* therefore requires not only that AI avoid deception but that it actively support human understanding and judgement.

Re-specifying the objectives

Table 1 sets out the reconstruction for the five essential objectives and adds two cross-cutting objectives, dignity and justice. The additions are justified on two grounds. Textually, Ibn Ashur (2006) had already recognised equality and freedom as general objectives, and Elmahjub (2023) identified fairness, dignity, and human agency as intrinsic values in duty-based readings of *maslahah*. Empirically, the best-documented AI harms, such as discriminatory outputs (Obermeyer et al., 2019) and pervasive data extraction (Zuboff, 2019), are harms to equal treatment and to the person as such, and they fit poorly within any single classical objective.

Table 1. *The maqasid reconstructed for AI*

Objective	Reconstructed meaning for AI	Main AI risk	Indicative safeguard
Religion (<i>hifz al-din</i>)	Integrity of religious knowledge and authority	AI-generated religious content without scholarly verification (Hakim & Shamsuddin, 2024; Bunt, 2018)	Qualified human review of religious outputs; disclosure of sources and limits
Life (<i>hifz al-nafs</i>)	Physical and psychological safety	Unsafe or biased decisions in health and other critical services (Obermeyer et al., 2019)	Pre-deployment testing; human responsibility for high-stakes decisions
Intellect (<i>hifz al-'aql</i>)	Capacity for independent reasoning and access to truthful information	Manipulation and over-reliance (Mohadi & Tarshany, 2023; Zuboff, 2019)	Transparency about AI use; design that supports rather than replaces reasoning
Lineage and family (<i>hifz al-nasl</i>)	Protection of children, family life, and future generations	Exposure of minors to harmful or exploitative systems	Age-appropriate design; stronger protection of children's data
Property (<i>hifz al-mal</i>)	Fair distribution of economic benefit; protection of data as an asset	Displacement of work and unfair automated financial decisions (Ghaly, 2024)	Fairness audits; safeguards for workers affected by automation
Dignity (<i>hifz al-'ird / karamah</i>), cross-cutting	Privacy, reputation, and respect for the person	Surveillance and misuse of personal data (Kannike & Fahm, 2025)	Data minimisation; consent; redress mechanisms
Justice (<i>'adl</i>), cross-cutting	Equal treatment and accountability	Algorithmic bias and unclear responsibility (Kannike & Fahm, 2025; Mohamed et al., 2020)	Bias testing; a named accountable party for every deployed system

Ranking harms: a three-tier maqasid impact assessment

Listing objectives is not enough, because AI decisions involve trade-offs. The classical ranking of interests supplies a method for resolving them, as Dusuki and Abdullah (2007) showed for corporate decisions. Applied to AI, an effect that threatens the existence of an objective is essential (*daruri*) and should lead to prohibition or strict control. An effect that causes hardship without destroying the objective is complementary (*haji*) and calls for mitigation. An effect that concerns refinement or excellence is embellishing (*tahsini*) and is a matter for encouragement rather than obligation. This structure is compatible with the risk-graded logic of the European Union AI Act (European Parliament & Council of the European Union, 2024), which makes it usable alongside existing regulation. It differs in what it measures: risk is assessed against a substantive account of human good, not only against a list of regulated uses. It also responds to the criticism of Mittelstadt (2019) and Hagendorff (2020) that principles lack a method of application, since the ranking gives reviewers an ordered question to ask of any system.

Positions on the two debates

On utility versus duty, the reconstruction treats the two readings of *maslahah* identified by Elmahjub (2023) as working at different levels. Duty-based values set the limits: no gain in efficiency justifies an essential-level harm to dignity, life, or religion. Within those limits, utility-based reasoning is appropriate for weighing complementary and embellishing benefits. On complement versus alternative, the framework does both. It can be mapped onto the principles in UNESCO (2022) and MOSTI (2024), which gives it practical reach, while keeping the critical edge that Raquib et al. (2022) considered essential, because it asks whether a system serves human flourishing at all. On authority, the analysis supports the position found in the empirical studies: AI can assist religious learning, but it has no intention or moral responsibility, and interpretive authority remains with qualified scholars (Hakim & Shamsuddin, 2024; Wong-A-Foe, 2025).

Implications for digital Muslim societies

Three implications follow. Muslim societies need not choose between adopting imported principles and rejecting AI; the maqasid allow selective, reasoned engagement of the kind Ghaly (2024) described. The tradition can also contribute to global AI ethics rather than only receive from it, which answers the concern about one-sided norm-setting raised by Jobin et al. (2019) and Mohamed et al. (2020). Finally, the framework will remain a proposal until it is tested. The gap between theory and implementation reported by Abdullah and Bashori (2026) applies to this paper as much as to the literature it reviews.

Suggestions

The first set of suggestions is addressed to scholars and fatwa institutions, because the reconstruction proposed in this paper depends on their authority. AI raises questions that no single discipline can answer, so collective *ijtihad* should be organised through standing committees that bring jurists, ethicists, and computer scientists together (Kannike & Fahm, 2025). These bodies should give priority to clear guidance on the use of generative AI for religious questions, since Hakim and Shamsuddin (2024) found that Muslim students were already using such tools widely without any guidelines to follow. Scholars should also widen the evidence base. The restricted research scope reported by Abdullah and Bashori (2026) will only be corrected if future work moves beyond conceptual studies and draws on Arabic, Malay, and Indonesian scholarship as well as English-language sources.

Regulators and policymakers are the second audience. National AI instruments in Muslim-majority countries would be strengthened by adding a maqasid impact assessment to the principles they already contain. In Malaysia, such an assessment could accompany the seven principles of the national guidelines (MOSTI, 2024) for systems used in religious affairs, Islamic finance, education, and health, where the stakes for the five essential objectives are highest. The three tiers proposed in this paper offer a workable classification: effects at the essential level should be aligned with the highest risk categories in binding regulation, following the graded approach of the European Union (European Parliament & Council of the European Union, 2024), while complementary and embellishing effects can be handled through mitigation and encouragement. Policymakers should also take an active part in international standard-setting, so that Islamic ethical perspectives are represented when instruments such as the UNESCO (2022) Recommendation are reviewed and applied.

Developers and technology companies carry the responsibility of turning these principles into design. The reconstructed objectives in Table 1 should be used as a checklist at the start of a project rather than as a review at the end, because ethical problems are far harder to correct once a system has been built. Where a system produces religious content, that content should be labelled as AI-generated, its sources and limits should be stated, and users should be given a route to a qualified human scholar. Developers should further audit training data and outputs for bias before release and assign a named accountable person to every deployed system. These steps respond

directly to the criticism that AI ethics lacks enforcement and methods of application (Hagendorff, 2020; Mittelstadt, 2019).

Universities and educators have a particular role in closing the distance between technical competence and ethical reasoning. Wong-A-Foe (2025) observed that educators often separate religion from technical training, which leaves students to reconcile the two on their own. AI literacy should therefore be taught together with Islamic ethics, so that graduates in both computing and Islamic studies can evaluate AI systems against the *maqasid*. Institutions should also set clear policies on student use of generative AI. Such policies should protect independent reasoning and academic integrity, in keeping with the reconstructed objective of preserving the intellect.

Finally, future research should test what this paper has only proposed. The framework should first be validated through expert consensus methods such as the Delphi technique or the Fuzzy Delphi Method, involving scholars of Islamic law and specialists in AI. Measurable indicators should then be developed for each objective and applied to real AI systems in at least one sector, so that the three-tier assessment can be refined through use. Surveys and ethnographic studies are also needed to show how Muslims in different countries use and evaluate AI, building on the two empirical studies currently available (Hakim & Shamsuddin, 2024; Wong-A-Foe, 2025). Only with this evidence can a *maqasid*-based ethics of AI move from normative argument to practical governance.

Conclusion

The *maqasid* offer digital Muslim societies a principled way to engage AI that neither copies imported frameworks nor withdraws from the technology. This paper has argued that the classical objectives must be reconstructed to do that work. Each objective needs to be re-specified for algorithmic conditions, dignity and justice need to be recognised as cross-cutting objectives, and the classical ranking of interests needs to be turned into a practical method for assessing AI systems. The literature shows agreement that the *maqasid* are relevant and disagreement about how *maslahah* should be read, how Islamic ethics should relate to global principles, and who holds authority over AI-generated religious content. The reconstruction proposed here takes a position on each question, but it remains conceptual. Its value will depend on expert validation, empirical testing, and adoption by the institutions that govern AI in Muslim societies.

Conflicts of Interest

The authors declare no conflicts of interest regarding the publication of this paper.

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