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Synergy Between AI (Artificial Intelligence) And Maqashid Syariah: Promoting Inclusion And Transparency In The Application Of Shariah Economic Law

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ABSTRACT

This study examines in depth the strategic synergy between Artificial Intelligence (AI) and Maqashid Syariah in the context of applying Sharia Economic Law in the digital era. The main objective of this study is to analyze how AI can be an effective instrument for achieving two fundamental objectives of Sharia: financial inclusion (in line with hifzh al-mal and 'adl) and transparency (eliminating gharar). This normative legal study uses a conceptual and legislative approach with Maqashid Syariah as an ethical and normative framework. The results show that AI plays a vital role in promoting Sharia financial inclusion through the adoption of alternative data-based credit scoring models. However, this synergy requires strict governance. To ensure transparency and fairness, the principles of Maqashid Syariah require the adoption of Explainable AI (XAI), so that algorithmic decisions can be audited and explained, thereby preventing digital gharar. A crucial challenge identified is the risk of algorithmic bias, which has the potential to violate the principle of justice ('adl). The conclusion of this study emphasizes that AI integration must be regulated through explicit Sharia AI Ethics Guidelines, issued by regulators, to ensure that AI functions as an accelerator of public benefit, making Sharia Economic Law more relevant and fair.

1. Introduction

The development of Artificial Intelligence (AI) technology has revolutionized various sectors of life, including the financial sector. In Indonesia, which has the largest muslim population in the world, sharia economic law and the sharia financial industry continue to experience rapid growth. The integration of digital technology, particularly AI, and sharia principles is a necessity to respond to modern challenges, while ensuring the relevance and competitiveness of this industry on the global stage.

The essence of sharia economic law is the achievement of maqashid syariah, which are the noble goals embedded in Islamic law, namely protecting religion (*hifz al-din*), life (*hifz al-nafs*), reason (*hifz al-'aql*), offspring (hifz al-nasl),

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and property (*hifz al-mal*) . In an economic context, maqashid syariah emphasizes the realization of social justice (*'adl*), the elimination of uncertainty (*gharar)*, and the achievement of public interest (maslahah).

The use of AI in the Islamic economic ecosystem offers great potential to overcome traditional barriers. AI can increase financial inclusion by expanding access to services to underserved segments of society (the unbanked), as well as increasing transparency and sharia compliance through the automation of verification and audit processes. However, this potential is not without ethical and normative challenges, such as the risk of algorithmic bias and data protection issues, which have the potential to undermine the objectives of maqashid syariah itself, especially the principle of justice. Therefore, this research is crucial to examine how the synergy between AI and maqashid syariah can be formulated ethically and regulatively, so that technological innovation truly supports the foundations of Islamic law, not the other way around.

2. Literature Review

The journal "Integrating Maqasid al-Shari'ah into the Ethical Governance of Artificial Intelligence" written by Oseni & Al-Bahr. (Oseni & Al-Bahr, 2020). This article discusses how Maqashid Syariah (hifz al-din, hifz al-nafs, hifz al-mal) must become a mandatory ethical framework for AI, acting as a filter to ensure that technological innovation supports Sharia objectives rather than undermining them. This research is a literature review (Qualitative Doctrinal) with a philosophical and conceptual approach to develop an ethical framework. The results of the study also show that AI must be proactively regulated with Sharia objectives at the core of governance, making it an ethical agent.

The journal "Algorithmic Bias in Islamic Finance: A Maqasid Perspective on Fairness and Accountability" was written by Al-Haddad. (Al-Haddad, 2021). This article discusses how algorithmic bias is a serious threat to the principle of justice ('adl) in Sharia. This bias can create new discrimination in Sharia financial services. This research is a literature review (Qualitative Doctrinal) with a philosophical and conceptual approach to develop an ethical framework. The results of the study also show that a strict Sharia-based ethical audit of AI datasets and models is needed to ensure accountability and mitigate the risk of bias.

The journal "The Role of FinTech in Enhancing Financial Inclusion: An Islamic Perspective" was written by Abdullah & Rahman (Abdullah & Rahman, 2019). This article discusses how FinTech technology plays an important role in enhancing Islamic financial inclusion by expanding access to the unbanked segment and facilitating microtransactions. This research is descriptive-analytical (qualitative) with a literature study to analyze the potential of FinTech in achieving financial inclusion. The results of the study also show that FinTech is an instrument that is permitted and encouraged in Islam because it supports hifz al-mal (preservation of wealth) and the principle of economic equality.

3. Methodology

This study uses normative legal research (doctrinal legal research). This approach was chosen because the main focus of the research is on analyzing Islamic legal norms, principles, and concepts (Maqashid Syariah) as well as positive legal regulations relevant to the application of Artificial Intelligence (AI) in the context of Sharia Economic Law. The approaches used include conceptual approaches, legislative approaches, and Islamic legal philosophy approaches.

Legal sources include: Primary (the Qur'an, Hadith, DSN-MUI Fatwa, POJK), Secondary (works of Fiqh scholars, scientific journals), and Tertiary (dictionaries). Materials were collected using library research techniques. Analysis is conducted using prescriptive qualitative analysis techniques, through legal interpretation, synchronization, and the formulation of normative arguments.

4. Results and Discussion

4.1. Analysis of the Role of AI in Promoting Sharia Financial Inclusion

The application of AI has proven effective in overcoming several major obstacles that hinder Islamic financial inclusion, in line with the maqashid syariah objectives of preserving wealth (hifz al-mal) and realizing social justice ('adl).

4.1.1. Expanding Access through Alternative Credit Assessment

Traditionally, Islamic financial institutions tend to serve segments of society that already have a formal credit history, leaving behind the unbanked population and micro, small, and medium enterprises (UMKM) that do not have conventional collateral.

- Findings: AI, particularly through Machine Learning algorithms, enables Sharia Fintech institutions to use alternative data (such as electricity/water bill payment history, digital activity, and geospatial data) to assess financing eligibility.
- Discussion (Compliance with Sharia Maqashid): This approach directly supports the principles of inclusion and justice ('adl) in the Sharia economy. By providing access to financing to groups that were previously discriminated against by conventional assessment systems, AI becomes an instrument for distributing capital more evenly and improving economic welfare, which is a manifestation of broad hifz al-mal.

4.1.2. Cost Efficiency and Automation of Sharia Products

Manual processes in sharia services (contract verification, profit sharing calculations) are often costly and time-consuming. AI significantly reduces these operational costs.

- Findings: Automation using Robotic Process Automation (RPA) and AI-based chatbots reduces the time and cost of administering sharia financing or investment products.
- Discussion (Compliance with Sharia Maqashid): This efficiency allows sharia institutions to offer products with lower profit margins for customers and a wider reach. This is in line with the spirit of Muamalah, which avoids excessive burdens and promotes the principle of convenience (taysir), which supports the achievement of public interest (maslahah).

4.2. Application of Maqashid Sharia as a Framework for AI Transparency

Transparency is an absolute requirement in Muamalah to avoid gharar (uncertainty). The Maqashid Sharia framework serves as a guideline to ensure that AI does not create new gharar in the form of black box algorithms.

4.2.1. Combating Gharar with Explainable Artificial Intelligence (XAI)

The application of complex algorithms without the ability to explain (unexplainable) is a form of digital gharar because customers do not know the basis for decision-making that affects their rights and obligations.

- Finding: The need for Explainable AI (XAI) in Islamic finance is a legal and ethical imperative. XAI enables the disclosure of the main variables used by algorithms to, for example, reject financing applications or determine profit-sharing rates.
- Discussion (Compliance with Sharia Maqashid): XAI requirements directly implement the prohibition of gharar and ensure sharia compliance (hifz al-din) in digital business practices. If AI decisions cannot be explained, then those decisions have the potential to violate customer rights and give rise to gharar in contracts.

4.2.2. Automated Sharia Compliance Audit

AI can function as a proactive sharia compliance supervisor.

- Findings: Development of an AI system capable of scanning contracts, transactions, and cash flows in real-time to detect elements of riba, gharar, and non-compliance with DSN-MUI fatwas.

- Discussion (Compliance with Sharia Maqashid): This automated audit function strengthens transparency and ensures the integrity (hifzh al-din) of the entire sharia ecosystem. AI not only checks formal compliance, but also helps ensure that transactional objectives (e.g., truly productive financing) are achieved, in line with the spirit of Maslahah.

4.3. Ethical and Regulatory Challenges: Maintaining Synergy Balance

Although the synergy between AI and Maqashid Syariah offers great potential, this study identifies ethical and regulatory challenges that must be addressed immediately

4.3.1. Issues of Algorithm Bias and Sharia Justice

- Findings: Historical data used to train AI often contains social and economic biases. If AI is trained with data from conventional systems or from regions with high economic inequality, the results may replicate discrimination.

- Discussion (Conflict with Sharia Maqasid): Algorithmic bias fundamentally contradicts the principle of justice ('adl) upheld by Sharia. A Sharia ethical audit of AI datasets and models is needed to detect and mitigate bias, ensuring that AI does not become a new tool of discrimination against vulnerable communities.

4.3.2. The Need for a Sharia AI Ethics Regulatory Framework

- Findings: AI regulation in Indonesia is still general in nature. There are no universal standards from DSN-MUI or OJK that explicitly regulate sharia compliance parameters in the design, testing, and governance of AI systems used by sharia financial institutions.

- Discussion (Regulatory Solutions): It is necessary to establish prescriptive "Sharia AI Ethics Guidelines" based on Maqashid Sharia. These guidelines should include: (1) XAI obligations, (2) Data Bias Mitigation Procedures, and (3) Mechanisms for the involvement of the Sharia Supervisory Board (DPS) in every stage of algorithm development. This framework is important to maintain public trust and ensure the legality of technological innovation in the eyes of sharia law.

5. Conclusion

This study concludes that the synergy between Artificial Intelligence (AI) and Maqashid Syariah is not only possible but also essential for advancing Sharia Economic Law in the digital age, particularly in achieving the goals of inclusion and transparency.

5.1. AI Promotes Sharia Financial Inclusion: AI plays a vital role in increasing financial inclusion by expanding access to sharia services to the unbanked population and MSMEs. This is achieved through the use of alternative data analysis for fairer and more efficient risk assessment, as well as process automation that reduces service costs. This role is in line with the objectives of Maqashid Sharia, particularly the preservation of wealth (hifzh al-mal) and the realization of social justice ('adl).

5.2. Maqashid Sharia Guides AI Transparency: The principles of Maqashid Sharia, particularly the prohibition of gharar (uncertainty) and the demand for justice, must be the main ethical framework for AI. To ensure transparency, Islamic financial institutions must adopt Explainable AI (XAI), ensuring that algorithmic decision-making processes are explainable and auditable, thereby avoiding digital gharar.

5.3. Ethical Challenges Require Adaptive Regulation: The main challenge of this synergy lies in the risk of algorithmic bias, which fundamentally contradicts the principle of Sharia justice. To overcome this, a strong regulatory framework is needed, involving Sharia and technology experts, to ensure that AI does not exacerbate inequality, but rather becomes an instrument for realizing broader maslahah (public interest).

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