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A Jurisprudential Reexamination of the Concept of Intention (Niyyah) and the Attribution of Responsibility in AI-Based Decisions: A Motivation-Oriented Approach

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Abstract

The advent of artificial intelligence into sensitive decision-making arenas has transformed the very nature of decision and intention from a purely human act into a complex, technology-driven process. This transformation poses fundamental challenges to the Islamic jurisprudential (fiqh) system, particularly with regard to the "attribution of responsibility" (isnād-e mas'ūliyyat). This is because Islamic jurisprudence grounds responsibility on "intention" (niyyah) and "purpose" (qasd); however, the opaque structure (the "black box") of deep learning algorithms makes tracing the agent's intention exceedingly difficult. Unlike previous studies, which have largely focused on compensation and civil liability (damān), this research employs a descriptive-analytical method and adopts a "neo-fiqh" approach to reexamine the concepts of purpose, motive, and direct agency (mubāshirat) within the technical context of AI.

The findings reveal that in the digital ecosystem, the traditional concept of "the agent's intention" has transformed into a "distributed intention" shared among the designer, the data trainer, and the user. Furthermore, in confronting algorithmic uncertainty, the psychological element of responsibility shifts in nature from "intention toward a specific outcome" to "intention to act and acceptance of risk" (grounded in the juridical rule of "action" or qā'idah-ye eqdām). This paper endeavors to move AI beyond its conventional status as a mere "tool" by distinguishing between the system's "technical agency" and the human's "jurisprudential agency" (fā'eliyyat), thereby proposing a novel model for attributing responsibility based on the "degree of participation in motive and intention." This model has the potential to fill the existing theoretical gaps in legislation concerning autonomous systems and to pave the way for the formulation of more precise legal frameworks.

Keywords: Artificial Intelligence, Intention and Motive, Attribution of Responsibility, Fiqh of Technology, Technical Agency, Rule of Action (Qā'idah-ye Eqdām).

Introduction

The rapid developments in the field of artificial intelligence—particularly in automated and semi-automated decision-making—have brought about one of the most profound epistemological and institutional transformations of the contemporary era. Today, systems based on machine learning algorithms play a role in areas such as administrative adjudication, financial credit assessment, medical diagnosis, security surveillance, and even ethical and religious recommendations. This situation has transformed "decision" from a purely human act into a mediated, networked, and technological process—a process in which algorithm design, training data, modes of operation, and institutional policymaking all contribute to the final outcome (IEEE, 2025; ShariaLex, 2024). Such a development naturally presents novel challenges to legal and ethical systems, including Islamic jurisprudence (fiqh), particularly in the domains of act attribution, responsibility, civil liability (damān), and the legitimacy of technology-based decisions.

In Islamic jurisprudence, intention (niyyah) and motive are not merely ethical elements but rather fundamental pillars in the analysis of human actions and the imposition of both prescriptive (taklīfī) and declaratory (waḍ'ī) rulings. The foundational principle "Innamā al-a'mālu bi al-niyyāt" (Verily, actions are judged by intentions), regarded as one of the overarching rules governing all chapters of fiqh, demonstrates that the valuation of an act, the attribution of responsibility, and even the validity or invalidity of many actions are inconceivable without regard to the agent's intention (al-Nawawī, 1417 AH: vol. 1, p. 32; Ibn Rajab, 1422 AH: p. 65). Jurists, through a precise distinction between intention (niyyah), purpose (qasd), and motive (bā'ith), have sought to clarify the internal relationship between the agent's will and the outcome of the act (al-Qarāfī, 1425 AH: vol. 1, p. 175; Ibn Qayyim, 1423 AH: vol. 1, p. 138). Accordingly, intention plays a pivotal role in act attribution,

determining the type of responsibility, establishing liability (ḍamān), and even discerning designations such as good faith and bad faith in transactions and offenses.

However, the introduction of artificial intelligence into the decision-making process confronts this classical framework with a fundamental question: to whom, and at which stage, can intention and motive be attributed in actions realized through algorithms? In AI-based actions, there is typically a significant gap between the human agent and the final outcome, such that the act is realized not directly but through a "technological intermediary." Although this intermediary lacks consciousness and independent will, it nonetheless plays a decisive role in producing the external effect (al-Zarqā, 1423 AH: p. 36). This very fact transfers the problem of intention attribution from a simple individual level to a complex, multi-layered one in which the designer, the data trainer, the user, and even the policymaking institution can each have a share in the intention and motive affecting the decision.

The present study, recognizing the complexities governing intelligent systems, adopts a "motivation-oriented approach" as its analytical framework. This approach, in contrast to purely "consequence-oriented" approaches (which assess the legitimacy of a decision solely on the basis of its outcomes) and "classical responsibility-oriented" approaches (which focus on ex post attribution of harm), seeks to analyze the role of human intention throughout the entire intelligent decision chain—from design and training to execution and governance. In the logic of Islamic jurisprudence, disregarding the element of intention—particularly in mediated actions—may lead to a consequentialist reductionism that is incompatible with the maqāṣidī (purposive) and value-based foundations of the Sharīʿah (al-Shāṭibī, 1422 AH: vol. 2, p. 34).

Achieving this goal necessitates an examination of the existing background that has taken shape in recent years. Some authors have emphasized the necessity of revising traditional rules of civil liability in this domain (Takhshīd, 1400 SH), while others have undertaken a foundational investigation of liability (ḍamān) and the attribution of harm to intelligent systems (Rajabī, 1398 SH). Meanwhile, some researchers have focused on applying traditional models of responsibility to emerging technologies, and others have proposed the criterion of "ownership or maintenance" within the framework of comparative law (Bābāʾī et al., 1403 SH; Ehsān-Gar & Yazdāniyān, 1404 SH). Nevertheless, a gap is felt for an intention-centered perspective that goes beyond material attribution to address the volitional roots of the act. Furthermore, in the technical dimension, studies such as those by Patel et al. (2023) have emphasized the need for infrastructural alignment of AI models with the Islamic worldview, thereby laying the groundwork for incorporating the discussion of intention into the technical layers of algorithms.

Accordingly, the present study, aiming to fill this theoretical gap, pursues the following research questions: 1. Is it possible to speak of "intention" in AI-based decisions, and in what sense? 2. At which stages of the human-algorithmic chain can intention and motive be attributed? 3. How can Islamic jurisprudence, relying on the rules of act attribution, analyze responsibility arising from intelligent decisions? The main hypothesis of this paper is based on the premise that although AI lacks "intention in the jurisprudential sense," and will always traces back to human agents (designers, operators, and policymakers), the mediated nature of these actions nevertheless necessitates an ijtihādī (jurisprudential) reinterpretation of legal rules in light of new exigencies. Finally, the novelty of this research lies in highlighting "intention and motive" as the connecting link between Islamic jurisprudence and technological decision-making. In this way, the present article seeks to demonstrate that Islamic jurisprudence possesses a positive capacity to provide an ethical governance framework for artificial intelligence—a framework that holds particular theoretical and practical significance in the contemporary discourse on "religion and technology." The research method adopted in this article is descriptive-analytical with an ijtihādī approach, drawing upon classical jurisprudential texts and contemporary studies to analyze the subject matter.

1. Fundamental Concepts

1.1 Intention and Motive in Islamic Jurisprudence

In Islamic jurisprudence, intention (niyyah) signifies the agent's inner resolve to perform an act, without which the act's value and legal ruling cannot be determined (al-Qarāfī, 1425 AH: vol. 1, p. 175). Intention encompasses will and awareness, highlighting the distinction between the external act and internal purpose.

Jurists distinguish between intention (niyyah), purpose (qasd), and motive (dāfiʿ): intention is the axis of obligation and the legitimacy of the act; purpose denotes the will to realize the act; and motive is an internal stimulus that shapes will and intention, though it is not a condition of legitimacy (Ibn Qayyim, 1423 AH: vol. 1, p. 138).

In acts of worship (ʿibādāt), intention is a condition for the validity of practices such as prayer, fasting, and pilgrimage; its absence removes the act from the scope of prescriptive rulings (al-Nawawī, 1417 AH: vol. 1, p. 32; Sayyid Yazdī, 1420 AH: vol. 2, p. 58). In transactions (muʿāmalāt), intention determines the agent's good

faith or bad faith, the legitimacy of the contract, and the possibility of claiming liability (ḍamān) or voiding the transaction (Anṣārī, 1418 AH: vol. 1, p. 112).

Jurists have taken intention into account not only in explaining obligation but also in determining responsibility, liability, and even moral judgment of actions. From an ethical perspective, sincere intention bestows value and virtue upon an act (al-Ghazālī, 1417 AH: vol. 2, p. 45); from a legal perspective, good or bad intention can determine civil liability and transactional liability (Sayyid Aḥmadī, 1422 AH: p. 82).

1.2 The Nature of AI-Based Decisions

Artificial intelligence refers to systems capable of analyzing data, learning from patterns, and making decisions based on programmed algorithms (Artificial Intelligence in the Auspices of Law, 2022: p. 45). Algorithmic decisions are the outputs of these systems, which in many cases are generated with minimal or no direct human intervention.

Human action is direct, whereas algorithm-based action is distinct; direct human action requires the conscious will and intent of the agent, whereas algorithm-based action is the product of a human-machine chain interaction, such that the final outcome is often realized through technological intermediaries (Ethical Implications and Fiqh Fatwas, 2023: p. 12).

The technological intermediary is the algorithm or intelligent system itself, which participates in the realization of the act and its external effect but lacks consciousness, will, and jurisprudential intention (al-Zarqā, 1423 AH: p. 36). This intermediary plays a practical role in the act's realization, but intention and responsibility ultimately revert to human agents.

Humans are involved at various levels in intelligent algorithmic decision-making. The degrees and levels of human involvement include algorithm design, data training, operation, and institutional policymaking. Each of these stages can affect the analysis of intention and jurisprudential responsibility (Islamic AI Code, 2023: p. 27; AI and Islamic Jurisprudence, 2025: p. 33).

Thus, mediated algorithmic action raises a new jurisprudential issue—one in which human intention, the role of the intermediary, and the external effect must be integrated with traditional legal rules such as *tasbīb* (indirect causation), *lā ḍarar* (no harm), and justice (Islamic Perspectives on Technology, 2022: p. 18).

In intelligent decisions, human intention in design, operation, and policymaking determines legitimacy and responsibility; the intelligent system is merely a tool for realizing the act and cannot possess religious intention (Islamic AI Code, 2023: p. 29).

With the intermediary's role clarified and human intention emphasized, the ground is prepared for analyzing agency, intention attribution, and responsibility within the human-algorithmic chain. The question of agency in Islamic jurisprudence and the possibility of attributing intention to human agents in AI-based decisions is a central concern of the present study, examined as follows.

2. Agency, Free Will, and Intention Attribution in the Human-Algorithmic Chain

2.1 The Free Agent in Islamic Jurisprudence

In Islamic jurisprudence, an agent (fā'il) is one who possesses the capacity for will and choice in performing an act, such that the act is attributed to him (al-Khū'ī, 1420 AH: vol. 2, p. 45). The free agent is the pivot for the attribution of obligation and responsibility, and any jurisprudential analysis of actions remains incomplete without identifying the agent and his will.

Jurists have stipulated three main conditions for the attribution of an act to its agent:

1. **Knowledge and awareness:** The agent must be informed of the nature of the act and its consequences.
2. **Free will and decisional capacity:** The act must be performed with the agent's free will, not under compulsion or fundamental error (al-Āmidī, 1421 AH: p. 56).
3. **Will and purpose:** The act's realization must be accompanied by will and purpose in order to carry prescriptive or liability-related effects.

The agent's awareness and purpose form the basis for the act's legitimacy and the attribution of its ruling. In acts of worship, the absence of intention or purpose removes the act from the purview of the legal ruling; in transactions and civil actions, lack of awareness or bad faith can affect liability (ḍamān), annulment, or civil responsibility (al-Nawawī, 1417 AH: vol. 1, p. 32).

2.2 Analysis of Agency in AI-Based Decisions

Artificial intelligence cannot possess independent agency, because AI systems lack genuine consciousness, will, and awareness; they cannot be regarded as independent agents in the jurisprudential sense (AI and Islamic Jurisprudence, 2025: p. 33). Any algorithmic decision, despite its practical impact, lacks religious legitimacy unless it reverts to human purpose and intention. The roles of designer, trainer, and user carry responsibility; in the human-algorithmic chain, intention and responsibility revert to human agents:

- **Algorithm designer:** responsible for the framework and decision-making rules.
- **Trainer/data labeler:** determining training data and learning parameters affects the output.

- **End user:** the execution of the decision and the choice of timing, place, or conditions for employing the algorithm play a fundamental role (Civil Liability in Technological Era, 2024: p. 58).

The distinction between direct agent (mubāshir) and indirect/causal agent (musabbib) in algorithmic actions is very important. Islamic jurisprudence, for analyzing mediated actions, distinguishes between the direct agent (one who acts directly) and the causal agent (one who provides the conditions or means). In AI decisions, the user or operator is typically the direct agent, while the designer or policymaker is considered the causal agent. This distinction is important for attributing intention and liability (Ethical Implications and Fiqh Fatwas, 2023: p. 17).

AI cannot have intention or purpose, and all analysis of intention, legitimacy, and responsibility must be attributed to human agents. This approach is consistent with traditional jurisprudential rules such as tasbīb and lā ḍarar (Islamic AI Code, 2023: p. 29).

2.3 Jurisprudential Intention and Criminal Fault in the Algorithmic Ecosystem

While Islamic jurisprudence, in analyzing the mental element, places special emphasis on "purpose" (intention) as a fundamental pillar of actions, modern criminal law, in confronting complex intelligent systems, recognizes a broader spectrum of mental states under the rubric of the "mental element" (mens rea). The main challenge arises when the designer or operator lacks "explicit intent" to commit a crime but, by employing "black box" algorithms, accepts the risk of a criminal outcome.

a) Transition from "Intent" to "Recklessness" in Deploying Black Box Systems

In AI systems, especially deep learning, even designers find it difficult to predict outputs precisely. Here, the classical concept of "intent," which requires detailed knowledge of the outcome, appears insufficient for attributing criminal responsibility. Under the "natural and probable consequence" model, it is argued that if the designer or user knows that using an intelligent system is inherently risky but disregards the probability of harm, criminal responsibility can be established on the basis of "recklessness" (Hallevy, 2010).

Therefore, merely deploying a non-transparent algorithm in sensitive domains, even without malicious intent, can constitute "criminal recklessness," because the human agent, aware of the system's uncertainty, has accepted the "risk of crime occurrence." This situation is recognized in modern law not as mere negligence but as a degree of fault equivalent to "probabilistic intent" (Gless et al., 2016).

b) Jurisprudential Reinterpretation: The Rule of Action (Iqdām) and Constructive Intent

Islamic jurisprudence possesses the capacity to converge with this modern approach. Although AI lacks consciousness, the conduct of a human agent who unleashes such a system can be analyzed under the rule of "action" (qā'idat al-iqdām). When the designer, knowing the unpredictable nature of the algorithm, activates it in a public environment, he has in fact "acted upon" probable harm.

Here, one can draw upon the concept of "constructive intent" or "implicit intent" (qasd-i ijmālī) in jurisprudence, meaning that although the agent did not have detailed intent regarding a specific outcome, the "acceptance of risk" at the design and deployment stage constitutes an implicit will to accept the consequences. In the analysis of "reasonable robot" standards, it has been proposed that the criterion is not the designer's inner intention but rather the objective deviation from safety standards that a "reasonable person" should have observed (Abbott, 2022). This view is akin to the concept of "transgression and negligence" (ta'addī wa tafrīt) in jurisprudence, but in criminal law, it removes the burden of reading the machine's impossible intention and focuses instead on the "quality of the initial human decision."

2.4 Attribution of Intention and Motive at Different Stages of Intelligent Decision-Making

- **Intention at the design and training stage:** The intention of the designer and trainer determines the practical and ethical framework of future decisions. The selection of data, evaluation criteria, and constraints all indicate effective human intention and responsibility (AI and Islamic Jurisprudence, 2025: p. 36).

- **Intention at the operational and execution stage:** The end user or operator, by choosing the timing, conditions, and manner of algorithm execution, acts as the direct agent in realizing the act, and his intention is significant in determining the legitimacy and liability of the practical decision (The Crimes Arising from the Use of AI, 2023: p. 21).

- **Institutional and policymaking intention in macro-applications:** Organizations, institutions, and policymakers can, by setting macro-objectives and legal-ethical frameworks, apply their intention to the entire intelligent decision chain. This level of intention holds particular importance in the analysis of responsibility and enforcement guarantees (Islamic AI Code, 2023: p. 31).

In the human–algorithmic chain, multiple human agents with differing intentions may contribute to the realization of a single decision. Islamic jurisprudence addresses this issue through the analysis of "multiplicity of intentional agents" (ta'addud al-qāsidīn) and "multiplicity of offenders" (ta'addud al-junāt) in mediated actions, such that each intention affects legitimacy and responsibility in distinct ways (ShariaLex, 2024: p. 42).

3. Jurisprudential Analysis of Intelligent Decisions with a Focus on the Governing Rules of Act and Intention Attribution

3.1 Rules of Responsibility and Liability Attribution in Mediated Actions

1) The Rule of Indirect Causation (Tasbīb) and Its Application to Algorithmic Decisions: In Islamic jurisprudence, the rule of tasbīb holds that if an act causes a result, even indirectly, the agent bears responsibility (al-Zarqā, 1423 AH: p. 45; Ibn Nujaym, 1425 AH: p. 72). In AI-based decisions, the designer, trainer, and policymaker, as causal agents (musabbibūn), play a pivotal role in bringing about the outcome, while the end user is the direct agent (mubāshir). Accordingly, the intention and purpose of each of these agents form the axis for determining responsibility and liability (Rajabī, 1398 SH).

2) Direct and Indirect Destruction (Itlāf) in the Technological Context: Itlāf refers to the destruction of or harm to another's property or right, which may be direct (the algorithm's user causes damage) or indirect (the algorithm's error stems from design or defective data) (Muṣṭafā al-Zarqā, 1423 AH: p. 91). This rule provides a jurisprudential tool for attributing responsibility to human agents in mediated actions.

3) Attribution of Liability (Ḍamān) to the Human Agent or Agents: Given the role of the technological intermediary, liability arising from intelligent decisions must be attributed to human agents. Comparative analysis shows that the designer and policymaker bear antecedent responsibility, while the user bears direct responsibility. This approach is consistent with the rule "man atlaḥa māla ghayrihi fa-huwa lahu ḍamīn" (whoever destroys another's property is liable for it).

3.2 The Challenge of Unpredictability and the Interruption of Causal Attribution

One of the most complex issues in attributing responsibility to intelligent systems is the problem of "interruption of the causal relationship" due to the learning-based and unpredictable nature of algorithms. In deep learning algorithms, the system may, after processing data, exhibit behavior that was not even predictable by the original designer. In such circumstances, can the designer's intention or fault still be attributed to the final outcome?

a) The Criterion of "Proximate Cause" in Modern Law

In common law, establishing responsibility requires not merely a material relationship but also "legal causation" or "proximate cause." The main challenge is that in self-adaptive systems, the designer cannot predict the precise decision-making path of the machine. Nevertheless, modern legal analyses suggest that the criterion of "foreseeability" should not focus on the "detailed specifics of the incident" but rather on the "type of risk."

If the designer deploys an intelligent system with "unsupervised learning" capability in a sensitive environment, even if the specific error of the system (e.g., misdiagnosing a tumor) is not foreseeable, the "possibility of error" is inherent in the technology itself. In effect, "lack of transparency" is an intrinsic feature of the product, and the designer, knowing this feature, has marketed it. Therefore, the technological intermediary does not interrupt the causal relationship here, because the outcome falls within the "scope of risk" created by the designer (Herbosch, 2025).

b) Application of the Rule "The Cause Is Stronger than the Direct Agent" (al-Sababu Aqwā min al-Mubāshir)

In Islamic jurisprudence, the rule of tasbīb applies where the act does not originate directly from the agent. In human-AI interaction, the intelligent system plays the role of "direct agent" (mubāshir), while the designer plays the role of "cause" (sabab). According to the general rule, if the direct agent possesses will and choice (like a rational human), responsibility falls upon him, and the designer's causation is interrupted. However, artificial intelligence, however advanced, lacks "independent jurisprudential will" and is considered legally akin to a "tool" (ālah) or at most a "menacing animal" (ḥayawān ṣā'il).

Therefore, even if the AI behaves unexpectedly, it falls under the rule "al-sababu aqwā min al-mubāshir" (the cause is stronger than the direct agent); for the direct agent (AI) lacks consciousness, and the superiority of the cause (designer/operator) remains intact. The causal relationship is interrupted only if the AI's behavior is so extraordinary and unforeseeable that it bears no rational connection to the input data or original design (e.g., hacking by a third party), in which case the third-party actor would be liable. Contemporary systemic analyses also confirm that the focus should not be on "technical error" but rather on the "socio-technical risk factors" over which the designer had control, as the criterion for attribution (Locating Fault for AI Harms, 2025).

Thus, it has been argued that the "unpredictability of details" does not negate responsibility, as long as the "fundamental risk" was foreseeable. This is precisely the link that connects jurisprudential analysis (the cause is stronger than the direct agent) with technical analysis (deep learning).

3.3 The Rule of No Harm (Lā Ḍarar) and the Principle of Technological Precaution

The rule of lā ḍarar prohibits inflicting harm on oneself and others (al-Nā'inī, 1424 AH: p. 56). In AI applications, this rule relates to the prevention of social, ethical, and security harms. The design and use of algorithms must be such as to inflict the least possible harm on individuals and society.

Here, the agent's intention is a key criterion in determining the realization or foreseeability of harm. If the designer or operator has malicious intent or fails to exercise due precaution, his jurisprudential responsibility and liability intensify. Conversely, ethics-oriented design and preventive intention can prevent the occurrence of harm (Islamic AI Code, 2023: p. 34). AI, by contrast (as discussed in the functionalist and behaviorist account offered by Alawijeh and Al-Mesilini (2025)) simulates or reproduces certain cognitive functions without possessing intentionality or intrinsic semantic experience.

The rule of *lā ḍarar* establishes antecedent requirements for the design and operation of intelligent systems. Antecedent responsibility includes observing standards of security, ethics, transparency, and algorithmic auditability to prevent harm to individuals or society (Ethical Implications and Fiqh Fatwas in the Digital Age, 2023: p. 22).

3.4 The Rules of Justice (ʿAdālah) and Public Interest (Maṣlaḥah) in Assessing the Legitimacy of Intelligent Decisions

The rule of justice (ʿadālah) serves as the basis for assessing legitimacy and fairness in decisions. In jurisprudence, justice refers not only to the equitable distribution of resources but also to the observance of individuals' rights and the prevention of oppression and injustice (al-Shāṭibī, 1422 AH: vol. 2, p. 55). In AI, the application of decisions must accord with social justice, civil rights, human dignity, and be grounded in public interest (maṣlaḥah).

Public interest is a criterion for evaluating and legitimizing decisions in jurisprudence. The deployment of AI must serve the interests of the broader community and public security, while preventing harm to groups or individuals (Harmonizing AI with Islamic Values, 2023: p. 18).

Although technological efficiency is highly important, Islamic jurisprudence stipulates that it cannot take precedence over religious values, human dignity, and ethical principles. Human intention in the design and operation of AI must ensure the observance of these boundaries (Islamic AI Code, 2023: p. 35; AI in Military Weapons, 2024: p. 21).

4. Case-Based Analysis: The Manifestation of Intention and Responsibility in Critical Scenarios

For a more precise understanding of how intention and fault are attributed, it is necessary to examine the aforementioned theories across three operational domains with differing technical complexities:

a) AI in Medical Diagnosis

In cases where an intelligent system commits a diagnostic error due to "biased data," where is the human agent's intention (physician or designer)? If the designer, knowing that the training database lacks sufficient racial or gender diversity, markets the system, we are confronted with a form of "organized recklessness." Here, although there is no intent to harm the patient, under the rule "*al-maghrūru yarjīʿu ilā man gharrahu*" (the deceived one reverts to the one who deceived him), the designer who has presented a system with a misleading appearance but a defective interior bears responsibility. Here, intention is crystallized not at the moment of diagnosis but at the moment of "selecting the training data" (Oxford Academic, 2023).

b) Autonomous Vehicles

In the famous trolley-style scenario, where the vehicle must choose between colliding with a group of pedestrians or swerving and killing the occupant, the algorithm operates on the basis of pre-established "ethical codes." From a jurisprudential perspective, this falls under the rule "*al-ḍarūrāt tubīḥ al-maḥzūrāt*" (necessities permit prohibitions) with the condition that "*al-ḍarar lā yuzāl bi al-ḍarar*" (harm is not removed by harm). The designer's intention here is not "definite intent" to kill, but rather "priority design." If the designer has programmed the algorithm to always prioritize the occupant's interests over those of pedestrians, this "unjustified preference" in criminal law could constitute "constructive intent" to harm others, because the pedestrian's death is incorporated as a "certain and accepted consequence" within the decision-making structure (Jurnal UGM, 2024).

c) Criminal Justice Algorithms and Racial Bias

The use of algorithms such as COMPAS to estimate recidivism risk raises the challenge of "policymaker intention." If the policymaker, knowing of the racial biases embedded in past criminal records, uses these algorithms for sentencing, he is in effect concealing his "discriminatory intent" behind the mask of "machine neutrality." This situation exemplifies "fault in the selection of means." In jurisprudence, if a ruler uses a means that typically leads to the squandering of public rights, even without direct intent, he is liable. Here, intention shifts from the "individual" to the "system," and responsibility is grounded in "supreme oversight of algorithmic justice" (Mabadiiqitishada, 2024).

4. Jurisprudential, Ethical, and Civilizational Implications of Redefining Intention in the Age of Artificial Intelligence

4.1 Jurisprudential Implications

1) Locus of Imposing Prescriptive (Taklifi) and Declaratory (Waḍ'i) Rulings: Artificial intelligence, as an intermediary tool in decision-making, enables the reproduction and imposition of prescriptive and declaratory rulings within operational processes. However, these rulings are not directly attributable to the system itself and are only manifested through human agents—the designer, the policymaker, and the user (Islamic Law in the Digital Era, 2023: p. 28). This approach demonstrates the capacity of Islamic jurisprudence to transfer religious principles into the context of emerging technologies.

2) The Impact of Intention on Liability (Ḍamān), Responsibility, and Act Attribution: Jurisprudential analysis shows that human intention remains the most important criterion for attributing responsibility and liability in intelligent decisions. Designing or executing an algorithm with sound intention prevents the occurrence of harm, and conversely, negligence or bad faith gives rise to civil, criminal, or moral responsibility (Civil Liability in Technological Era, 2024: p. 60). This model ensures the continuity of the rules of tasbīb (indirect causation) and lā ḍarar (no harm) in the digital space.

3) Redefining the Scope of Human Actions in the Technological Context: Artificial intelligence expands the scope of human actions. Jurisprudential agency (fā'eliyyat) in this domain is not limited to direct action but extends to decision-making, policymaking, and technology utilization. In this way, Islamic jurisprudence possesses the capacity to adapt to mediated actions and to attribute intention to the chain of human agents (Where Technology Meets Islam, 2022: p. 21).

4.2 Ethical and Civilizational Implications

1) Safeguarding Fundamental Human Dignity in the Ecosystem of Intelligent Decisions: One of the most critical ethical consequences of confronting new technologies is ensuring the inherent dignity and worth of human beings at all stages of AI application. On this basis, algorithmic outputs must in no way lead to the violation of fundamental rights, structural humiliation, or the reproduction of discrimination against any segment of society. Islamic jurisprudence, grounded in the immutable principles of justice and respect for human station, proposes an ethical and binding framework for the design and implementation of intelligent systems that prevents the reduction of human beings to mere statistical data points (Harmonizing AI with Islamic Values, 2023: p. 19).

2) The Authority of Religion in Regulating Algorithmic Ethics: Islamic jurisprudence and revelatory sources play a key role in defining ethical standards and regulating the functions of artificial intelligence. This regulatory role encompasses vital areas such as determining the "limits of human intention in the hidden layers of decision-making," formulating criteria for "public interest" (maṣlaḥah), and blocking avenues for ethical abuse of technological tools (Artificial Intelligence and Islamic Jurisprudence, 2025: p. 46). From this perspective, religion is not merely a retrospective observer but rather a prospective inspirational source for directing the values governing artificial intelligence.

3) Jurisprudential Capacity-Building in the Formation of a Religious Governance Model for Technology: Islamic jurisprudence has the capacity to serve as a macro-model in the religious governance of the technological domain. This model-building embeds fundamental principles such as "obligation-orientation" (taklīf), "justice" ('adālah), the "rule of no harm" (lā ḍarar), and "public interest" (maṣlaḥah) across all spheres of design, data training, and utilization of intelligent systems. Such structural capacity enables the formulation of policy frameworks and the monitoring of decision-making processes at organizational and governance levels.

5. Comparative Analysis: The EU AI Act in Light of Jurisprudential Rules

In recent years, leading legal systems have moved toward "risk-based governance." The European Union's Artificial Intelligence Act (adopted in 2024) is a paradigmatic example of this approach, classifying intelligent systems into four categories based on their level of risk. This regulatory model exhibits striking structural similarities with the foundations of the "principle of precaution" (iḥtiyāt) and the "rule of no harm" (lā ḍarar) in Islamic jurisprudence.

a) Risk Classification and Conformity with the Rules of "No Harm" and "Precaution"

Under the EU Act, systems posing an "unacceptable risk" (e.g., social scoring) are prohibited. This absolute prohibition can be explained in jurisprudence by the rule "lā ḍarar wa lā ḍirār fī al-islām" (there is no harm nor reciprocating harm in Islam), for the harm caused by such systems strikes at the very principles of justice and human dignity.

Regarding high-risk systems, the EU Act imposes stringent requirements for "human oversight" and "transparency." From a jurisprudential perspective, these requirements are instances of "observing precaution" to prevent the occurrence of corruption (mafsadah). A jurist can here argue that deploying a high-risk system without oversight constitutes "causation of harm" (tasbīb fī al-ḍarar), and the operator's intention

in employing such a tool—even absent an intent to harm—is vitiated by "failure to observe obligatory oversight," thus incurring responsibility (EU AI Act, 2024).

b) Distributed Intention in Light of Provider and User Responsibility

The EU Act distributes responsibility between the "provider" and the "user." This is precisely the concept of "distributed intention" advanced in this article. When the provider documents his intention in the form of technical codes, and the user employs it with awareness of these capacities, a form of "implicit agreement on risk distribution" takes shape.

In contrast to the traditional view that seeks a "single wrongdoer," both the EU Act and the progressive jurisprudential approach seek to identify "centers of risk." In cases where the system exhibits bias, the EU emphasizes "data governance"; this aligns with the rule of "fault in the selection of means" (taqṣīr fī ghōzīneh-ye abzār). If the user employs a system that, according to technical documentation, was not designed for that specific purpose, he has, through his own "action" (eqdām), interrupted the designer's causal chain and linked responsibility to his own intention (Hacker, 2024).

6. Vicarious Liability and the Challenge of Deprived Will: A Jurisprudential-Criminal Reexamination

In legal systems, the principle is that of "personal criminal responsibility"; however, the advent of artificial intelligence has created a situation in which the human agent, invoking "algorithmic autonomy," claims the deprivation of will and the interruption of the link between his intention and the machine's criminal output. To fill this gap, recourse must be made to models of "responsibility for the act of another" and "fault in supervision."

a) The Theory of Vicarious Liability in Technology Criminal Law

In modern law, vicarious liability is primarily addressed in civil law and the employer–employee relationship, but in the field of artificial intelligence, this concept is returning to the criminal arena. If the designer or owner consciously delegates the decision-making process to an intelligent system, he has in effect "delegated" his agency to it.

Here, even in the absence of direct intent to commit a crime, responsibility is grounded in "fault in supervision." According to the "command responsibility" doctrine, just as a commander is responsible for the crimes of subordinates due to insufficient oversight, the owner or operator of AI is criminally liable for failing to control the system's outputs and failing to halt it at the moment of risky behavior (Duff, 2024).

b) Jurisprudential Reexamination: From "Collective Liability" (Ḍamān al-ʿĀqilah) to "Fault in Maintenance and Custody"

Islamic jurisprudence possesses unique capacities for accepting this form of responsibility. Although AI is not human, it can be analogized, in legal terms, to cases where a human agent is held responsible for the act of an entity under his control (such as a harmful animal or a non-discerning child).

- **The Rule of Fault in Custody (Taḳṣīr fī al-Ḥifẓ):** If the owner of an instrument that is inherently hazardous (such as a reinforcement-learning algorithm in capital markets or medicine) is negligent in safeguarding and supervising it, under the rule of "transgression and negligence" (taʿaddī wa tafrīt), he is liable. Criminal intent here lies not in the "outcome" but in the "act of omitting supervision."
- **The Rule of Negating Uncertainty (Nafy al-Gharar):** Marketing artificial intelligence without safety systems constitutes an act of "garar" (fraudulent uncertainty) in the legal ecosystem. The designer, by releasing such an agent, has in effect distributed his intention in the form of an "uncontained risk." Therefore, even if the physical will at the moment of the crime belongs to the machine, "legal will" remains in the hands of the one who bore responsibility for risk management (Islamic Law and AI, 2024).

Findings and Conclusion

This research, adopting a jurisprudential–motivation-oriented approach, has examined the redefinition of intention and motive in AI-based decisions and has succeeded in clarifying the pivotal role of human intention in the analysis of technologically mediated actions.

1. Main Findings of the Research:

- Human intention is the axis of responsibility and liability attribution at all stages of intelligent decision-making, and artificial intelligence lacks agency and intention in the jurisprudential sense.
- The distinction between the direct agent (mubāshir) and the causal agent (musabbib) in the human–algorithmic chain enables a precise analysis of responsibility and liability.
- Jurisprudential rules such as tasbīb (indirect causation), lā ḍarar (no harm), ʿadālah (justice), and maṣlaḥah (public interest) serve as effective tools for assessing the legitimacy of algorithmic decisions and preventing social and ethical harms.
- Jurisprudential analysis demonstrates that human intention and purpose can be applied at the levels of design, operation, and macro-policymaking of artificial intelligence, thereby redefining the scope of human actions.

2. Confirmation of the Efficacy of Islamic Jurisprudence in Analyzing Technological Actions:

The research findings indicate that despite its traditional nature, Islamic jurisprudence possesses the necessary flexibility and capacity to confront technological innovations. Existing rules, particularly those governing act and intention attribution, enable the assessment, prevention, and allocation of responsibility in the context of intelligent decisions.

3. Establishing the Pivotal Role of Human Intention in AI-Based Decisions:

This research emphasizes that all algorithmic decisions must be analyzed through human intention and will, and that any ethical, legal, or religious evaluation that fails to consider the intention of human agents remains incomplete.

4. Proposals for Future Research and Religious Policymaking in the Field of Artificial Intelligence:

1. Development of jurisprudential-ethical frameworks for evaluating intelligent decisions in medical, financial, and security domains.
2. Designing standards governing intention and responsibility in the human-algorithmic chain as part of religious technology policymaking.
3. Comparative study of legislative experiences and AI civil liability in comparative law and their alignment with the principles of Islamic jurisprudence.
4. Application of jurisprudential-ethical models in education and culture-building for the responsible use of artificial intelligence in governmental and non-governmental institutions.

With this approach, the present research not only demonstrates the capacity of Islamic jurisprudence to analyze emerging technological issues but also lays the groundwork for the development of religious policymaking and governance of artificial intelligence.

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