

A. Sh. Sodikov,
PhD, Associate professor,
Tashkent State University of Law

ARTIFICIAL INTELLIGENCE BANNED OR SUPPORTED IN ISLAMIC LAW?

Abstract. This descriptive scientific article shortly analyzes the intersection of artificial intelligence (AI) and Islamic morality, discussing the potential impact of AI on ethical considerations within the framework of Islamic law. It explores the opportunities and challenges that arise when integrating AI systems in line with Islamic moral values. This article aims to stimulate discussion and guide future research concerning the harmonious integration of AI and Islamic law.

Keywords: artificial intelligence, Islamic morality, ethics, principles, privacy, fairness, sharia

ИСКУССТВЕННЫЙ ИНТЕЛЛЕКТ ЗАПРЕЩЕН ИЛИ ПОДДЕРЖИВАЕТСЯ В ИСЛАМСКОМ ПРАВЕ?

Аннотация. В статье кратко анализируется пересечение искусственного интеллекта и исламской морали, обсуждается потенциальное влияние искусственного интеллекта на этические соображения в рамках исламского права. В нем исследуются возможности и проблемы, возникающие при интеграции систем искусственного интеллекта в соответствии с исламскими моральными ценностями. Целью этой статьи является стимулирование дискуссий и руководство будущими исследованиями, касающимися гармоничной интеграции искусственного интеллекта и исламского права.

Ключевые слова: искусственный интеллект, исламская мораль, этика, принципы, частная жизнь, справедливость, шариат

In recent years, artificial intelligence (AI) has become popular all over the world. Despite its many advantages, different legal families are taking different approaches to regulating AI. The impact of AI on ethics, the attitude of various sources of law to AI, the regulatory mechanism and other such issues are gaining urgent importance [18]. It is possible to cite many examples of the fact that such issues related to AI are clearly regulated in the families of common law and civil law, and various scientific studies have been carried out.

However, it can be observed that in countries where Islamic law rules, the issues of the interaction of AI and Sharia law norms have not been fully studied, and in some Arab countries even AI is prohibited. In addition, if we pay attention to various international scientific bases, it can be seen that there are very few scientific studies devoted to the issues of the interaction of Islamic ethics and AI. For instance, such researchers cannot be found in the jstor.org database. At a time when the issue of AI has become one of the most popular research topics in other countries, the development of AI has revived a long-standing debate about the relationship between modern liberalism and Islamic law [11].

As scientist A. Z. Ali mentioned, AI is a combination of computer science, philosophy and physiology. AI is a broad topic, consisting of different sphere, from machine vision to expert systems. The element that the sphere of AI have in common is the creation of machines that can “think”. In order to classify machines as “thinking”, it is necessary to define intelligence. To what degree does intelligence consist of, for example, solving complex problems, or making generalizations and relationships? And what about perception and comprehension? Research into the areas of learning, of language, and of sensory perception have aided scientists in building intelligent machines [1. P. 74].

In general, after having a brief description of AI, the impact of AI on Islamic law and the legal issues that may arise as a result of their interaction can be analyzed below:

Firstly, Islamic law does not reject artificial intelligence. After all, Sharia does not oppose the development of science. However, Muslims emphasize the value of upholding human dignity, compassion, and the quest of spiritual development while acknowledging the potential of AI. They issue a warning against placing an undue dependence on AI, which could cause morality and human contact to be neglected. In addition, unethically receiving various awards (in competitions, contests etc.) or evaluation (in educational institutions, etc.) through plagiarism or various (scientific, technical, creative, etc.) works prepared by AI is considered against Islamic ethics. In this case, moral issues such as not fulfilling the rights of other members of society, acting contrary to moral teachings, teaching members of society to “fraud” are considered as the first and main problem. Due to the fact that morality is at a lower level in other legal families, various legal issues [12] and judicial disputes [4] related to AI are observed only on the issue of plagiarism. However, the issue of the influence of AI on the morals of society members is not a cause for concern for other families of law, such as Sharia law.

Secondly, issues related to copyright infringement [4] are one of the most important issues in Islamic law, like other legal families. According to the rules of Sharia, not every author wants to be victim of copyright infringement by other people. However, AI technologies sometimes use the authors’ work without their consent.

Thirdly, the issue of privacy is also considered a sensitive aspect in AI technologies. The right to privacy is a supreme value in Sharia law. The person, the honor, dignity, and personal secrets of the person are one of the main issues that are protected in the Islamic religion.

Although all the main issues mentioned above are common to Islamic law, the attitudes towards them by countries based on different Sharia rules are different. At this point, the following basic rules of Islamic law are applied in the regulation of the above-mentioned issues:

Firstly, the inextricable connection between morality and Islamic law. Islamic law emphasizes the permissibility of strict adherence to Sharia ethics in human relations with AI. In some countries, the unethical use of AI is subject to administrative and criminal liability, while in some countries, such actions are considered a “struggle against the evil” of individuals and do not impose strict punishments. However, most importantly, in almost all countries of Islamic law, the use of AI is primarily ordered not to harm other members of society, not to encroach on social morality and public order. Most importantly, AI is seen as a means of developing intellectual capabilities.

Secondly, copyright is also protected in Islamic law. Copyright promotes respect for the creator's property by others. Creativity (ideas, books, programs, designs, music, etc.) expressing the intellectual abilities of each person is recognized as property. It provides effective ways to address important regulatory compliance, protection and access to human intellectual activity, and ethical and legal advice in this area.

Some countries have raised such issues to a higher level and banned AI technologies, while others are creating AI development centers and spending huge resources to support them.

In the table below, you can see the situation of the Arab League countries in the example of Chat GPT.

Table 1

Nº	List of Arab League countries	Supporters and developers	Blocked or Banned
1	 Egypt	+	
2	 Sudan		+
3	 Algeria	+	
4	 Iraq	+	
5	 Morocco	+	
6	 Saudi Arabia	+	
7	 Yemen		+
8	 Syria		+
9	 Somalia	+	
10	 Tunisia	+	
11	 Jordan	+	
12	 United Arab Emirates	+	
13	 Libya		+
14	 Palestine	+	
15	 Lebanon	+	
16	 Mauritania	+	
17	 Oman	+	
18	 Kuwait	+	
19	 Qatar	+	
20	 Bahrain	+	
21	 Djibouti	+	
22	 Comoros	+	

As can be seen from the above list, AI (in the example Chat GPT) is used in all other 18 countries except for 4 Arab League countries (Sudan, Yemen, Syria, Libya). In addition, many new types of AI can be found in UAE, Saudi Arabia and Egypt. Even the position of consultant has been introduced in the state administration bodies regarding the application of AI.

In addition, the use of AI is prohibited in the countries of Afghanistan and Iran [15], where Sharia rules are applied. For example, you can observe that Chat GPT is banned in these countries.

Regarding the use of AI, if one turns to the Holy Qur'an, which is the main source of Islamic law, one can find many verses in the holy book about the use of scientific achievements.

According to the scholars (Yasmansyah, Lainah, Zulfani Sesmiarni) there are about 750 verses of the Qur'an that talk about the universe and its phenomena, and command humans to know and make use of it [17. P. 467].

For instance, "O company of jinn and humans! If you can pass through the confines of the heavens and the earth, then do pass through. But you will not pass through except by authority [from the God] [14. P. 795].

In the verse 47 of the Surah Hajj, "Have they not traveled throughout the land so their hearts may reason, and their ears may listen? Indeed, it is not the eyes that are blind, but it is the hearts in the chests that grow blind [14. P. 481]".

In accordance with N.Hikmah states that based on Surah Ar-Rahman can be concluded that: first, Allah gives freedom for jinn and humans to develop themselves and take advantage of the development of science and technology for quality development [6. P. 7].

Yasmansyah, Lainah, Zulfani Sesmiarni note that "Why should humans follow Divine instructions in producing and applying science and technology? That's because the knowledge and capacity of the human brain to accommodate the knowledge of Allah, as well as all human abilities are very limited" [17. P. 473].

Shaikh Mohd Saifuddeen states, "It is abundantly clear that the concepts related to ICT is not alien to Islam. What is apparent is that ICT goes hand-in-hand with the attainment of knowledge in that ICT makes it easier for us to gather, store, analyse and communicate information that can further be processed into valuable knowledge" [13. P. 65].

Isah Onuweh Jimoh emphasized "as we have seen, we have acknowledged that Qur'an addresses both Science and Technology. It is not that it is a book of Sciences but as the last testament to the whole universe, it ought to address all that are necessary for humanity of all ages in accordance with their level of understanding development" [9. P. 426].

Several jurists and scholars have conducted research on AI and Islamic law. The works of the following scholars are related to artificial intelligence and Islamic law:

It is possible to mention Professor of Islam and Biomedical Ethics Dr. Mohammed Ghaly (Qatar). He is known for his research on artificial intelligence and Islamic law at the Qatar College of Islamic Studies (Hamad bin Khalifa University). His works are aimed at distinguishing and coordinating the important teachings of AI and Islam [7].

Dr. M. Akif Aydın Osmanniye Korkut Ata Universiteti (OKMEV) is a professor at the Faculty of Law, known for the research work on AI and Islamic law (Turkey).

Dr. Nabil Sultan is a professor of Masriq Islom Universitetida, developed sophisticated analysis and opinion on artificial intelligence and Islamic law (Oman). His work includes separate perspectives on AI and Islamic law and covers issues of fairness, trust, ethics and intellectual property in law.

Dr. Osman Karatepe is a professor of Duzce Universiteti (Turkey). He is the author of scientific works on the research and coordination of the problems of artificial intelligence and Islamic law. His works on AI and Islamic law aim to provide a separate perspective and emphasize the importance of morality in Islamic law.

These scientists are just a few examples, and many other famous works in this field can be cited.

Many projects and grants related to the interaction of Islamic law and AI are also being implemented. In particular, in 2020, Facebook promised funds for the “Ethics in AI Research Initiative Asia Pacific” project [3]. However, if we pay attention to the list of winners [2] of this project, it can be observed that among them, the impact between AI and Sharia norms has not been fully and comprehensively researched.

Facebook’s initiatives and projects aimed at strengthening independent research in these areas can be observed in many other examples. In particular, support for the TUM Institute for Ethics in AI [8] and similar initiatives are supported by Facebook in other countries and regions, such as India and Latin America.

The countries of the Arab League pay a lot of attention to the development of AI, and several centers have also been established. The following centers are of particular importance in helping the development of artificial intelligence in the Arab League countries:

Dubai AI Center is a unique Silicon Valley; It is the administrative center of AI development. This center conducts research on the study, development of innovative solutions for AI. The center includes conducting academic research and supporting start-up projects aimed at the development of AI.

Riyadh Center for Artificial Intelligence is located in Riyadh, Saudi Arabia. The center aims to facilitate the application and programming of artificial intelligence in the field of irrigation and water resources management.

Cairo AI Center is located in Egypt. This center is engaged in study, learning and research in the sphere of artificial intelligence.

However, information on the establishment of such AI centers in other 18 Arab League countries was not found. It can be concluded that the development of AI is being paid special attention in Saudi Arabia, where the Islam doctrine is considered the most strictly. In addition, the existence of AI centers in Egypt, where the most famous educational institutions for teaching Islamic teachings are located, is not difficult to understand that there is no strict opposition between AI and Islamic ethics.

In addition, three main countries mentioned above (UAE, Saudi Arabia, Egypt) use the experience of other developed countries to improve their AI based on various international conferences and roundtables. In particular, on 2 December 2021, in a roundtable discussion organized by Egypt’s Ministry of Communication and Information

Technology in cooperation with the League of Arab States at the ITU and UNESCO Regional Digital Inclusion Week [10], they discussed the challenges and opportunities for the development of a common AI strategy for Arab States [16].

At this point, if we pay attention to Uzbekistan, where more than 90% of the population is Muslim: Although there is no specific law regulating AI in our country, the sphere is fully regulated by various normative legal acts. In particular, the following normative legal acts can be a clear proof of this.

Table 2

Nº	Titles of normative-legal acts	Data and number
1	“On the approval of the regulation on the establishment of a special regime for the support of artificial intelligence technologies and the procedure for its operation”	Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, No. 717, adopted on 29.11.2021.
2	“On measures to introduce a special regime for the use of artificial intelligence technologies”	Resolution of the President of the Republic of Uzbekistan, No. 5234, adopted on 26.08.2021.
3	“On the establishment of the scientific-research institute for the development of digital technologies and artificial intelligence”	Resolution of the Cabinet of Ministers of the Republic of Uzbekistan, No. 475, adopted on 31.07.2021.
4	“On measures to create conditions for rapid introduction of artificial intelligence technologies”	Resolution of the President of the Republic of Uzbekistan, No. 4996, adopted on 17.02.2021.

Although the above-mentioned normative legal acts are clearly devoted to the issues of regulation of AI, in the process of their adoption, the issue of compliance with the laws of Sharia was not studied. Conclusions containing relevant opinions were not received from Islamic scholars.

At this point, if we pay attention to A. Z. Ali’s opinion, Islamic studies of today demands a new theoretical foundation to address not only the authentic or traditional approach in addressing traditional sources but also the modern factors in teaching-learning processes which are very contemporary in nature [1. P. 78].

Summarizing all the above thoughts and views, the following conclusions can be drawn:

Islamic law, also known as Sharia law, provides a moral and legal framework for Muslims, guiding various aspects of life, including technological advancements like AI. While there is no specific body of law dedicated to regulating AI in Islamic jurisprudence, Islamic legal principles and ethical considerations can be applied to address the challenges and implications arising from AI technology.

Islamic law emphasizes ethical principles, such as justice, fairness, accountability, and the preservation of human dignity. These principles can be applied to guide the de-

velopment, and use of AI systems. Islamic scholars and jurists often evaluate the ethical implications of AI technologies to ensure adherence to these principles.

Islamic law requires adherence to Islamic values and doctrines. AI systems and applications need to align with these values, ensuring they are not used for purposes that are prohibited or unethical according to Islamic teachings. For instance, AI applications should avoid promoting or facilitating activities such as gambling, interest-based transactions, or promoting harmful content.

Islamic law recognizes the importance of privacy and condemns unwarranted surveillance. AI systems should be designed to respect privacy rights, ensuring that personal data is protected and not misused. Islamic legal principles can guide the development of AI systems that uphold privacy and prevent unauthorized access to personal information.

Islamic law emphasizes the importance of accountability in decision-making processes. AI systems must be transparent, explainable, and subject to oversight to ensure that they do not undermine human accountability. Islamic legal principles can be applied to ensure that AI systems are accountable for their actions and decisions.

Islamic law prohibits causing harm to oneself or others. AI systems should adhere to this principle by avoiding biased decision-making, discrimination, or malicious activities. Islamic legal principles can be employed to address any potential harm caused by AI systems and provide remedies for affected parties.

It is important to note that the application of Islamic law to regulate AI is an ongoing discussion within Muslim-majority countries and Islamic scholarly communities. Efforts are being made to develop guidelines and frameworks that incorporate Islamic values into the ethical development and deployment of AI technologies while respecting the broader legal and regulatory landscape in each country.

References

1. Ali A. Z. A philosophical approach to artificial intelligence and Islamic values // IIUM Engineering Journal. 2011. Vol. 12, No. 6. Pp. 73–78.
2. Award Recipients. URL: <https://research.facebook.com/research-awards/ethics-in-ai-research-initiative-for-the-asia-pacific-request-for-proposals/#award-recipients>
3. Facebook announces award recipients of the Ethics in AI Research Initiative for the Asia Pacific. URL: <https://research.facebook.com/blog/2020/06/facebook-announces-award-recipients-of-the-ethics-in-ai-research-initiative-for-the-asia-pacific/>
4. Generative AI Has an Intellectual Property Problem. URL: <https://hbr.org/2023/04/generative-ai-has-an-intellectual-property-problem>
5. GitHub faces lawsuit over Copilot AI coding assistant. URL: <https://www.infoworld.com/article/3679748/github-faces-lawsuit-over-copilot-coding-tool.html>
6. Hikmah N. Digitalization of Islamic Law to Optimize the Existence of Islam in Millennial Generation. *Al-Islam // Journal of Religion and Civilization*. 2022. Vol. 1(1). Pp. 6–10.
7. URL: <https://www.hbku.edu.qa/en/cis/staff/mohammed-ghaly>

8. URL: <https://www.ieai.sot.tum.de/>
9. Isah Onuweh Jimoh Qur'an Addresses Science and Technology // International // Journal of Research and Innovation in Social Science (IJRISS). 2019. Vol. 45. Pp. 415–426.
10. ITU-UNESCO Regional Digital Inclusion Week: “Ensuring equity and inclusivity in all that we do: Data, Platforms and Policies”. URL: <https://www.itu.int>
11. Muslim scholars are working to reconcile Islam and AI. URL: <https://www.wired.co.uk/article/islamic-ai>
12. Plagiarism cases growing at U of Manitoba as students increasingly turn to artificial intelligence. URL: <https://www.cbc.ca/news/canada/manitoba/u-of-m-plagiarism-ai-chatgpt-1.6954819>
13. Shaikh Mohd Saifuddeen bin Shaikh Mohd Salleh Quranic motivation for using information and communication technology (ict) in daawah // Centre of Quranic Research International Journal. 2012. Vol. 2, No. 1. Pp. 63–72.
14. The Holy Qur'an Arabic text and English translation. Translated by MaulawI Sher Ali. Tilford (UK): Islam international publications LTD, 1989. 1028 p.
15. These are the countries where Chat GPT is currently banned. URL: <https://www.digitaltrends.com/computing/these-countries-chatgpt-banned/>
16. Towards a common Artificial Intelligence strategy for Arab States: Digital Inclusion Week 2021. URL: <https://www.unesco.org/en/articles/towards-common-artificial-intelligence-strategy-arab-states-digital-inclusion-week-2021>
17. Yasmansyah Lainah, Zulfani Sesmiarni. Science and technology in the quran education method // Jurnal ipteks terapan. Research of Applied Science and Education. 2021. Vol. 15. Pp. 466–473.
18. Gromova E. A., Petrenko S. A. Quantum Law: The Beginning // Journal of Digital Technologies and Law. 2023. Vol. 1(1). Pp. 62–88.