



ISLAMICO-LEGAL APPROACH TO ARTIFICIAL INTELLIGENCE: IMPLICATIONS FOR SUSTAINABLE POLICY DEVELOPMENT

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Artificial Intelligence (AI) profoundly reshapes modern life, presenting unique legal and ethical challenges, especially within Islamic legal systems. The 1981 AI-related fatality underscored a critical jurisprudential dilemma: who bears liability when machines cause harm? As AI autonomy grows, questions arise regarding its legal status and accommodation within Islamic Law's framework of rights and duties. While global discourse explores "electronic personhood," Islamic jurisprudence lacks comprehensive engagement. This research addresses this gap by adopting an Islamico-legal approach, interrogating whether AI entities can be granted legal personality (*dhimma*) and capacity (*ahliyyah*) under Islamic Law, and their extent of liability. This research employs a doctrinal methodology, which is essential for a systematic analysis of primary Islamic legal sources (Qur'an, Sunnah) and classical juristic (*fiqhi*) rulings to establish a coherent theoretical framework for novel issues. It proposes analogising AI tools and redirecting culpability to operators, owners, or others. This research offers a distinct Islamic jurisprudential model that aligns accountability with innovation, providing crucial insights for sustainable AI policy development, particularly in the Global South.

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1. INTRODUCTION

The rapid advancement of information and communication technology (ICT) continues to transform human interaction and reshape key sectors such as education, healthcare, business, and national security. Among the most groundbreaking outcomes of this technological evolution is Artificial Intelligence (AI), a non-natural form of intelligence exhibited by machines and computer systems. Unlike human and animal intelligence, which are biologically derived, AI is embedded in robots, digital assistants, and autonomous systems designed to simulate human reasoning and behaviour.¹ While AI has become an essential tool across industries, its growing autonomy raises urgent legal and ethical questions. The absence of human intervention in the decision-making process of advanced AI systems creates legal uncertainties. Can an AI that mimics human behaviour be granted rights like those of natural persons or animals?² Can it enter legally binding agreements?³ Who is to be held liable when an AI system breaches a law? Such questions have exposed the limitations of current legal frameworks across jurisdictions, including those that operate under Islamic Law.

Islamic Law, derived from divine sources and supplemented by human reasoning, remains relevant across time and space. Though AI did not exist during the prophetic or early Islamic periods, the dynamic nature of Islamic jurisprudence, through *ijtihad* (independent reasoning) and *qiyas* (analogical deduction), permits scholars to derive rulings for novel issues like AI. Moving beyond Western paradigms, this paper adopts an Islamico-legal approach to explore whether AI entities can be recognized as legal persons under Islamic Law. It does so by examining the classical doctrines of *dhimma* (legal personality) and *ahliyyah* (legal capacity), the benchmarks for assigning rights and liabilities. This work proposes the use

¹ Nur Adlin and Mohd Yazid, 'Establishing Legal Rights and Liabilities for Artificial Intelligence' (2018) 26(1) IIUM Law Journal 161, 164.

² Ibid, p. 167

³ Benjamin D. Allgrove, 'Legal Personality for Artificial Intellects: Pragmatic Solution or Science Fiction' (MPhil dissertation, University of Oxford) <https://papers.ssrn.com/sol3/Delivery.cfm/SSRN_ID926015_code662977.pdf?abstractid=926015&mirid=1> accessed 5 June 2025.

of analogical deduction by comparing AI entities to tools which can be utilized as a viable method for assessing their liability or otherwise under Islamic jurisprudence, thereby informing sustainable policy development, especially in the Global South.

AI covers and is being used in the field of robotics ⁴ such as medical robots and diagnostic-assistive technologies in medical care, self-driving vehicles,⁵ Drones⁶ and AI personal assistants.⁷

1.1 Research Methodology

This research adopts a doctrinal legal research methodology. Doctrinal research, as Hutchinson and Duncan observe, is concerned with ‘the formulation of legal “doctrines” through the analysis of legal rules’ and involves ‘the systematic analysis of statutory provisions and judicial decisions, and the synthesis of legal principles from disparate sources’.⁸ This methodology is particularly suited to the present inquiry, which seeks

⁴ An example of Artificial Intelligence in the field of robotics is humanoid robot called ‘Sophia’. **Sophia** is a social humanoid robot developed by the Hong Kong-based company Hanson Robotics. Sophia was activated on February 14, 2016 and made her first public appearance in mid-March 2016 at South by Southwest (SXSW) in Austin, Texas, United States. The robot is known for its human-like appearance and behavior compared to previous robotic variants. As of 2018, Sophia's architecture includes scripting software, a chat system. Micheal Greshko, ‘Meet Sophia, the Robot that Looks Almost Human’ (*National Geographic*, 18 May 2008) <<https://www.nationalgeographic.com/photography/article/sophia-robot-artificial-intelligence-science>> accessed on 25th of January 2026.

⁵ A self-driving car (also known as an autonomous car or driverless car) is a vehicle that uses a different number of sensors, radars, cameras, and artificial intelligence to travel to destinations without needing a human driver. -Enterprise Engineering Solutions ‘Do self-driving cars use Artificial Intelligence (AI)?’ EES (n. d.) <<https://www.eescorporation.com/do-self-driving-cars-use-ai/>> Accessed on 7th of November 2023.

⁶Pranav Kumar, ‘Artificial Intelligence in Drone Technology’ *Wevolver*. (2021) <<https://www.wevolver.com/article/artificial-intelligence-in-drone-technology/>> accessed on the 7th of November 2023.

⁷ An AI personal assistant is a piece of software that understands verbal or written commands and completes task assigned by the client. For example, Apple ‘Siri’. M. Mirthula ‘How to build your own AI personal assistant using Python’ (*Towards data science*, 24 July 2020) <<https://towardsdatascience.com/author/mmirthula02/>> accessed on 27th of January 2026.

⁸ Terry Hutchinson and Nigel Duncan, ‘Defining and Describing What We Do: Doctrinal Legal Research’ (2012) 17 *Deakin Law Review* 83, 84, 101.

to derive normative principles for AI governance from within the Islamic legal tradition. Within Islamic legal scholarship, doctrinal research (*al-baḥth al-fiqhī al-naẓarī*) entails rigorous analysis of the Quran, *Sunnah*, consensus (*ijmāʿ*), and analogical reasoning (*qiyās*) to derive rulings for an unprecedented issue.

This research proceeds in three doctrinal movements: first, the exposition of existing rules concerning legal personality (*dhimma*) and capacity (*ahliyyah*) as developed by classical jurists; second, the extension of these rules to novel phenomena (*nawāzil*) through analogical reasoning (*qiyās*); and third, the systematisation of these extended rules into a coherent framework capable of informing policy. This approach is particularly suited to addressing emergent technologies like artificial intelligence within classical Islamic jurisprudence, where direct textual evidence is absent but foundational principles remain applicable.⁹

Contrary to characterisations of doctrinal research as purely descriptive, we align with Vranken’s conception of the method as involving ‘reconstruction, critical evaluation, and, where necessary, proposals for improvement’.¹⁰ This work is not merely to describe what classical jurists said about legal personality, but to reconstruct their doctrines in light of contemporary technological challenges and to evaluate which analogical extensions are most coherent with the underlying rationales of the law. This constructive dimension is consistent with the tradition of *ijtihād* (juristic reasoning) within Islamic jurisprudence, wherein qualified jurists (*mujtahidūn*) extend revealed principles to unprecedented cases.

2. THE DISPOSITION OF ISLAMIC LAW TO ARTIFICIAL INTELLIGENCE

The legal basis for the use of ICT in the practice of Islamic Law is premised on the Islamic legal maxim that “the general rule of a beneficial

⁹ Mohammad Hashim Kamali, *Principles of Islamic Jurisprudence* (3rd edn, Islamic Texts Society 2003) 221–25.

¹⁰ Jan B M Vranken, ‘Methodology of Legal Doctrinal Research: A Comment on Westerman’ in Mark van Hoecke (ed), *Methodologies of Legal Research: Which Kind of Method for What Kind of Discipline?* (Hart Publishing 2011) 111, 113

thing is permissibility while that of a harmful thing is prohibition” except there is evidence to the contrary,¹¹ i.e. unless there is a prohibition in the *Quran*, or in the *sunnah*. Premised on this, the study of mechatronics is not prohibited in Islam. The reasoning is because in Islam, the idea is not to make things unnecessarily difficult, but instead to make life easier whenever possible, as long as it is consistent with Islamic teaching. This can be seen from *Suratul Ma'idah*:

*...Allah does not intend to make difficulty for you, but He intends to purify you and complete His favour upon you that you may be grateful.*¹²

The above verses explain that Allah does not intend to make things difficult, as can be seen from the flexibility given to travellers in relation to performing prayer during travel.¹³ This explains that Islamic law is not a difficult law or religious law, and explains that no soul is burdened beyond its capacity.

Consequently, the creation of artificial intelligence is generally permissible under Islamic Law if it is meant to ease our matter, without causing harms to others. In addition, it is noted that Islamic Law recognizes Allah as the sole creator. The creation of artificial intelligence and robots are merely modifications and adjustments of materials that were already created by Allah, to improve human life. This is like the creation of cars and other useful machinery. This can be seen in the following verse:

*“It is He who created for you all of that which is on the earth. Then He directed Himself to the heaven, [His being above all creation], and made them seven heavens, and He is”*¹⁴

The following verse is a better authority that the creation of artificial intelligence and robots for the improvement of human life is generally permissible:

¹¹ Adlin and Yazid (n 2) 176

¹² Quran 5:6

¹³ Quran 22:78

¹⁴ Quran 2:29

*“And He has subjected to you whatever is in the heavens and whatever is on the earth - all from Him. Indeed in that are signs for a people who give thought”*¹⁵

However, despite the general permissiveness of Islam, it must be noted that Islam generally shunned the creation of statute like idols and images of living things. This can be seen in the following *ahadith* (plural of *hadith*):

*“Among the people who will be most severely punished on the Day of Resurrection will be the image-makers.”*¹⁶,

*“The makers of images will be punished on the Day of Resurrection, and it will be said to them, ‘Breathe life into that which you have created.’”*¹⁷

However, it is noted that such prohibition mostly refers to idols or images that might be idolized or worshipped.¹⁸ Toys are permissible in Islam despite their similarity to living creature, and another relevant *hadith* is that related by Aishah, the wife of the Prophet:

*Aishah narrated, “I used to play with dolls when I was with the Prophet (Peace be upon Him) and my girlfriends also used to play with them. When he used to enter the house, my girlfriends used to hide themselves, but the Prophet (Peace be Upon Him) would call them to come and play with me.”*¹⁹

Muslim scholars are generally in agreement that creating machines to better human existence is permitted if it is useful and does not violate the religion's limitations. The creation of humanoid robots presents a challenging issue in Islamic jurisprudence, particularly because it involves

¹⁵ Quran 45:13

¹⁶ Imam Al-Bukhari, *Sahih Al-Bukhari*, Vol. 7 Hadith No. 834 (Lahore, Kazi Publications 1979); Imam Muslim, *Sahih Muslim*, Vol. 5 Hadith No. 5525 (Riyadh, Darussalam 2007).

¹⁷ Imam Muslim, *Sahih Muslim*, Vol. 5 Hadith No. 5533 from ‘Aisha (and 5535–5536 from Nafi’) (Riyadh, Darussalam 2007); Imam Al-Bukhari, *Sahih Al-Bukhari*, Vol. 9 Hadith No. 647 from ‘Aisha (and 647 from Ibn ‘Umar) (Lahore, Kazi Publications 1979).

¹⁸ Yusuf Al-Qardhawi, *The Lawful and the Prohibited in Islam* (Cairo, Al-Falah Foundation 2001) 103.

¹⁹ Imam Al-Bukhari, *Sahih Al-Bukhari*, Vol. 8 (Lahore, Kazi Publications 1979) Hadith No. 151; Imam Muslim, *Sahih Muslim*, Vol. 6 (Riyadh, Darussalam 2007) Hadith No. 6287.

imitating living beings. This concern is rooted in a *hadith* that prohibit the creation of images of humans and animals, as such acts may be viewed as an attempt to rival Allah's exclusive role as the Creator and giver of life. The *hadith* goes thus:

*“Whoever makes an image in this world will be ordered to breathe life into it on the Day of Resurrection, and he will not be able to breathe it [life].”*²⁰

The approach of scholars in resolving this dispute is to suggest that humanoid robots are permissible if they are "deficient" in outward appearance, such as missing facial features, or if they resemble inanimate objects or tools designed purely for benefit. An exception is sometimes made for 3D figures that resemble living beings if they are specifically intended as children's toys, citing the *hadith* where Aisha (RA) played with dolls.²¹ To the authors, the apparently safer approach is to avoid creating such humanoids or robots unless necessary, such as in a battlefield or for military purposes. This is because, unless there is a good or sufficient basis, Islam prohibits the construction of things that resemble God's original creation. The social and emotional harm that humanoids and robots that mimic humans can cause cannot be overlooked. The development of humanoids that resemble humans and are capable of intellectual discussion and physical contact will alter the very fabric of society.²²

Furthermore, AI should be built to be non-malevolent, that is, it should not cause harm. This is consistent with the principles of *Maqasid al-shari'ah* (Objectives of Islamic Law), which state that any AI system, model, or application that might cause harm or hazard to one's religion, life, intellect, lineage, or riches is absolutely forbidden.

²⁰ Ibid *Hadith* No. 5963

²¹ IslamWeb, 'Working with and using Robots' *IslamWeb.net* (May 11, 2023) <<https://www.islamweb.net/en/fatwa/85827/working-with-and-using-robots>> accessed 25th January 2026

²² Adlin and Yazid (n 2) 176

3. LEGAL PERSONALITY AND CAPACITY UNDER ISLAMIC LAW

Legal personality defines who counts for the purpose of the law. It defines who is competent to have legal rights and owe certain duties. Every right must be linked to a person who is able or assumed to be able to enjoy it. A person is an entity under Islamic Law who can receive the spiritual and legal aspects of *shari'ah* and this is applicable to all *mukallafun* (singular- *mukallaf* i.e. a legally accountable person).

3.1 Legal Personality (*Dhimma*) In Islamic Law

It is absolutely a legal impossibility that a right exists in abstract, without a person who is able or presumed to enjoy it.²³ A person is an entity who is able to receive the spiritual and legal aspects of Islamic Law, and can either be a natural person or a juristic person.²⁴ Under Islamic Law the Arabic term "*dhimma*" means the ability to acquire rights and obligations.²⁵ *Dhimma* is the central issue of Islamic Jurisprudence in determining the rights and obligations of a competent person. Legal personality is the eligibility to have *dhimma*. However, some writers have described *dhimma* as an aspect of Legal personality²⁶, some as an attribute of Legal Personality²⁷ while some stated that the term is equivalent to legal personality.²⁸

Above all, *dhimma* is a pre-requisite for human accountability to God and as a person is born, he has *dhimma* to owe obligations and be due for it.

²³ Mahdi Zahraa, 'Legal Personality in Islamic Law' (1995) 10(3) Arab Law Quarterly 193 <https://www.jstor.org/stable/3381354> accessed 23 May 2025.

²⁴ Ibid p. 193

²⁵ Al-Sarakhsi, *Usul al-Sarakhsi*, Vol. 2 (Dar al-Kutub al-Ilmiyyah 1953).

²⁶ Mahdi (n 24) 203

²⁷ Danish Yusuf, 'Law for Crime Under Islam' (Random Publications 2013) p. 159

²⁸ Baber Johansen, 'The legal personality (*dhimma*) in Islamic Law: how to separate personal obligations from goods and secure credit for the insolvent' (Before and Beyond Europe Conference, Yale University, February 2011) <https://www.google.com/url?sa=t&source=web&rct=j&url=http://www.econ.yale.edu/~egcenter/Johansen_paper.pdf&ved=2ahUKEwiX4r2Iv4f4AhVNgP0HHUZWCUGQFnoECAMQAQ&usg=AOvVaw3PBSmNjyFUFw7Oo33Hgw9p> accessed on 30 June 2025

As stated earlier, *dhimma* is a result of pledge or covenant (*ahad*) made by man as it is stated in the *Qur'an*²⁹, where *Allah* says:

"We indeed offered the trust to the heavens and the earth and the Mountains, but they refused it and were afraid of it- and man accepted it; indeed he is one who puts himself into hardship, extremely unwise".

It is a trust resulting from the covenant man made with the Lawgiver which is mentioned in the *Qur'an*³⁰ where *Allah* says:

And (mention) when your Lord took from the children of Adam - from their loins - their descendants and made them testify of themselves, (saying to them), "Am I not your Lord?" They said, "Yes, we have testified." (This) - Lest you should say on the day of Resurrection, "Indeed, we were of this unaware.

The Legal consequence of these aforementioned verses is stated in the *Qur'an*³¹ where *Allah* says:

"And (for) every person We have imposed his fate upon his neck, and We will produce for him on the Day of Resurrection a record which he will encounter spread open."

The joint reading of these verses simply implies accountability. Having affirmed *Allah's* Lordship on us, we confirmed that all His laws are valid for us and are incumbent upon us to follow.³²

3.2 Who Can Have *Dhimma*?

The joint reading of the verses quoted above³³ points to the fact that the *dhimma* is an attribute conferred upon by the Lawgiver because of the covenant (*ahad*) and according to Danish,³⁴ *dhimma* can only be assigned to a natural person. However, under the Western law, legal personality is

²⁹ Quran 33:72

³⁰ Quran 7:172

³¹ Quran 17:13

³² Fatima Seedat, 'Sex and the Legal Subject: Women and Legal Capacity in Hanafi Law' (PhD dissertation, McGill University, 2013) 116.

³³ Quran 33:72, Quran 7:172 and Quran 17:13

³⁴ Yusuf (n 28) 159

accorded to both natural and artificial persons; the difference however lies in that Islamic *dhimma* embraces all religious or financial obligations whereas the equivalent concept under the Western Law is only concerned with financial and other civil obligations. As a result, animals are exempted because they have no *dhimma* as such. Zahraa also notes that *dhimma* is an attribute of legal personality and vice versa, every human being is presumed to have natural legal personality, so generally it starts when a person is born and ends upon death.³⁵

There have been debates as to whether or not *dhimma* (legal personality) could be granted to non-human entities like corporations, *waqf* (endowment), Islamic Public Treasury (*bait al-mal*), schools, orphanages, hospitals, mosques and other charitable institutions because the fundamental contention of Islamic scholars is that a legal personality must exist as a pre-requisite to the legal capacity for a person to claim, amend, transfer or own right.

Imam Al-sarakhsi and some Hanafi Jurists hold the opinion that *dhimma* can only be granted to human beings. Al-sarakhsi said: “It is the human being alone (who enjoys this capacity) to the exclusion of all other animals that (all) do not have an appropriate legal personality”³⁶ He relied on *Surat al-ahzab* (Verse 72), and likened *dhimma* with trust (obligation) which was offered to man and was accepted as a whole. As such, only human beings can be fit to hold *dhimma*. The view of al-sarakhsi is also strengthened by the fact that artificial persons lack the ability to understand the communication creating the obligation and as such they can neither be held accountable nor obligable. The Hanafis also viewed that *dhimma* can only be attributed to the quality of a living human being.³⁷

³⁵ Mahdi (n 24) 204

³⁶ Jason Cheong, ‘Corporate Personality from the Eyes of Shariah’ (*Thomas Philip Advocates and Solicitors*, 3 November 2020) <https://www.thomasphilip.com.my/articles/corporate-personality-from-the-eyes-of-sharirah> accessed 31 May 2025.

³⁷ Mahdi (n 24) 202

These arguments have been refuted by Modern Islamic Jurists such as Taqi Usmani³⁸ with some other writers³⁹ who argue that the need to create and recognize a separate *dhimma* for these non-human entities is expedient. The ever-increasing number of Islamic commercial and financial entities (for instance *waqf*, whose properties are now countless in number and embrace huge areas of land, several villages or even a big part of city) demands that a juristic *dhimma* is conferred upon them to enable them to perform their rights and obligations. It is impossible to manage these entities without giving it a separate legal personality as these entities will find huge obstacles in performing their rights and duties and become redundant in its real sense⁴⁰. Since the administrators are a sort of agent or representative working on behalf of the *waqf* for the benefit of its beneficiaries⁴¹, artificial legal personality would enable the administrators of these entities perform their duties and functions efficiently for instance debts incurred for maintenance of *waqf* properties would be incurred in the *dhimma* of the *waqf* and not that of the administrator and to do otherwise would be unjust.⁴² Consequently, none of the transactions carried out by the administrator on behalf of the *waqf* involves his *dhimma* except in case his conduct leads to his liability.

³⁸ Cheong (n 37)

³⁹ M Al-Musa, '*Sharitat Al-Ashkhas Bain Al-Shari'ah Wa Al-Qanun*' (PhD dissertation, Muhammad, Ibn Sa'ud University, 1980) 113–115; Alison Lerrick and Q Javed Mian, *Saudi Business and Labour Law* (2nd edn, Graham & Trotman, London 1982) 106.

⁴⁰ Mahdi (n 24) 205

⁴¹ Ibid, Al-Sarakhsi, (n 26) 27–47.

⁴² The case of *Bank Islam Malaysia Berhad (BIMB) v Adnan bin Omar* [1994] 3 CLJ 735, [1994] 3 AMR 44, [1994] 4 BLJ 372: BBA demonstrates the recognition of corporate personality in Islamic institutions. In this case, Adnan (the defendant) filed a preliminary objection challenging the civil court's jurisdiction in hearing this Islamic finance case. The legal personality of Malaysia's first Islamic bank has been called into question. On the surface, the matter should belong to the *Shari'ah* court because BIMB is an Islamic bank. Regardless, the matter was taken to the High Court of Malaya, which ruled that BIMB, as a body corporate registered under the Companies Act 1965, was distinct from its members. It lacked a religion, and as a result. The permissibility of corporate personality may still be argued from the perspective of *maslahah* (public interest) as it is essential for the benefit of the society to accept the concept of 'corporate personality' and accordingly allow the establishment of corporations as business organisations.

3.3 *Mahkum ‘Alaih*: The Subject Of Islamic Law

Mahkum ‘alaih means the subject of the Islamic Law and this refers to a *mukallaf*. A *mukallaf* is a person who possesses *dhimma* and legal capacity. In short, having *dhimma* is a precondition to being regarded as a *mukallaf*. He is one who is alive, free, sane, and adult. He possesses full legal capacity conferred full responsibility under Islamic Law. He is legally accountable and competent and is to carry out the duty which Islamic Law imposes upon him such as praying, fasting, and fulfilling the rights of human beings in addition to the rights of Allah and avoiding forbidden things such as injustice, fornication, cheating, drinking etc.⁴³ A *mukallaf* is also defined as a legal person whose acts are to be judged valid or invalid. He is the one whose act invokes a *hukm* or a *hukm* requires him to act in a prescribed manner⁴⁴. These acts are to be accessed whether or not they fall within the ambit of legal prescriptions or proscriptions. A *mukallaf* possesses legal personality because he has legal capacity to acquire rights and obligations, thus making him a seat of obligation. It is however of utmost importance to note here that albeit, all *mukallafun* are legal persons, not all legal persons are *mukallafun*. The distinction lies in that all *mukallafun* are presumed capable to acquire rights and hold obligations (being recognised as legal persons), however legal personality is an attribute conferred upon birth however due to some impediments, not all legal persons are fit and competent to acquire rights nor hold obligations for example infants, drunkard, insane persons etc.

Consequently, Islamic Jurists have accessed principles and provisions of practical legal rule of Islamic law and came out with two conditions which are to be fulfilled before a *mukallaf* can be under any obligation and they include:

⁴³ New Age Islam, ‘Who is Mukallaf (Legally Competent) and Ghair Mukallaf (Non-Compos Mentis) in Islam’ (*New Age Islam*, 17 November 2020) <https://www.newageislam.com/islamic-q-a/new-age-islam-staff-writer/-mukallaf-legally-competent-ghair-mukallaf-non-compos-mentis-islam/d/123495> accessed 31 May 2025.

⁴⁴ Yusuf (n 28) 158

1. Ability of the *mukallaf* to understand the evidence of the Legal Obligations.⁴⁵
2. Fitness of the *mukallaf* to apply the law to his actions.⁴⁶

In analysing the first condition, the information about the law must have reached the *mukallaf*, as lack of knowledge of the evidence of the law makes the law non-existent. Before a rule of Islamic Law can operate for and against a *mukallaf*, he or she must have received a vindication of a legal obligation which must be comprehensive and well understood by the *mukallaf*.⁴⁷ It is after this understanding that he or she can determine to abide by law.⁴⁸ The second condition is that a before the law may be applied to a *mukallaf*, he should be fit to fulfil his obligations or commitments before the law.⁴⁹ In other words, he should be fit to obtain what he is entitled to, or discharge legal obligations to which he is liable to in the lens of Islamic Law.⁵⁰ Such fitness is a person's suitability and legal competence under Islamic Law⁵¹ and this is the crux of the concept of *Ahliyyah*.

4.0 AHLIYYAT (LEGAL CAPACITY) UNDER ISLAMIC LAW

Several ancient Muslim scholars from across the world have provided a comprehensive explanation of legal capacity. Al-Zarqa defined it as a description of a person that makes that individual a potential candidate for a legislative injunction.⁵² El-'Alami describes it as a person's fitness to

⁴⁵ 'Abdul-Qadir Zubair, 'The Rules of Law in the *Shari'ah*' (I.I.C. Publications Lagos) p. 115

⁴⁶ Ibid

⁴⁷ Ibid p. 152

⁴⁸ Ibid

⁴⁹ Ibid p. 155

⁵⁰ Ahmad Ibrahim Kulliyah of Laws, (n.d.) *Formation Of Contract And Its Legal Effects*, [Power point Presentation] International Islamic University of Malaysia <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&cad=rja&uact=8&ved=2ahUKewjGtrnuhpT4AhWLi_0HHRUIDqQQFnoECAMQAQ&url=https%3A%2F%2Fwww.coursehero.com%2Ffile%2F62913136%2Fcil-ilt-lecture-2pdf%2F&usg=AOvVaw2NxynqU0Q5xVU8W1lmTF2L> accessed on 4th of June 2025

⁵¹ Zubair (n 46) 155

⁵² Al-Zarqa Mustafa, *al-Madkhal al-Fiqh al-'Am* vol 2 (*Dar al-Fikr*, Damascus 1968), 9th edition, , p. 737

enter into obligation, that is, to oblige and be obliged.⁵³ Al-Sabouni defines it as the capacity to oblige, be obliged, and handle one's own activities.⁵⁴ Another basic explanation agreed upon by certain Muslim scholars is that *ahliyyah* is a person's eligibility to establish rights and obligations for himself.⁵⁵

In relation to *dhimma*, the doctrine of legal capacity is founded on the concept of legal personality. According to Zahraa, the concept of legal capacity and that of *dhimma* work hand- in- hand to serve the notion of legal personality and clarify its elements. Both concepts work in tandem at times but independently at other⁵⁶. *Ahliyyah* emerges gradually because of one's intellectual and mental development. To be able to claim *ahliyyah*, a person's intellect and discerning capacity must have evolved in stages.⁵⁷ On the other hand, *dhimma* considers a person's life to be sufficient.⁵⁸ Everyone possesses *dhimma*, but their *ahliyyah* might be total or partial depending on their mental capabilities. In other words, a person might have *ahliyyah* in part, but his *dhimma* is either present or absent.

4.1 Types Of Legal Capacity

The ability or fitness to acquire rights and exercise them, as well as accept obligations and perform them denotes two forms of capacity. They include receptive legal capacity (*ahliyyat al-wujub*) and active Legal

⁵³ El-Alami. Dawoud 'The Marriage Contract in Islamic Law', (Graham & Trotman 1992) p. 49

⁵⁴ Al-Sabouni Abd Al-Rahman, *Al-Madkhal Lidiyasat Al-Fiqh Al-Islami*, (4th edn *Al-Matba'ah Al-Jadidah* 1978) pp. 76-79

⁵⁵ Aufa Najiha Universiti Utara Malaysia 'Ahliyyah in Human resource management' (2016) p.3

<https://www.researchgate.net/publication/315740255_Ahliyyah_in_Islamic_Human_Resource_Management> accessed 27th January 2026

⁵⁶ Ibid

⁵⁷ Gulecyuz Zeynep Busra, 'The Notion of Dhimma: from Theory to Everyday Space' (Master's thesis, Ibn Haldun University Alliance Of Civilizations Institute, 2019) p. 46 <<https://www.google.com/url?sa=t&source=web&rct=j&url=https://openaccess.ihsu.edu.tr/xmlui/bitstream/handle/20.500.12154/1080/zeynep%2520b%25C3%25BC%25C5%259F%2520g%25C3%25BC%25C3%25A7y%25C3%25BCz.pdf%3Fsequence%3D1%26isAllowed%3Dy&ved=2ahUKEwj4OTlpT4AhU2gv0HHWjuBrCQFnoECA4QAQ&usg=AOvVaw2AFKFoxTF4YNXivh6lBuJr>> accessed on 27th of January 2026

⁵⁸ Ibid.

Capacity (*ahliyyat al-ada'*). These two are further subdivided into incomplete (*naqisah*) and complete (*kamilah*)⁵⁹

4.2 Receptive Legal Capacity (*Ahliyyat Al-Wujub*)

Ahliyyah, or capacity for acquisition, is a person's ability to acquire or inherit rights and duties. It is the core issue of legal personality and exists *ipso facto* and *ab initio* to every living human being. This capacity is inherent in every human being, regardless of their status. It is further subdivided into incomplete receptive legal capacity and complete receptive legal capacity. The existence of life confers this capacity, which is dissolved upon death.

4.3 Incomplete Receptive Legal Capacity (*Ahliyyat Al-Wujub Al-Naqisah*)

Incomplete Receptive Legal Capacity (*Ahliyyat Al-Wujub Al-Naqisah*) refers to a person's ability to acquire rights but not perform obligations or take on responsibilities. This can occur when a person has a claim to others' rights but no claim to their own. Jurists depict this form of ahliyyah with a human foetus in its mother's womb and a deceased person with outstanding obligations. Some jurists argue that a dead person cannot be granted ahliyyat al-wujub, while others argue that if he had been a creditor his rights should be considered as outstanding and legally attended to.

4.4 Complete Receptive Legal Capacity (*Ahliyyat Al-Wujub Al-Kamilah*)

When man is free of the aforementioned conditions, his capacity for acquisition is complete. By that time, he will be competent to assert any of his rights and to be accountable for any duty or obligation owed to others.⁶⁰ In other words, a person with this capacity can be both a creditor and a debtor.⁶¹

⁵⁹ Zubair (n 46) 156-158

⁶⁰ Ibid p. 158

⁶¹ Muhammad Naim Omar, 'The Concept of Impediments to Legal Capacity ('Awārid al-Ahliyyah) in Islamic Law of Contract and the Egyptian Civil Code of 1948' (PhD

Jurists disagree on when a person's legal capacity begins. The Hanafi believe it begins after a major part of the baby has been born, whilst the majority believes it begins after the baby has been fully delivered. This legal competence will last until death, and some jurists believe it will last until the deceased's obligation is totally paid.⁶²

4.5 Active Legal Capacity (*Abliyyat Al- Ada'*)

Abliyyat al-wujub denotes that a person holds rights and obligations, as well as having the capacity to oblige. Whereas *abliyyat al-ada'* signifies that his activities are considered by the law and that he can suffer the legal consequences of his conduct.⁶³ *Abliyyat al-ada'* refers to a person's ability to fulfill their responsibilities and obligations legally, with legal consequences for their actions. It is divided into three categories based on a person's circumstances. From infancy to seven years, a person lacks the intellect to carry out actions, making their actions null and void. However, they are financially and physically liable for tortuous liabilities.

Before reaching majority but upon reaching discernment, a person is given *abliyyat ada' al-naqisah* i.e. incomplete *abliyyah*, which is divided into three categories: acts that are highly beneficial to them,⁶⁴ acts that are detrimental to their wealth,⁶⁵ and acts that make a profit or loss⁶⁶. An imbecile (*ma'tuh*) is not considered insane but has dim-wittedness, and their acts are classified into three categories like that of a discerning minor, with the same legal consequences. They are not under any obligation in faith or ritual acts and cannot be punished physically for tortuous liabilities.

dissertation, University of Wales, Lampeter 2006) 1–263
<https://1library.net/document/yrw4rkpz-concept-impediments-capacity-awarid-alahliyyah-islamic-contract-egyptian.html> accessed 2 June 2025.

⁶² Ibid

⁶³ Gulecyuz (n 55) 54

⁶⁴ They are given legal approval even if they do not have their guardian's permission, such as receiving gifts and donating to charities.

⁶⁵ They are given legal approval even if they do not have their guardian's permission, such as receiving gifts and don These actions are subject to their guardian's approval. They will be legal if the guardian approves them; if he does not, they will be null and void.ating to charities.

⁶⁶ These actions are subject to their guardian's approval. They will be legal if the guardian approves them; if he does not, they will be null and void.

Thirdly, when a person reaches puberty, they are granted full *abliyyat al-ada'*, meaning they are legally responsible for all Islamic Law obligations, including acts of faith, rituals, contracts, and commitments.⁶⁷

5. ESTABLISHING LEGAL STATUS FOR ARTIFICIAL INTELLIGENT ENTITIES UNDER ISLAMIC LAW

Computers, not to speak of Artificial Intelligent Entities were not in use during the time Prophet Muhammad (Peace be upon Him), nor the companions, and their successors and as such, there were no explicit revelation from Allah nor a single verdict by the righteous companions or their followers on the legal standpoint of these human simulating machines. However, one of the strengths of Islamic Law is that it is always valid and enforceable and places; it is now left to the *mujtahid*, who will according to the circumstances strive to attain legal rulings through independent and analogical reasoning without transgressing limits. Premised on the foregoing, this section seeks to juxtapose with AI entities, the legal personality and capacity afforded to some of the legal persons examined previously. This is with a view to drawing an analogy to establish a basis for comparison to justify the possible recognition of AI entities as legal persons.

5.1 Can AI Entities Have *Dhimma*?

It has been established previously, that legal personality is the starting point for legal capacity under Islamic Law. In other words, the prerequisite to having legal capacity in any ramification is recognition as a legal person under the law. However, the question arises; can AI be recognized as a legal person? Human beings are considered to have a natural legal personality by virtue of being born on earth. It begins upon its being born alive and ends upon death. Al-Zarqa⁶⁸ described *dhimma* as a 'juristic container presumed in a person in order to encompass all its debts and obligations that are related to it.' It seems that the concept of *dhimma* represents that aspect of legal personality which is supposed to contain an account of all of a person's rights and obligations whether

⁶⁷ *Surah al-nisaa*:6

⁶⁸ Mahdi (n 24) 203

religious or Financial in nature⁶⁹. As stated earlier, some scholars have attributed *dhimma* to certain entities other than human beings such as *waqf*, Islamic Public Treasury (*bait al-mal*), schools, orphanages, hospitals, mosques and other charitable institutions. According to the unanimous opinion of Muslim jurists the said entities have a separate *dhimma* from that of their administrators and employees.

Taqi Usmani⁷⁰ and some writers⁷¹ argued the need to create and recognize a separate *dhimma* for these non-human entities. The ever-increasing number of Islamic Commercial and financial entities (for instance *waqf*, whose properties are now countless in number and embrace huge areas of land, several villages or even a big part of city) demands that a juristic *dhimma* is conferred upon them to enable them to perform their rights and obligations. *Waqf* is a legal and religious institution wherein a person dedicates some of his properties for a religious or a charitable purpose, creating separate legal entity. After being declared as *waqf*, the donor is no longer the owner of the property. This means the *waqf* institution may own a property.⁷² It is impossible to manage these entities without giving it a separate legal personality as these entities will find huge obstacles in performing their rights and duties and become redundant in its real sense⁷³. Since the administrators are a sort of agent or representative working on behalf of the *waqf* for the benefit of its beneficiaries⁷⁴, artificial legal personality would enable the administrators of these entities perform their duties and functions efficiently for instance debts incurred for maintenance of *waqf* properties would be incurred in the *dhimma* of the *waqf* and not that of the administrator and to do otherwise would be unjust.⁷⁵ Consequently, none of the transactions carried out by the administrator on behalf of the *waqf* involves his *dhimma* except in case his

⁶⁹ Ibid

⁷⁰ ibid

⁷¹ Al-Musa (n 40) 113-115, Lerrick, A. and Main, Q.J. (n 35) p. 106

⁷² Cheong (n 37)

⁷³ Mahdi (n 24) 205

⁷⁴ Ibid, Al-Sarakhsi (n 26) 27-47.

⁷⁵ The case of *Bank Islam Malaysia Berhad (BIMB) v Adnan bin Omar* [1994] 3 CLJ 735, [1994] 3 AMR 44, [1994] 4 BLJ 372:BBA demonstrates the recognition of corporate personality in Islamic institutions.

conduct leads to his liability. Another example is the mosque whereby any donation given to the mosque belongs to the mosque.⁷⁶

In addition, the principle of a joint stock company (*Shirkah*) which is found in the *fiqh* of Imam Shafi'i, also formed the basis of Taqi Usmani's argument on the separate legal entity (for financial corporations) under Islamic Law. Under the Shafi'i School, when more than one person run their business in partnership and the assets are mixed with each other, the *zakat* (the obligatory donation) will be levied on each of them individually.⁷⁷ However, the *zakat* will be payable on their joint stock as a whole and even if one of them does not own the amount of the *nisab* (the minimum threshold for someone to be eligible to pay *zakat*), but the combined value of the total assets exceeds the prescribed limit of the *nisab*, *zakat* will be payable on the whole joint-stock including the share of the former.⁷⁸ Hence according to Taqi Usmani, if the 'joint-stock' is subjected to the levy, it indicates that the 'joint stock' is treated as an entity distinct from the partners.⁷⁹

Also, whether the concept of 'artificial legal personality' is permissible may also be argued from another principle of Islamic jurisprudence which states that everything is permissible unless prohibited by the *Shari'ah*. And as such, companies, schools, orphanages, hospitals, mosques and other charitable institutions, being recognised as artificial and legal persons can engage in businesses and other activities so long as it does not go against Islamic laws.⁸⁰ Despite the fact that no entity other than humans appears to be eligible to receive both the spiritual (*'ibadat*) and legal (*mu'amalat*) aspects of Islamic Law, it is important to note that Islamic financial institutions and charitable institutions have separate *dhimma* different from their administrators and are religious institutions created by Islamic Law. As such, if they are not perceived as capable of receiving the transactional aspects of Islamic Law injunctions, how can we justify subjecting them to such injunctions?⁸¹ Almost all Islamic Middle

⁷⁶ Cheong (n 37)

⁷⁷ Ibid

⁷⁸ Ibid

⁷⁹ Ibid

⁸⁰ Ibid

⁸¹ Mahdi (n 24) 205

Eastern countries, with special emphasis on those that base their regulations on Islamic Law rather than Western Law, have now recognized the concept of artificial personality including, Kuwait⁸², Saudi Arabia⁸³, UAE⁸⁴, Oman⁸⁵ and Qatar.⁸⁶ The arguments for the recognition of non-human entities may also be argued from the perspective of *maslahah* (public interest) as it is essential for the benefit of the society to accept the concept of ‘artificial personality’ and accordingly allow the establishment of Financial and charitable institutions to function effectively.

Premised on the above, the possible recognition of AI entities as a separate legal entity can also be established, since there are no clear prohibitions in the *Qur’an* or *Sunnah*. Rather its permissibility may be inferred from *Qur’anic* verses⁸⁷ and the *Sunnah* of the Prophet as well as precedents of other Islamic institutions and practices (like *waqf* and the mosque) whom have been afforded separate legal personalities.

Now that it is established that AI entities can be granted *dhimma*, the next step is to consider the kind of legal capacity that would accrue to it.

6.0 AI ENTITIES AS AN ADULT/ *MUKALLAF*

Man can only be afforded complete *ahliyyat al-ada*’ or legal competence when he is matured, intelligent and sane. He is mature when he reaches the age of puberty. If he reaches puberty stage in a sane and intelligent manner, he will be granted full active legal competence. All Islamic Law obligations, including acts of faith, rituals, contracts, and commitments, are legally binding on him, and he is held accountable for them.

6.1 Can AI Entities Attain Maturity (*Bulugh*)?

We have already established whether AI entities can be intelligent and reached a conclusion that while they can be intelligent, they do not have

⁸² Law of Commercial Companies 1960 Art. 2.

⁸³ Companies Regulations 1965, Art. 13

⁸⁴ Federal Law No. 8 of 1984 regarding Commercial Companies, Art. 12.

⁸⁵ Commercial Companies Law of 1974, Art 3

⁸⁶ Commercial Companies Law No. 11 1981, Art 1.

⁸⁷ Quran 22:78, Quran 2:29, Quran 45:13

full mental faculty. The main discourse now is whether AI entities could be said to attain maturity. In Islamic law, the age of majority (*bulugh*) is crucial for the imposition of legal injunctions. Although AI entities could be judged to possess certain features unique to humans including sight, speech, hearing, touch, and sensitivity to the environment,⁸⁸ some natural human features cannot be attributed to AI entities. Notwithstanding that AI entities can be structured or built in to bear a resemblance to either a male or female gender, arguably, AI cannot be approximated to an adult.

7. AI ENTITIES AS EMPLOYEES

The advancements of AI have significantly impacted the industrial revolution, particularly in employment. Medical technology, such as ventilators and wheelchairs, uses AI for tasks like human employees. However, the question remains whether AI agents can be considered employees. Under Islamic Law, the contract of employment is hinged on the principles and rules regarding Islamic Law of contracts. As such, the essential elements and pre-conditions needed to establish a valid contract would be applicable here. Of course, an AI entity with a large extent of autonomy, may be able to express a final and unqualified expression of assent to the terms of the offeror (which fulfils the element of expression of *ijab wal qubul*- offer and acceptance), the labour of the AI entity would form the subject matter of the contract (*mahal al-'aqd* –subject matter of contract). However, is the AI entity legally competent to conclude the contract of employment? Can it understand the terms that would be communicated to it under the contract? It is trite that under Islamic Law, no person can validly conclude a legal transaction without first having attained at least intellectual maturity (prudence or sound judgement) and or physical (puberty).

It has also been argued by some writers that AI entity can be compared to a discerning minor (*sabiy mumayyiz*) endowed with *ahliyyat al-wujub al-kamilah* (complete receptive capacity) and *ahliyyat al-ada' al-naqisah*

⁸⁸ A function of the Artificial Neural Network (ANN) which is sets of algorithms designed to help AI recognize patterns and sequences in their environment.

(incomplete active capacity), which could claim rights and fulfil obligations (to a limited extent).⁸⁹

In relation to a contract of employment or service, where a discerning child undertakes to work for another person, Jurists such as Imam Maliki and Hanbali consider such an act to be a mixture of both benefit and harm and thus will only be valid if the consent of his guardian is obtained.⁹⁰ Thus in the case of an AI entity, the final decision is vested with the guardian (the owner or manufacturer) not the AI entity itself. Similarly, where its owner or manufacturer assents to the contract of employment, the AI having been designed to accomplish goals and receive tasks / directions from a human being or a company (its employee), the employer would be held vicariously liable for damages caused by the AI entity.

8. AI ENTITIES AS TOOLS

Some writers hold the view that legal personality cannot be granted to AI entities, they state that it would be counterproductive and dangerous because while humans have a lifespan, the capability of AI entities to exist can be indeterminate.⁹¹ As such, Wagner⁹² attempts to define a robot as an autonomous artefact which obtains information by sensing the world around it and uses the information to manipulate its environment to achieve its goals. Similarly, Alejandro *et al*⁹³ consider robots as tools. They argue that they are manufactured to do tasks whether physical (e.g. to carry weight) or psychological (e.g. to perform complex mathematical operations). Also, notwithstanding that they possess intelligence which is artificial (man-made), they can be controlled, limited just like any other

⁸⁹ Z. M. Oniyide, 'The Legal Status of Artificial Intelligent Entities under Islamic Law' (Undergraduate Long Essay, Crescent University, 2022) unpublished.

⁹⁰ Omar (n 62)76

⁹¹ Adlin & Yazid, (n 2) 175

⁹² Rick Wagner, 'Automation and Robotics: Introductory Robotics Lectures for BCR Summer Camp', Breach Cities Robotics Team 294, <https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=&ved=2ahUKEwIpllaUpN_4AhVHgRoKHU4rAqEQFnoECAwQAQ&url=http%3A%2F%2Frijwagner49.com%2FRobotics%2FBCR%2FAutomation.pdf&usg=AOvVaw3430P4An_VzMJE_gP32kCr> accessed 4th of July 2025 p. 9

⁹³ Alejandro Z et al, 'Robots Liability: A Use Case and a Potential Solution' (IntechOpen, 2017) <https://www.intechopen.com/chapters/56250> accessed 4 June 2025.

product. Thus, being a tool, the legal implication would be the means to which the AI entity is put into use by the owner or any person in possession to it. Where an AI entity causes harm because of a malfunction arising from a product defect attributable to the manufacturer, liability may properly be imposed on the manufacturer. Conversely, where the harm results from misuse, negligent operation, or improper deployment by the owner or a person in possession of the AI system, liability should accrue to the owner or person in control of the system. It is, however, important to note that the opaque or “black-box” nature of many AI systems poses a significant challenge to this liability model, as the internal decision-making processes of such systems are often inaccessible, unpredictable, and difficult to interpret even by their developers or operators. This opacity complicates the attribution of fault.

AI entities should be designed to be non-maleficent, it should, first, do no harm. This yardstick in Islam is called *falah*, or spiritual success according to *Quranic* injunction,⁹⁴ which is sharply distinct from the west’s profit-driven approach. Any new technology based on AI should be judged on this basis. The use of the AI entity must be for permissible purposes and must not be for uses which go against *Quranic* and *Sunnatic* injunctions.

9. ARTIFICIAL INTELLIGENCE, ISLAMIC VALUES, AND SUSTAINABLE DEVELOPMENT

The growing use of artificial intelligence raises important questions about how technological innovation can support sustainable development in societies guided by Islamic values. While AI has the potential to contribute to economic growth, improved public services, and environmental management, these benefits are not automatic. Without ethical guidance, AI systems may deepen inequality, undermine human dignity, or prioritise efficiency at the expense of justice. From an Islamic perspective, this makes it necessary to examine how AI can be aligned with values such as justice

⁹⁴Spارش Ahuja, ‘Muslim scholars are working to reconcile Islam and AI’ <<https://www.wired.co.uk/article/islamic-ai>> *Wired* (January 25 2021) accessed on 7th of July 2025

(*‘adl*), stewardship (*khalifah*), and moderation (*wasatiyyah*).⁹⁵ A key challenge lies in the absence of clear ethical and policy frameworks that evaluate AI through Islamic principles. In many Muslim-majority countries, existing technology policies are largely technical or economically driven, with limited attention to moral considerations rooted in Islamic law.⁹⁶ This gap often leads to uncertainty about the permissibility and appropriate use of AI, slowing adoption in some areas while allowing unregulated deployment in others. In both cases, the developmental potential of AI is weakened.

There is also a noticeable disconnect between Islamic teachings and contemporary AI governance. Policymakers frequently adopt regulatory models developed in other jurisdictions without adapting them to local ethical and cultural contexts. As a result, AI policies may overlook Islamic concepts such as stewardship, which emphasises responsibility toward both society and the environment, or justice, which demands fairness in access to and impact of technology.⁹⁷ When these values are not reflected in policy design, AI risks serving narrow economic interests rather than broader societal well-being. Limited technological literacy further complicates this relationship. Inadequate access to education, training, and digital infrastructure restricts the ability of many communities to benefit from AI-driven innovation.⁹⁸ This creates internal digital divides and undermines inclusive development. From an Islamic viewpoint, such exclusion runs counter to the emphasis on beneficial knowledge and social equity.

Institutional weaknesses also play a role. Fragile governance structures, policy inconsistency, and weak regulatory oversight reduce the capacity of states to manage AI in a way that supports long-term development.

⁹⁵ Ayuba Olaniyi Jubril *et al*, ‘Islam and Technology: Bridging the gap for Sustainable Development’ (2025) 1 (2) At-Turath Journal of Islamic Heritage and Civilisation <<https://alhikmahuniversity.edu.ng/atturath/index.php/journal/article/view/13/16>> accessed 27th January, 2026

⁹⁶ Fasoyal Khan and Mohamed Aslam Haneef, ‘Religious responses to sustainable development goals: An Islamic perspective’ (2022) 8 (2) Journal of Islamic Monetary Economics and Finance 161-180 <<https://ideas.repec.org/a/idn/jimfjn/v8y2022i2ap161-180.html>> accessed 27th January, 2026

⁹⁷ Jubril *et al* (n 92)

⁹⁸ Ibid

Without strong institutions guided by ethical considerations, AI deployment remains fragmented and reactive, rather than strategic and sustainable.⁹⁹ Despite these challenges, Islamic values offer a useful framework for guiding AI toward sustainable development. The concept of *khalifah* supports the responsible use of AI in areas such as environmental protection and resource management. The principle of ‘*adl*’ requires that AI systems are designed and deployed in ways that do not reinforce discrimination or inequality.¹⁰⁰ Likewise, *wasatiyyah* cautions against excessive reliance on automation where it may harm social relations or human welfare. These principles align closely with the goals of sustainable development, particularly social inclusion, environmental protection, and long-term economic stability.¹⁰¹ Islamic tradition also recognises the importance of knowledge and innovation, provided they serve human welfare. This suggests that AI should be assessed not only on technical performance but also on its social and moral consequences.¹⁰² Embedding Islamic ethical considerations into AI education, policy formulation, and regulatory oversight can help ensure that technological progress supports both material development and moral responsibility.¹⁰³

In essence, the relationship between artificial intelligence, Islamic values, and sustainable development is not one of conflict but of alignment. When guided by Islamic ethical principles, AI can function as a tool for inclusive growth, social justice, and environmental stewardship. Integrating these values into AI governance therefore provides a pathway toward a model of development that is technologically advanced, ethically grounded, and socially sustainable.¹⁰⁴

⁹⁹ Julie Freeman *et al*, ‘Technological literacy and interrupted internet access’ (2020) 23 (13) *Information, Communication & Society* <<https://researchprofiles.canberra.edu.au/en/publications/technological-literacy-and-interrupted-internet-access/>> accessed 27th January, 2026

¹⁰⁰ Jubril *et al* (n 96)

¹⁰¹ *Ibid*

¹⁰² *Ibid*

¹⁰³ *Ibid*

¹⁰⁴ *Ibid*

10. ISLAMICO-LEGAL APPROACH TO ARTIFICIAL INTELLIGENCE: IMPLICATIONS FOR SUSTAINABLE POLICY DEVELOPMENT

The foregoing analysis demonstrates that Islamic law possesses the capacity to respond to emerging technological challenges posed by artificial intelligence without resorting to wholesale adoption of Western legal paradigms.¹⁰⁵ The implication of this for sustainable policy development is significant. Sustainable policy, in this context, refers not merely to technological advancement but to regulatory frameworks that are ethically grounded, socially legitimate, institutionally workable, and capable of long-term governance without undermining core societal values.¹⁰⁶ Islamic jurisprudence, through its doctrines of *dhimma*, *ahliyyah*, *qiyas*, and the *maqasid al-shari'ah*, offers a model for achieving this objective.

First, the legal insistence on human accountability as the foundation of legal responsibility provides a stable basis for sustainable AI governance. As established in this paper, AI entities cannot qualify as *mukallafun* due to their inability to attain *bulugh* (maturity) and complete *'aql* (intellect), which are prerequisites for full moral and legal accountability in Islamic law. Sustainable policy development is therefore better served by resisting calls for full legal personhood or moral agency for AI systems. Instead, Islamic law supports a framework in which responsibility is consistently traced to human actors, designers, manufacturers, owners, operators, or institutions deploying the AI systems, thereby preventing regulatory gaps and ensuring accountability. This approach enhances public trust and prevents the diffusion of responsibility that often undermines long-term regulatory effectiveness.

¹⁰⁵Wael B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press 2009) <<http://soerenkern.com/pdfs/islam/IntroductionToIslamicLaw.pdf>> accessed 27th January, 2026

¹⁰⁶ Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law* (IIIT 2008) <<https://iiit.org/wp-content/uploads/Maqasid-Al-Shariah-as-a-Philosophy-of-Islamic-Law-Combined.pdf>> accessed 27th January, 2026

Secondly, the doctrine of *dhimma*, as a concept and criterion for the assignment of rights and obligations, has important policy implications when applied instrumentally to AI governance. While *dhimma* in its classical sense is rooted in accountability to God, Islamic jurisprudence has historically extended the concept of legal personality to non-human entities such as *waqf*, mosques, and public treasuries for administrative and regulatory purposes. By analogy, AI systems could be subjected to a form of legal recognition, not as morally accountable beings, but as regulated entities within a legal system that ultimately holds humans answerable. This allows policymakers to design registration, supervision, insurance, and compensation regimes for high-risk AI applications without compromising the theological foundations of Islamic law. Such an approach supports regulatory continuity and adaptability, both of which are essential for sustainable policy development.

Furthermore, the emphasis on harm prevention (*dar' al-mafāsid*) and benefit realization (*jalb al-maṣāliḥ*) under the *maqasid al-shari'ah* reinforces the sustainability dimension of Islamic AI governance. Any AI system that threatens the protection of life, intellect, wealth, religion, or human dignity is inconsistent with Islamic legal objectives and must be restricted or prohibited. This provides policymakers with an ethical benchmark for evaluating AI deployment beyond economic efficiency or profit maximization. In contrast to purely market-driven regulatory models, this value-based approach ensures that technological innovation proceeds in a manner that safeguards long-term social welfare and moral integrity.

The implications of this framework are particularly significant for Muslim-majority states and countries in the Global South, where AI technologies are often imported and embedded within socio-legal systems that differ markedly from those in which the technologies were developed. By grounding AI regulation in Islamic legal principles that already enjoy social legitimacy, policymakers can avoid regulatory alienation and enhance compliance. Moreover, this approach mitigates the risks of digital dependency and normative transplantation by offering locally grounded solutions to global technological challenges, thereby contributing to sustainable institutional development.

Finally, the allocation of liability, whether through analogies to adults, employees, or tools, supports a preventive and compensatory model of justice that is central to sustainable policy development. Rather than focusing solely on fault in AI systems that are opaque or black-box, Islamic law prioritizes the protection of victims and the attribution of responsibility to those best positioned to control risk. This reinforces legal certainty, facilitates compensation, and encourages responsible innovation, all of which are essential elements of sustainable AI policy.

11.0 RECOMMENDATIONS

The foregoing Islamico-legal analysis yields not only theoretical conclusions but also practical imperatives. If artificial intelligence is to be governed in a manner consistent with Islamic legal principles while simultaneously advancing sustainable development, deliberate and conceptually grounded policy interventions are required. The recommendations that follow are not offered as exhaustive prescriptions but as foundational starting points. Each is rooted in the doctrinal findings of this research, supported by relevant academic literature, and attentive to the institutional realities of Muslim-majority jurisdictions, particularly in the Global South.

11.1 Formulation Of Shariah-Compliant Regulatory Guidelines For Artificial Intelligence

The first and most urgent recommendation is the development of comprehensive regulatory guidelines for AI governance that are explicitly grounded in Islamic legal principles. Such guidelines should not merely replicate Western regulatory models with superficial references to Islamic values; rather, they must proceed from a coherent Islamico-legal theoretical framework of the kind this paper has constructed.¹⁰⁷

Drawing on the doctrine of *siyāsah shar‘iyyah* (Islamic law-oriented policy), which recognises the authority of the ruler or regulatory authority

¹⁰⁷ On the distinction between substantive and cosmetic Islamisation of law, see Clark B Lombardi, ‘Islamism as a Response to Egypt’s Rule of Law Crisis’ in Rainer Grote and Tilmann Röder (eds), *Constitutionalism in Islamic Countries: Between Upheaval and Continuity* (Oxford University Press 2012) 227, 233–35

to enact measures that serve public interest so long as they do not contradict established textual injunctions, policymakers possess considerable latitude to design AI-specific regulations.¹⁰⁸ Kamali observes that this concept enables the state to ‘administer justice and remove hardship through flexible means not expressly contradicting the Quran and *Sunnah*’.¹⁰⁹ This provides a robust constitutional basis for AI regulation within Islamic legal systems that has been insufficiently exploited.

Such guidelines must address, at a minimum, four discrete areas. First, liability allocation: building upon our analogical framework situating AI as a tool, regulations must establish clear chains of accountability linking harm to human actors designers, manufacturers, owners, operators, while avoiding the doctrinal incoherence of granting AI entities full legal capacity status (*mukallaḥ*). Second, registration and certification: high-risk AI applications should be subject to mandatory registration with a dedicated regulatory authority, with certification contingent upon demonstrated compliance with Islamic Law-based ethical standards.¹¹⁰

Third, compensation mechanisms: drawing upon Islamic principles of *ḍamān* (civil liability) and the historical practice of *‘āqilah* (collective responsibility for blood money), policymakers should consider no-fault compensation funds for AI-related harms, financed by levies on manufacturers and operators.¹¹¹

¹⁰⁸ On *siyāsah shar‘iyyah* as a source of regulatory authority, see Muhammad Hashim Kamali, ‘Siyāsah Shar‘iyyah or the Policies of Islamic Government’ (2013) 6(2) *Islam and Civilisational Renewal* 363, 367–70; Wael B Hallaq, *An Introduction to Islamic Law* (Cambridge University Press 2009) 54–62.

¹⁰⁹ Muhammad Hashim Kamali, *Shari‘ah Law: An Introduction* (Oneworld Publications 2008) 223.

¹¹⁰ Michael Guihot, Anne F Matthew and Nicolas P Suzor, ‘Nudging Robots: Innovative Solutions to Regulate Artificial Intelligence’ (2017) 20 *Vanderbilt Journal of Entertainment and Technology Law* 385, 433–49

¹¹¹ On *ḍamān* and *‘āqilah* in Islamic tort law, see Imran Ahsan Khan Nyazee, *Islamic Law of Business Organization: Partnerships* (IIIT 1997) 201–20; Mahdi Zahraa and Shafaa Mahmor, ‘The Islamic Legal Concept of Causation’ (2002) 17(2) *Arab Law Quarterly* 123, 135–42.

Fourth, transparency and explainability: while Islamic law does not mandate technical transparency as an end in itself, the *Quranic* injunction to ‘verify’ when receiving information¹¹² and the prohibition of *gharar* (excessive uncertainty) in transactions support regulatory requirements for algorithmic audibility, particularly in high-stakes domains such as healthcare, criminal justice, and finance.

Regulatory guidelines should therefore establish graduated transparency obligations calibrated to risk level, including rights to explanation of automated decisions and prohibitions on the deployment of ‘epistemically opaque’ systems in domains affecting fundamental rights.

We recommend that policymakers in all jurisdictions consider the adoption of ‘functional legal personality’ for AI systems, analogous to the *dhimma* extended to *waqf*, corporations, and public treasuries in Islamic law. Such personality would not imply moral agency, consciousness, or accountability before God; it would be a purely instrumental legal construct designed to facilitate litigation, enable compulsory insurance, and ring-fence assets for compensation. This approach, already foreshadowed in European Parliament resolutions on ‘electronic personhood’ but never operationalised due to conceptual and political objections, can be rehabilitated through the Islamico-legal model, which demonstrates that limited legal capacity can be conferred without theological or metaphysical commitment to machine sentience.

11.2 Operationalising Value-Based Ethical Assessment Through *Maqāṣid Al-Sharī‘ah* As A Translatable Framework

A second major contribution of the Islamico-legal model lies in its provision of a substantive, hierarchically ordered ethical framework capable of guiding AI governance beyond the thin proceduralism that characterises much contemporary ‘ethics washing’.¹¹³ The *maqāṣid al-*

¹¹² Quran Chapter 49 verse 6

¹¹³ The term ‘ethics washing’ is critically examined in Ben Wagner, ‘Ethics as an Escape from Regulation: From “Ethics-Washing” to Ethics-Shopping?’ in Emre Bayamlioglu and others (eds), *Being Profiled: Cogitas Ergo Sum* (Amsterdam University Press 2018) 84, 87–92. Available at

<<https://www.elgaronline.com/edcollchap/book/9781035334353/chapter28.xml>> accessed 12th February, 2026

sharī'ah (objectives of Islamic law) which are protection of religion, life, lineage, intellect and property, represent a millennium-old attempt to systematise the fundamental goods that law ought to protect.¹¹⁴ While expressed in the vocabulary of Islamic theology, these good possess evident analogues in secular moral philosophy and international human rights law: the right to life, freedom of thought, protection of family, right to property, and freedom of religion or belief.¹¹⁵

We recommend that national and international AI ethics frameworks explicitly adopt a goods-based or capability-based approach modelled on the *maqāṣid*, whether or not they acknowledge the Islamic provenance of this structure.¹¹⁶ The distinctive advantages of the *maqāṣid* framework for AI governance are threefold:

First, its hierarchical organisation distinguishes essential goods (*ḍarūriyyāt*), complementary goods (*ḥājiyyāt*), and embellishments (*taḥsīniyyāt*).¹¹⁷ This provides a principled basis for regulatory triage: AI applications threatening essential goods (e.g., autonomous weapons endangering life, predictive policing tools that may condemn innocent persons) warrant prohibition or the highest level of scrutiny, while those affecting embellishments may be subject to lighter-touch governance. This is a significant advance over undifferentiated checklists of ethical principles that provide no guidance when values conflict.

Second, its holistic character insists that all five essential goods be considered together, precluding the sacrifice of one good (e.g., property rights in intellectual property) for another (e.g., freedom of information)

¹¹⁴ Abū Hāmid al-Ghazālī, *al-Mustaṣfā min 'Ilm al-Uṣūl*, vol 1 (Bulāq 1322 AH) 286–87; contemporary exposition in Jasser Auda, *Maqasid al-Shariah as Philosophy of Islamic Law: A Systems Approach* (IIIT 2008) 1–28.

¹¹⁵ Mohammad Hashim Kamali, 'Maqāṣid al-Sharī'ah and the Rights of the Child' (2016) 25(1) *Islam and Christian-Muslim Relations* 75, 80–89; Mashood A Baderin, *International Human Rights and Islamic Law* (Oxford University Press 2003) 41–67.

¹¹⁶ Norita Ahmad and Mohammad Naveed Ahmed, 'Islamic Ethics and Artificial Intelligence' in Mohd Ma'Sum Billah (ed), *Islamic FinTech: Insights and Solutions* (Springer 2021) 123, 131–42.

¹¹⁷ Al-Ghazālī, *al-Mustaṣfā*, 287–88.

without explicit justification.¹¹⁸ In the AI context, this translates into a requirement for integrated impact assessments that evaluate not only privacy and non-discrimination (the current focus of most ‘algorithmic impact assessments’) but also effects on physical safety, family integrity, and religious or cultural identity.

Third, its embeddedness within a living interpretive tradition resists the tendency of ethical codes to become static or ornamental.¹¹⁹ The *maqāṣid* are not a fixed list but an ongoing deliberative project; contemporary Islamic scholars continue to refine their meaning and extend their application to novel domains.¹²⁰ This dynamic quality offers a model for how ethical AI frameworks can remain responsive to technological change without sacrificing normative anchor.

Secular jurisdictions need not adopt the theological premises of the *maqāṣid* to benefit from their analytical architecture. A capability-based AI ethics framework drawing on the work of Nussbaum and Sen,¹²¹ or a goods-based framework in the Thomist or neo-Aristotelian tradition,¹²² can achieve similar structuring effects. The Islamico-legal approach demonstrates that such frameworks are not only philosophically defensible but operationally feasible, having sustained practical legal reasoning across centuries and civilisations.

11.3 Institutionalising Transdisciplinary Deliberative Capacity for AI Governance

A recurring challenge in AI governance, affecting national and legal boundaries, is the epistemic gap between technical and normative

¹¹⁸ On the necessity of holistic consideration, see Ahmad al-Raysuni, *Imam al-Shatibi's Theory of the Higher Objectives and Intents of Islamic Law* (IIIT 2005) 217–32.

¹¹⁹ On the ‘ethical principles are not enough’ critique, see Brent Mittelstadt, ‘Principles Alone Cannot Guarantee Ethical AI’ (2019) 1(1) *Nature Machine Intelligence* 501, 502–03.

¹²⁰ Auda, *Maqasid al-Shariah*, 24–29; Jasser Auda, ‘A Maqāṣidi Approach to Contemporary Application of the Shari‘ah’ (2019) 59(4) *Islamic Studies* 459, 466–74.

¹²¹ Martha C Nussbaum, *Creating Capabilities: The Human Development Approach* (Harvard University Press 2011) 17–45; Amartya Sen, *Development as Freedom* (Oxford University Press 1999) 54–86.

¹²² John Finnis, *Natural Law and Natural Rights* (2nd edn, Oxford University Press 2011) 59–99.

expertise.¹²³ Computer scientists lack training in ethical reasoning; lawyers and ethicists lack fluency in the technical idioms of machine learning; both groups often lack deep familiarity with the cultural and religious value systems of the populations affected by AI systems. This gap produces regulations that are technically naïve, ethics guidelines that are operationally vacuous, and technologies that inadvertently violate deeply held community values.

Islamic legal history offers a distinctive institutional response to this challenge: the deliberative community of jurists (*ulamāʾ*) operating through consensus (*ijmāʿ*) and analogical deduction known as *qiyās*. While the substantive doctrines of classical *fiqh* are specific to Islamic revelation, the social epistemology of Islamic jurisprudence its insistence that normative determinations emerge from sustained, institutionalised deliberation among qualified practitioners applying shared methods to new problems, is a transferable resource.²⁸

We recommend that governments, universities, and standard-setting bodies invest in the creation of ‘ethical deliberation commissions’ for AI that deliberately model themselves on the collegial, method-driven character of classical *ijtihād*. Such commissions would differ from existing AI ethics committees in several respects:

- Membership would be genuinely interdisciplinary, including not only computer scientists and lawyers but also moral philosophers, cognitive psychologists, and, crucially, experts in the major religious and cultural traditions of the societies the AI systems will affect. Islamic law’s historical accommodation of non-Muslim legal communities (*dhimmīs*)¹²⁴ within a single

¹²³ The epistemic gap is diagnosed in Iyad Rahwan, ‘Society-in-the-Loop: Programming the Algorithmic Social Contract’ (2018) 20(1) Ethics and Information Technology 5, 8–12. Available at <<https://arxiv.org/abs/1707.07232>> accessed on 12th February, 2026

¹²⁴ On the *dhimmī* system as a model for pluralist legal accommodation, see Anver M Emon, *Religious Pluralism and Islamic Law: Dhimmis and Others in the Empire of Law* (Oxford University Press 2012) 132–68 available at <<https://archive.org/details/religiousplurali0000emon>> accessed on 10th February 2026

jurisprudential framework offers lessons for the design of pluralist ethical commissions.

- Methodology would be explicit and contestable. Rather than issuing intuition-based pronouncements, commissions would be required to articulate the analogical reasoning (*qiyās*) or principled justification linking novel AI applications to settled normative precedents. This mirrors the Islamic juristic requirement that a *fatwā* disclose its chain of reasoning, enabling scrutiny and refinement by subsequent deliberators.¹²⁵
- Outputs would be conceived as contributions to an ongoing deliberative tradition, not one-off policy recommendations. Islamic law's institutional memory, preserved in vast corpora of *fatāwā* and *shurūḥ* (commentaries), exemplifies how normative guidance can accumulate, diverge, and be reconciled over generations. Contemporary AI governance suffers from institutional amnesia; each ethics committee begins anew. A deliberate archival practice, inspired by the Islamic scholarly tradition, would enable cumulative learning and prevent the recurrent reinvention of ethical wheels.

This recommendation is addressed equally to Muslim-majority states seeking to revive the tradition of *ijtihād* and to secular states seeking new models for legitimate, durable, and adaptive technology governance. The Islamic jurisprudential tradition is not the only source of such models, but it is among the oldest and most sophisticated, and its resources are currently underexploited in global AI policy discourse.

11.4 Adoption of a Risk-Based and Graduated Regulatory Approach

The Islamico-legal framework's treatment of AI entities as analogous to tools or discernment-impaired minors (*ṣabī mumayyiz*) suggests a regulatory logic that is not binary (permitted/prohibited) but graduated

¹²⁵ On the *fatwā* as a genre of reasoned normative guidance, see Wael B Hallaq, 'Iftā' and Ijtihād in Sunni Legal Theory' in Muhammad Khalid Masud, Brinkley Messick and David S Powers (eds), *Islamic Legal Interpretation: Muftis and Their Fatwas* (Harvard University Press 1996) 33, 37–44

and contextual.¹²⁶ Islamic law does not treat all acts of a minor or an insane person as equally valid or invalid; rather, it distinguishes according to the nature of the act, its consequences, and the presence or absence of guardian oversight. This granularity offers a model for AI regulation that is both more precise and more proportionate than the uniform application of general tort or contract principles.

We recommend that jurisdictions worldwide adopt a risk-based and graduated approach to AI governance, calibrated according to the level of system autonomy, the magnitude of potential harm, and the proximity of the application to fundamental legal goods (life, liberty, property, family integrity). This recommendation does not depend on adoption of Islamic law; it is already partially instantiated in the European Union's AI Act and similar proposals.¹²⁷ However, the Islamico-legal model supplies a richer normative vocabulary for justifying and calibrating such differentiation than the thin consequentialism or rights-based discourse that currently dominates the field.

Specifically, the Islamic legal categories of *ḍarūrah* (necessity/essentials), *ḥājah* (need), and *taḥsīn* (embellishment) map onto regulatory categories of prohibition, strict authorisation, and liberal permission, respectively. Applications that protect essential goods (e.g., AI systems for rapid diagnosis of epidemic disease) may benefit from expedited approval despite residual risks; applications that threaten essential goods (e.g., social scoring systems enabling permanent exclusion from employment) warrant categorical prohibition; applications occupying the middle ground (e.g., AI in recruitment, credit scoring, educational admissions) require calibrated oversight balancing innovation with the prevention of discrimination and error.

This graduated logic also resolves a persistent tension in AI policy between the precautionary principle (which risks stifling beneficial innovation) and innovation-permissive approaches (which risk normalising preventable harm). Islamic legal theory's sophisticated treatment of *maṣlaḥah* (public

¹²⁶ On the graded legal capacity of the discerning minor, see Omar (n 62)76–92.

¹²⁷ Michael Veale and Frederik Zuiderveen Borgesius, 'Demystifying the Draft EU Artificial Intelligence Act' (2021) 22(4) *Computer Law Review International* 97, 101–08.

interest) distinguishes between genuine public goods that justify departure from default rules and mere private interests that do not.¹²⁸ This distinction, operationalised through criteria of necessity, certainty, and generality, provides a transferable framework for determining when AI innovation should be accelerated and when it should be restrained.

11.5 Investment in Epistemic Infrastructure as a Precondition for Effective AI Governance

Our final recommendation addresses the material and epistemic preconditions of any effective AI governance regime, whether grounded in Islamic law, secular ethics, or some hybrid.¹²⁹ The Islamico-legal model's emphasis on knowledge as a prerequisite for legal obligation – one cannot be bound by a law of which one is incapable of knowing – has a direct institutional corollary: a society that cannot understand, audit, or contest AI systems cannot govern them.

We therefore recommend that all states, regardless of legal tradition, recognise investment in digital literacy, public-interest AI research, and algorithmic auditing capacity as a core governance priority, not merely an industrial policy objective. This recommendation is addressed with particular urgency to countries of the Global South, including many Muslim-majority states, that currently import AI technologies without the concomitant capacity to evaluate, adapt, or challenge them.¹³⁰ However, it applies equally to high-income countries, where concentration of AI expertise in a small number of private corporations threatens to render public regulators and civil society organisations epistemically dependent on the very entities they purport to regulate.

Drawing on the Islamic concept of *fard kifāyah* (collective obligation), we argue that the acquisition and diffusion of AI competencies should be

¹²⁸ On *maṣlaḥah* and its criteria, see Felicitas Opwis, 'Maslaha in Contemporary Islamic Legal Theory' (2005) 12(2) *Islamic Law and Society* 182, 192–211.

¹²⁹ see Sheila Jasanoff, 'Transparency in Public Science: Purposes, Reasons, Limits' (2006) 69(2) *Law and Contemporary Problems* 21, 29–38.

¹³⁰ This recommendation echoes but extends the call for 'AI sovereignty' in Global South policy discourse; see Chinmayi Arun, 'AI and the Global South: Designing for Other Worlds' in Markus D Dubber, Frank Pasquale and Sunit Das (eds), *The Oxford Handbook of Ethics of AI* (Oxford University Press 2020) 587, 598

understood as a duty that falls on the community, not merely a matter of individual professional advancement or corporate competitive strategy. Where such competencies are entirely absent, the community fails in its collective responsibility to ensure that powerful technologies are directed toward human flourishing rather than exploitation or domination.

12.0 CONCLUSION

In conclusion, this study establishes that the creation and use of AI entities are permissible within Islamic Law, aligning with its foundational principle of easing human undertakings and the absence of explicit prohibitions in the Quran and Sunnah. Moving beyond conventional Western legal paradigms, our Islamico-legal approach demonstrates that legal personality, already extended to non-human Islamic institutions, can similarly be afforded to AI entities. This study examined the possibility of comparing AI to a *mukallaf* and found that AI cannot qualify as a *mukallaf* (legally accountable person) due to its inability to attain *bulugh* (maturity) and full *aql* (intellect), however when compared to a mere tool or animal, liability for AI's actions consistently rests with its owner or possessor, thereby clarifying accountability without necessarily granting full legal personhood. This unique Islamic jurisprudential model offers a robust framework for addressing AI's challenges.

The five recommendations set forth above are severally and jointly transferable across legal systems. They originate in Islamic jurisprudence but do not depend on it; they are intelligible within secular, common law, civil law, and hybrid frameworks; they respond to governance deficits that are global in scope. For Muslim-majority jurisdictions, these recommendations offer a pathway to AI governance that is authentically grounded in their own legal traditions while engaging constructively with global regulatory discourse. For non-Muslim jurisdictions, they offer access to a millennium of accumulated jurisprudential reflection on problems the attribution of responsibility, the protection of fundamental goods, the calibration of rules to context, the institutional conditions for legitimate norm-generation that are newly urgent in the age of autonomous machines.

The Islamico-legal approach to artificial intelligence is not a relic to be preserved in museums of legal history. It is a living resource for comparative law, a repository of conceptual tools, and an invitation to genuine intellectual exchange across civilisational boundaries. The recommendations above are offered in that spirit of exchange, with the hope that the distinctive genius of Islamic jurisprudence may illuminate not only the path of Muslim societies but the common quest of all humanity to govern wisely the unprecedented powers we have bestowed upon our machines.