

Reconstructing *Maqāṣid al-Sharī'ah* for Artificial Intelligence Governance: An Indonesian Perspective on Digital Administrative Law

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Abstract

Artificial intelligence (AI) is reshaping public administration by enhancing governmental decision-making and public service delivery while simultaneously raising legal concerns regarding transparency, accountability, explainability, and the protection of citizens' rights. Although Indonesia has established a legal foundation for digital government through the Electronic-Based Government System (SPBE), the Government Administration Law, the Public Service Law, and the Personal Data Protection Law, these regulations do not yet provide a comprehensive framework for governing AI-assisted administrative decision-making. This study examines the adequacy of Indonesia's existing legal framework, identifies its regulatory gaps, and reconstructs *Maqāṣid al-Sharī'ah* as a normative foundation for responsible AI governance. Employing a normative-comparative legal approach, the research analyzes Indonesian legislation, international AI governance instruments, and contemporary Islamic legal scholarship through statutory, conceptual, comparative, and philosophical analysis. The study finds that Indonesia's regulatory framework lacks clear provisions on algorithmic accountability, explainability, automated administrative decision-making, human oversight, and institutional liability. It further demonstrates that *Maqāṣid al-Sharī'ah*, particularly through Jasser Auda's systems approach, offers a dynamic normative framework grounded in justice, public welfare (*maṣlaḥah*), human dignity, transparency, and accountability. Based on these findings, this article proposes a Maqāṣid-Based AI Governance Framework (MBAGF) that integrates constitutional principles, administrative law, international AI governance standards, and the higher objectives of Islamic law. The framework contributes to contemporary Islamic legal scholarship while providing a normative model for future AI governance and legal reform in Indonesia and other Muslim-majority jurisdictions.

Keywords: Artificial Intelligence Governance; Digital Administrative Law; Maqāṣid al-Sharī'ah; Good Governance; Indonesia.

INTRODUCTION

Artificial Intelligence (AI) has rapidly evolved into one of the defining technologies of the twenty-first century, bringing fundamental changes to the way governments formulate public policies, deliver public services, and exercise administrative authority (Floridi, 2023). Initially developed to enhance computational efficiency, AI has gradually become an essential governance tool capable of processing vast amounts of data, identifying patterns, predicting societal trends, and supporting administrative decision-making (Dignum, 2019). Across many jurisdictions, governments are increasingly incorporating AI into digital governance strategies to improve bureaucratic performance, strengthen transparency, simplify administrative procedures, and enhance the quality of public service delivery (Gil-García et al., 2016). Consequently, AI is no longer viewed merely as a technological innovation; rather, it has become an integral element of digital government and smart governance initiatives designed to modernize public administration while preserving democratic accountability and institutional legitimacy (Fatmawati, 2025).

The growing reliance on AI within governmental institutions, however, has generated legal and ethical questions that extend far beyond technological considerations. As AI systems become involved in administrative decision-making, concerns arise regarding legality, transparency, accountability, explainability, procedural fairness, discrimination, data protection, and judicial oversight (Zahra & Amirah, 2024). Unlike conventional administrative decisions made directly by public officials, AI-assisted decisions frequently rely on complex algorithms whose internal reasoning cannot easily be understood or scrutinized by affected individuals. This so-called “black-box” phenomenon challenges core principles of administrative law, particularly legal certainty, due process, proportionality, and public accountability (Pal, 2026). Reflecting these concerns, recent international scholarship has shifted its attention from celebrating technological innovation toward developing normative and regulatory frameworks capable of ensuring that AI remains consistent with democratic governance and the rule of law (Hannah, 2025).

Recognizing these challenges, various international organizations have introduced principles and regulatory frameworks to guide the responsible use of AI. The OECD AI Principles, UNESCO Recommendation on the Ethics of Artificial Intelligence, the European Union AI Act, and the NIST AI Risk Management Framework collectively promote transparency, accountability, fairness, human oversight, and human-centered governance as essential elements of trustworthy AI (AllahRakha, 2024). Together, these initiatives represent important milestones in the global evolution of AI governance. Nevertheless, they are predominantly grounded in secular legal and ethical paradigms, leaving relatively limited space for normative perspectives derived from religious legal traditions that continue to influence governance in many Muslim-majority societies (Corrêa, 2023).

Indonesia provides a particularly compelling setting in which to examine this issue. As the world's largest Muslim-majority country and one of Southeast Asia's fastest-growing digital economies,

Indonesia has accelerated its digital transformation through the implementation of the Electronic-Based Government System (SPBE), the development of GovTech Indonesia, and the establishment of INA Digital (Wahyudi et al., 2025). These initiatives demonstrate the government's commitment to improving administrative efficiency and expanding digital public services. At the same time, Indonesia has enacted several important legal instruments supporting digital governance, including the Government Administration Law, the Personal Data Protection Law, the Public Service Law, and regulations governing SPBE (Sipayung et al., 2025). Despite these developments, Indonesia still lacks a comprehensive legal framework specifically regulating the use of AI within public administration. Existing legislation has yet to address crucial issues such as automated administrative decision-making, algorithmic transparency, explainability, governmental liability, and effective legal remedies for citizens affected by AI-assisted decisions (Sulistyantoro et al., 2024).

This regulatory gap is becoming increasingly significant as governmental institutions rely more extensively on algorithmic systems. AI technologies are beginning to support decisions in areas such as taxation, social welfare distribution, immigration, healthcare administration, licensing, and even judicial administration (Ontario, 2021). While these technologies promise greater efficiency and accuracy, they also carry risks of reproducing discrimination, reinforcing institutional bias, generating opaque decision-making processes, and reducing opportunities for meaningful human review if not supported by adequate legal safeguards (Cossette-Lefebvre & Maclure, 2023). For this reason, many scholars argue that AI governance should not be limited to regulating technological systems alone but must also establish normative principles governing the exercise of public authority through intelligent technologies (Erman & Furendal, 2022).

Within the field of Islamic legal studies, scholarly interest in AI has expanded considerably during the past decade. Existing research has primarily explored AI from the perspectives of Islamic ethics, automated fatwa production, Islamic finance, digital religious services, and the broader ethical implications of machine intelligence (Qaruty et al., 2025). Although these studies have made valuable contributions to contemporary Islamic legal discourse, they rarely examine AI as an instrument of public administration or digital governance. More importantly, only limited attention has been devoted to integrating *Maqāṣid al-Sharī'ah* into AI governance frameworks designed specifically for administrative law and governmental decision-making (Prabowo et al., 2026).

In this regard, *Maqāṣid al-Sharī'ah* offers a promising normative foundation for responding to the legal challenges posed by AI. Classical scholars, including al-Shāṭibī and Ibn 'Āshūr, conceptualized the objectives of Islamic law as protecting religion, life, intellect, lineage, and property (Habib, 2025). Contemporary scholarship particularly the systems approach developed by Jasser Auda has broadened this understanding by emphasizing justice, openness, institutional flexibility, public welfare (*maṣlaḥah*), and human dignity as the overarching objectives of Islamic law (Rofi'i & Fata, 2025). This broader conception enables *Maqāṣid* to function not only as a framework for religious ethics but also as a normative basis for contemporary public governance. Accordingly, *Maqāṣid* possesses considerable potential to guide AI governance by ensuring that

technological innovation remains aligned with justice, transparency, accountability, and the protection of fundamental human rights (Ibrahim & Ali, 2026).

Despite this potential, current scholarship has yet to adequately explain how *Maqāṣid al-Sharī'ah* can be reconstructed as a practical normative framework for governing AI within Indonesia's digital administrative system. Existing studies generally examine AI governance, administrative law, and Islamic legal theory in isolation, with relatively few attempts to integrate these perspectives into a coherent analytical model. Consequently, an important theoretical and practical gap remains at the intersection of Islamic law, AI governance, and digital administrative law (Mustopa & Moh Mahbub, 2026).

Against this background, this study seeks to reconstruct *Maqāṣid al-Sharī'ah* as a normative foundation for AI governance within Indonesia's digital administrative law framework. By bringing together Islamic legal theory, digital governance, and administrative law, this article proposes a *Maqāṣid*-Based AI Governance Framework that not only contributes to the advancement of contemporary Islamic legal scholarship but also enriches international discussions on responsible AI regulation in Muslim-majority jurisdictions (Wiwik Hidayati & Eka Pandu Cynthia, 2024a).

RESEARCH METHOD

This study employs doctrinal (normative) legal research with a comparative approach to examine Indonesia's legal framework for artificial intelligence (AI) governance in public administration and to reconstruct *Maqāṣid al-Sharī'ah* as its normative foundation. The analysis draws on primary legal materials, including the 1945 Constitution, Indonesian legislation on government administration and digital governance, and international AI governance instruments such as the OECD AI Principles and the European Union AI Act, supported by secondary legal materials from scholarly literature on administrative law, AI governance, and Islamic legal theory. The study applies statutory, conceptual, comparative, and philosophical approaches (Creswell, 2014). Legal materials are analyzed through statutory interpretation, comparative legal analysis, and normative synthesis to identify regulatory gaps and develop a *Maqāṣid*-Based AI Governance Framework (MBAGF) that integrates constitutional principles, administrative law, international AI governance standards, and the higher objectives of Islamic law (Nugroho & Antari, 2026).

RESULTS

The analysis undertaken in this study reveals that Indonesia has made significant progress in establishing the legal and institutional foundations necessary for digital government. Constitutional guarantees, statutory legislation, and various governmental policies collectively demonstrate the state's commitment to accelerating digital transformation within public administration. At the same time, the findings also indicate that the pace of legal development has not kept up with the increasingly sophisticated use of artificial intelligence (AI) in governmental activities. As a result, several important regulatory issues remain unresolved. Drawing upon constitutional provisions, statutory regulations, international AI governance

frameworks, and Islamic legal theory, four major findings emerge from this research (Alfikri et al., 2026).

The first finding relates to the current structure of Indonesia's digital governance framework. From a legal perspective, Indonesia already possesses a reasonably well-developed regulatory basis for implementing digital government. The 1945 Constitution establishes the constitutional principles of the rule of law, legal certainty, equality before the law, and the protection of fundamental rights, all of which provide the normative foundation for the exercise of governmental authority (Setyawan et al., 2025). These constitutional guarantees are reinforced through a number of statutory instruments, including Law Number 30 of 2014 concerning Government Administration, Law Number 25 of 2009 concerning Public Services, Law Number 27 of 2022 concerning Personal Data Protection, Law Number 11 of 2008 concerning Electronic Information and Transactions as amended by Law Number 1 of 2024, Government Regulation Number 71 of 2019, and Presidential Regulation Number 95 of 2018 concerning the Electronic-Based Government System (SPBE) (Rahmawati & Wardana, 2025). Collectively, these regulations have enabled substantial progress in digital public administration, electronic governance, and bureaucratic modernization. Nevertheless, closer examination shows that the legal framework was primarily designed to regulate digital administration and electronic systems rather than artificial intelligence itself. None of these legal instruments explicitly defines the legal status of AI-assisted administrative decisions or establishes clear rules concerning governmental responsibility when administrative authority is exercised through algorithmic systems (Gulyamov, 2026).

A second finding concerns the existence of significant normative gaps within Indonesia's current regulatory framework. While existing legislation provides detailed rules governing administrative procedures, electronic systems, and personal data processing, it remains largely silent on legal issues arising from AI deployment in public administration. The study found no comprehensive provisions governing algorithmic accountability, explainability, human oversight, automated administrative discretion, institutional liability, or citizens' procedural rights when decisions are generated or influenced by AI systems (Cindy Santika, 2025). This legal uncertainty becomes increasingly problematic as governmental institutions adopt digital technologies in a wider range of administrative functions. Without explicit legal standards, questions concerning transparency, procedural fairness, and accountability are left largely to institutional discretion, thereby creating uncertainty for both public authorities and citizens. Moreover, the absence of clear legal norms may complicate judicial review whenever administrative disputes involve algorithm-assisted governmental decisions (Oliveira & Alencar, 2025).

The comparative analysis also demonstrates that Indonesia's regulatory framework has not yet reached the level of institutional maturity reflected in contemporary international AI governance instruments. The OECD AI Principles, UNESCO Recommendation on the Ethics of Artificial Intelligence, the European Union AI Act, and the NIST Artificial Intelligence Risk Management Framework all converge around a number of common regulatory principles, including transparency, accountability, fairness, explainability, human oversight, robustness, and effective

risk management (Bekti et al., 2026). Among these instruments, the European Union AI Act represents one of the most comprehensive regulatory models by classifying AI applications according to their level of risk and imposing corresponding legal obligations. This risk-based approach enables regulators to distinguish between AI systems requiring strict legal supervision and those presenting relatively limited legal concerns. In contrast, Indonesia continues to rely primarily on technology-neutral legislation that provides only indirect regulation of AI. Consequently, important issues such as algorithmic risk assessment, AI auditing, mandatory human intervention, and institutional accountability remain largely unregulated within the current legal system.

Another important finding concerns the potential contribution of *Maqāṣid al-Sharī'ah* to contemporary AI governance. The review of Islamic legal scholarship suggests that *Maqāṣid* should not be understood merely as a classical theory applicable to private religious matters. Rather, contemporary interpretations have expanded its scope into a broader framework for public governance, legal reform, and institutional development. Classical scholars, including al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr, identified the preservation of religion, life, intellect, lineage, and property as the primary objectives of Islamic law. More recently, Jasser Auda has reconstructed *Maqāṣid* through a systems approach that emphasizes justice, human dignity, institutional openness, flexibility, and public welfare (Ludfi & Rinovian Rais, 2024). Interestingly, many of these values closely correspond with the normative principles promoted by contemporary international AI governance frameworks. This convergence suggests that *Maqāṣid al-Sharī'ah* possesses significant potential to complement Indonesia's constitutional and administrative legal system by providing ethical and normative guidance that reflects both universal legal principles and Indonesia's socio-cultural context (Muchtasor, 2025).

The research further indicates that Indonesia currently lacks a unified legal framework capable of integrating constitutional principles, administrative law, international AI governance standards, and Islamic legal values into a coherent regulatory system. Existing regulations continue to operate independently, each addressing particular aspects of digital governance without establishing an integrated legal architecture for AI-assisted public administration. As a consequence, regulatory fragmentation persists, making it difficult to ensure that technological innovation develops alongside legal certainty, democratic accountability, transparency, and the protection of public welfare (Sulistyantoro et al., 2024).

Taken together, these findings suggest that Indonesia's digital transformation has advanced more rapidly than its legal development. Considerable progress has been achieved in building digital infrastructure and expanding electronic public services, yet the legal architecture governing artificial intelligence remains incomplete. The comparison with international regulatory developments further demonstrates that Indonesia does not necessarily lack legal foundations; rather, it lacks an integrated normative framework capable of responding to the unique legal challenges created by AI. In this context, *Maqāṣid al-Sharī'ah* offers a particularly valuable point of departure. Its emphasis on justice, public welfare, accountability, and human dignity provides normative principles that are compatible with constitutional governance while remaining closely

connected to Indonesia's legal culture (Hidayat & Muis, 2025). These findings therefore establish the foundation for the subsequent discussion, which develops a Maqāṣid-Based AI Governance Framework as a comprehensive model for regulating artificial intelligence within Indonesia's digital administrative law system.

DISCUSSION

Indonesia's Existing Legal Framework for AI Governance and Digital Administrative Law

The findings discussed in the previous section suggest that Indonesia has made notable progress in developing the legal and institutional foundations needed to support digital transformation within public administration. During the past decade, digital government has gradually become one of the main pillars of bureaucratic reform, reflecting the government's efforts to improve administrative efficiency, broaden access to public services, and strengthen transparency in governance (Prasodjo, 2025). What initially began as a program of e-government has gradually evolved into a more integrated model of digital governance, where information technology is no longer used solely as an administrative tool but increasingly shapes the way public institutions formulate policies, deliver services, and make administrative decisions.

From a constitutional standpoint, Indonesia already possesses a solid legal foundation for governing public authority in the digital era. Article 1 paragraph (3) of the 1945 Constitution affirms that Indonesia is a state based on the rule of law, while Article 28D guarantees legal certainty, equality before the law, and due process for every citizen (Lestari et al., 2023). These constitutional guarantees do not lose their relevance simply because government institutions adopt new technologies. Whether an administrative decision is made directly by a public official or supported by artificial intelligence (AI), it must still comply with the same constitutional principles of legality, fairness, accountability, and respect for individual rights. In this sense, AI should be regarded as a tool that operates within the constitutional framework, rather than as a substitute for the legal responsibilities attached to governmental authority.

The constitutional principles are further translated into administrative practice through a range of statutory instruments, most notably Law Number 30 of 2014 concerning Government Administration. This legislation occupies a central position because it codifies the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik/AUPB*) as the normative benchmark for administrative decision-making (Fauzani, 2023). Principles such as legal certainty, proportionality, impartiality, openness, accountability, and the prohibition of abuse of power continue to provide the legal standards against which governmental actions are assessed. Although the Law predates the widespread adoption of AI in public administration, its normative values remain highly relevant because they regulate the manner in which public authority should be exercised regardless of the technology involved.

Indonesia's commitment to digital governance has also been reinforced through Presidential Regulation Number 95 of 2018 concerning the Electronic-Based Government System (SPBE). The Regulation encourages interoperability among government institutions, integration of digital

services, and the use of information technology to improve administrative coordination and public service delivery (Yulianto et al., 2026). More recently, initiatives such as GovTech Indonesia and INA Digital have further demonstrated the government's ambition to establish a more connected digital ecosystem capable of supporting evidence-based policymaking and more responsive public services. These initiatives indicate that Indonesia is entering a new stage of bureaucratic modernization, where digital technologies including AI are expected to play a growing role in administrative governance.

Nevertheless, the legal framework supporting this transformation remains focused largely on digital administration rather than on the governance of artificial intelligence itself. Existing legislation provides relatively comprehensive rules concerning electronic systems, public services, administrative procedures, and digital information management, yet it offers very limited guidance on the legal implications of AI deployment within governmental institutions (Szucs, 2025). As a consequence, the legal status of AI-assisted administrative decisions remains uncertain. Current legislation does not distinguish between decisions made entirely by public officials and those that rely heavily on predictive algorithms or automated decision-support systems. Nor does it establish clear obligations relating to explainability, mandatory human oversight, or institutional liability when AI significantly influences governmental decision-making.

These shortcomings become increasingly important as AI begins to be introduced into areas such as licensing, taxation, healthcare administration, social assistance, immigration, and public policy analysis. AI systems undoubtedly offer important advantages by processing information rapidly, identifying complex patterns within large datasets, and generating recommendations that may improve administrative efficiency. Yet efficiency alone cannot be regarded as the ultimate objective of public administration. Administrative decisions must also satisfy constitutional standards of legality, procedural fairness, transparency, and accountability. For this reason, the transition from conventional digital government to AI-assisted governance requires more than technological readiness; it also demands a legal framework capable of addressing the distinctive challenges posed by intelligent decision-making systems (Pedamalla, 2026).

A closer reading of Indonesia's regulatory framework shows that the principal issue is not the absence of legislation concerning digital government, but rather the absence of legal provisions specifically addressing AI in public administration. Existing laws were enacted to facilitate electronic governance, digital transactions, and bureaucratic modernization, not to regulate algorithmic decision-making. Consequently, a number of fundamental legal questions remain unresolved. For instance, who should bear legal responsibility when an administrative decision is influenced by an algorithm? To what extent may AI recommendations shape administrative discretion? What procedural safeguards should be available to citizens when decisions are based on computational processes that cannot easily be understood or challenged?¹ These questions illustrate the limitations of the current regulatory framework in responding to the realities of AI-assisted governance (Santoso & Hana Santoso, 2026).

(Marwa & Agustin Leni Magdalen Rohi Riwu, 2025). Likewise, the UNESCO Recommendation on the Ethics of Artificial Intelligence extends these principles by emphasizing respect for human rights, cultural diversity, social inclusion, and environmental sustainability as essential components of responsible AI governance (AllahRakha, 2024).

Among existing international instruments, the European Union AI Act represents one of the most comprehensive regulatory models. Instead of regulating all AI systems in the same manner, it adopts a risk-based approach that classifies AI applications according to their potential impact on fundamental rights and public interests. AI systems deployed in sectors such as law enforcement, migration, education, healthcare, and public administration are categorized as high-risk applications and are therefore subject to more stringent legal obligations, including mandatory risk assessments, transparency requirements, documentation, human oversight, and continuous monitoring throughout the system's lifecycle (Teichmann, 2026). This model reflects an important development in contemporary administrative law: AI is no longer viewed merely as a technological instrument but as an object of legal regulation that requires institutional accountability and democratic oversight.

Indonesia, by contrast, still relies primarily on technology-neutral legislation. Such an approach provides flexibility because existing legal norms can be applied to various technological developments without frequent legislative amendment. However, this flexibility also leaves considerable uncertainty regarding AI-specific issues. Neither the Government Administration Law nor the Personal Data Protection Law explicitly guarantees citizens the right to receive explanations regarding AI-assisted administrative decisions, request meaningful human review, or challenge algorithmic outcomes through dedicated legal procedures. Similarly, current legislation does not require government agencies to undertake algorithmic impact assessments or independent audits before deploying AI in high-risk administrative settings. As a result, many issues relating to institutional accountability and administrative liability remain dependent upon judicial interpretation rather than explicit statutory guidance (Revolusi & Febriandy, 2025).

Taken together, these findings suggest that Indonesia is entering a transitional period in which technological innovation is progressing faster than legal reform. Government institutions are increasingly adopting digital technologies to improve efficiency and support evidence-based policymaking, yet the legal framework governing those technologies has not evolved at the same pace. If this imbalance persists, there is a risk that administrative efficiency will be prioritized at the expense of constitutional guarantees such as legal certainty, transparency, procedural fairness, and the protection of individual rights. Over time, this could weaken public confidence in digital government, particularly if AI-assisted decisions are perceived as opaque, difficult to review, or lacking meaningful accountability (Alifpiya et al., 2025). Accordingly, the central question is no longer whether AI should be introduced into public administration, but how it should be governed within a constitutional state committed to the rule of law. The discussion above suggests that future legal reform should move beyond incremental amendments to existing digital legislation and instead develop a more comprehensive governance framework capable of integrating constitutional principles, administrative law, international AI governance standards,

and Indonesia's broader socio-legal values. It is within this broader context that *Maqāṣid al-Sharī'ah* becomes particularly relevant. Rather than serving solely as an ethical reference, it offers a normative perspective capable of reinforcing accountability, promoting public welfare, and ensuring that technological innovation develops in harmony with justice, human dignity, and the constitutional ideals underpinning Indonesia's legal system. This provides the conceptual bridge to the next section, which examines how *Maqāṣid al-Sharī'ah* can be reconstructed as a normative framework for AI governance (Muchtasor, 2025).

Reconstructing *Maqāṣid al-Sharī'ah* as a Normative Framework for AI Governance in Indonesia

The analysis in the preceding section indicates that Indonesia has succeeded in establishing a relatively solid legal basis for digital government. Nevertheless, the increasing use of artificial intelligence (AI) in public administration has introduced legal questions that extend beyond the scope of the current regulatory framework. Existing legislation has largely concentrated on electronic governance, digital public services, and administrative procedures, while issues that are unique to AI such as algorithmic accountability, explainability, automated administrative decision-making, and institutional liability remain only partially addressed. This situation suggests that Indonesia's future AI governance cannot rely solely on existing digital governance regulations. Instead, it requires a broader normative foundation capable of responding to technological innovation without departing from constitutional principles and the country's socio-legal values. Within this context, *Maqāṣid al-Sharī'ah* offers an important perspective because it combines legal flexibility with a strong commitment to justice, public welfare, and the protection of human dignity (Ahmad & Santoso, 2026).

The concept of *Maqāṣid al-Sharī'ah* has traditionally occupied a central place in Islamic legal philosophy as the framework through which the objectives of the *Sharī'ah* are understood. Rather than treating legal rules as ends in themselves, *Maqāṣid* seeks to uncover the broader purposes that Islamic law is intended to achieve. Classical Muslim jurists including al-Ghazālī, al-Shāṭibī, and Ibn 'Āshūr identified these purposes as the preservation of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*) (al-Ghazali, 1993). Although these principles originated within a historical context very different from today's digital society, their enduring significance lies in their orientation toward protecting fundamental human interests rather than regulating particular forms of technology. For this reason, *Maqāṣid* continues to provide a relevant analytical lens for addressing contemporary legal problems, including those arising from the governance of artificial intelligence (Baimakhanova & Темирбаева, 2025). Contemporary Islamic legal scholarship has further expanded this understanding by demonstrating that *Maqāṣid* is capable of engaging with modern governance challenges. Among the most influential contributions is Jasser Auda's systems approach, which reconceptualizes *Maqāṣid* as an open, dynamic, and interconnected framework rather than a static catalogue of legal objectives (Wiwik Hidayati & Eka Pandu Cynthia, 2024b). In Auda's formulation, justice (*al-'adl*), public welfare (*maṣlaḥah*), human dignity (*karāmah al-insān*), institutional openness, flexibility, and multidimensional reasoning become essential characteristics of Islamic legal

thought. This reconstruction substantially widens the scope of *Maqāṣid*, enabling it to contribute not only to personal religious conduct but also to constitutional governance, public administration, institutional reform, and legislative development. Such an approach is particularly relevant in an era when technological innovation increasingly influences how governments exercise public authority (Zaprul Khan, 2018).

Understanding *Maqāṣid* in this broader sense allows it to function as more than an ethical reference. It becomes a normative framework through which legislation, administrative institutions, and public policies may be evaluated according to their capacity to promote justice and public welfare. From this perspective, the legitimacy of governmental action is determined not solely by compliance with procedural legality but also by whether the exercise of public power protects citizens, prevents harm, and advances the common good (Uthman Mehdad Al-Turabi & Auda, 2025). This orientation shares significant common ground with contemporary administrative law, which increasingly emphasizes accountability, proportionality, transparency, and citizen-centred governance. Consequently, *Maqāṣid al-Sharī'ah* provides a conceptual bridge linking Islamic legal philosophy with modern theories of democratic governance and administrative justice. Its relevance becomes even more apparent when applied to AI governance. Discussions surrounding artificial intelligence frequently emphasize its potential to improve efficiency, accelerate administrative processes, and support evidence-based policymaking. While these benefits are undeniable, efficiency alone cannot serve as the principal benchmark for evaluating the legitimacy of governmental use of AI. Decisions supported by intelligent systems may directly affect individual rights, administrative discretion, and access to essential public services. As a result, the deployment of AI inevitably raises broader legal concerns relating to transparency, accountability, procedural fairness, and meaningful human oversight.⁴ Any governance framework that evaluates AI solely on the basis of technical performance risks overlooking these constitutional and ethical dimensions (Ludfi & Rinovian Rais, 2024).

Viewed through the lens of *Maqāṣid al-Sharī'ah*, the legitimacy of AI should therefore be assessed according to its contribution to the realization of *maṣlaḥah* and the protection of fundamental human interests. AI cannot be considered beneficial merely because it increases bureaucratic efficiency if, at the same time, it produces discriminatory outcomes, obscures governmental reasoning, or weakens procedural safeguards available to citizens. Likewise, technological progress should not diminish respect for human dignity or reduce governmental accountability. Instead, AI ought to remain a supporting instrument within public administration, operating under effective legal supervision and constitutional control. Read in this way, *Maqāṣid al-Sharī'ah* does not replace Indonesia's existing legal framework; rather, it enriches that framework by providing normative principles capable of ensuring that technological innovation develops alongside justice, accountability, transparency, and democratic governance (Janiah, 2025). Building upon this understanding, the following section proposes how these values may be translated into a practical model for regulating AI-assisted public administration in Indonesia (Dzar et al., 2026).

The practical relevance of *Maqāṣid al-Sharī'ah* becomes more evident when its foundational objectives are examined alongside the legal and institutional challenges arising from the use of artificial intelligence in public administration. Rather than being confined to ethical discourse, *Maqāṣid* can be understood as a normative framework capable of informing how AI should be regulated, implemented, and supervised within governmental institutions. This perspective shifts the focus from asking whether AI may be used to asking under what legal and normative conditions its use can genuinely advance the public interest (Sulong et al., 2025).

Among the five principal objectives of *Maqāṣid*, the protection of intellect (*ḥifẓ al-'aql*) is particularly relevant to algorithmic governance. In today's digital environment, protecting intellect extends beyond safeguarding human reasoning; it also requires that governmental decisions remain intelligible and open to rational scrutiny. When administrative decisions rely on AI systems, citizens should have access to understandable explanations of how those decisions were reached and be given an effective opportunity to question or appeal them when necessary. Such an approach reflects the growing importance of explainable artificial intelligence (XAI), which seeks to ensure that algorithmic processes do not become inaccessible to either public officials or the individuals affected by them (Arminsyah, 2025). Without transparency and explainability, algorithmic decision-making risks weakening legal certainty and eroding public confidence in government institutions.

The objective of protecting life (*ḥifẓ al-nafs*) also acquires a broader meaning within contemporary AI governance. Intelligent systems are increasingly employed in sectors where administrative decisions may directly influence people's wellbeing, including healthcare, disaster response, immigration, policing, and social assistance. In these contexts, errors in algorithmic predictions or biased datasets may produce consequences that extend well beyond administrative inconvenience. Viewed through the lens of *Maqāṣid*, preventing harm should therefore become a central consideration in the deployment of AI. Government agencies should assess not only the technical performance of AI applications but also their potential legal, social, and human consequences, particularly for individuals and communities that are more vulnerable to discriminatory outcomes. This preventive orientation complements the risk-based philosophy that has become a defining feature of contemporary international AI regulation (Habib, 2025).

Equally important is the objective of protecting property (*ḥifẓ al-māl*). Within public administration, this principle encompasses more than safeguarding private ownership; it also relates to the responsible management of public resources and the fair allocation of state benefits. AI technologies are now being introduced into areas such as taxation, public procurement, licensing, budgeting, and social welfare distribution. Although these technologies may improve administrative efficiency, deficiencies in data quality or algorithmic design can lead to financial losses, unequal treatment, or misuse of public resources. Consequently, *Maqāṣid* supports the establishment of institutional safeguards such as algorithmic auditing, regular performance evaluation, data quality assurance, and effective accountability mechanisms. These safeguards help ensure that technological innovation contributes to economic justice rather than undermining it (Samsuddin & Nordin, 2026).

The protection of religion (*ḥifẓ al-dīn*) should likewise be interpreted in a manner that reflects the realities of a modern constitutional democracy. Within Indonesia's pluralistic legal order, this objective is closely connected with maintaining ethical integrity in public governance. It encourages government institutions to ensure that technological innovation remains guided by moral responsibility, respect for constitutional values, and commitment to the common good. AI should therefore be employed as an instrument that strengthens public service rather than reducing governmental decision-making to purely technical calculations detached from ethical considerations. In this sense, technology serves the law, while the law continues to serve society.

A similar contemporary interpretation can be applied to the protection of lineage (*ḥifẓ al-nasl*). Beyond its classical meaning, this objective may also be understood as safeguarding the long-term wellbeing of future generations. Decisions made today regarding AI governance will influence the character of tomorrow's public institutions, digital infrastructure, and social environment. For that reason, regulatory policies should consider not only immediate administrative benefits but also the broader implications of AI for children's rights, digital inclusion, social equality, and sustainable governance. Such an interpretation illustrates the adaptability of *Maqāṣid*, whose enduring purpose is to protect essential human interests despite changing historical and technological circumstances (al-Shatibi, 1997).

Taken together, these five objectives demonstrate that *Maqāṣid al-Sharī'ah* provides a coherent normative perspective for evaluating AI governance beyond questions of technical efficiency alone. Its emphasis on justice, accountability, public welfare, and human dignity aligns closely with many of the principles that underpin contemporary AI governance while simultaneously reflecting Indonesia's constitutional values and socio-cultural context. Rather than replacing existing administrative law, *Maqāṣid* enriches it by supplying normative guidance in areas where positive law has not yet provided sufficiently clear direction. Accordingly, reconstructing *Maqāṣid al-Sharī'ah* in the context of AI governance should be understood as an effort to integrate constitutional principles, administrative law, international regulatory standards, and Islamic legal philosophy into a coherent framework for governing intelligent technologies. Such an approach enables Indonesia to move beyond fragmented regulation towards a governance model that is legally sound, ethically grounded, and responsive to the challenges of digital transformation. Building upon this reconstruction, the following section introduces a *Maqāṣid*-Based AI Governance Framework (MBAGF) as a conceptual model for guiding AI-assisted public administration in Indonesia (Zulkifli et al., 2025).

Toward a *Maqāṣid*-Based AI Governance Framework, The discussion presented throughout this study suggests that the future of AI governance in Indonesia cannot depend exclusively on either existing national legislation or international regulatory standards. Although Indonesia has made substantial progress in developing digital government through constitutional guarantees, administrative law, the Electronic-Based Government System (SPBE), and personal data protection legislation, these legal instruments were not specifically designed to regulate the growing use of artificial intelligence in public administration. On the other hand, international initiatives such as the OECD AI Principles, the UNESCO Recommendation on the Ethics of

Artificial Intelligence, the European Union AI Act, and the NIST AI Risk Management Framework have introduced comprehensive standards for responsible AI, particularly in relation to transparency, accountability, human oversight, and risk management. However, these international instruments were developed within broader global regulatory contexts and therefore require contextual adaptation before they can effectively respond to Indonesia's constitutional structure, legal traditions, and socio-cultural characteristics (Irawan et al., 2025).

Against this background, the present study proposes a Maqāṣid-Based AI Governance Framework (MBAGF) as a normative model that connects these different legal perspectives into a coherent system. The purpose of the framework is not to replace Indonesia's existing legal regime or diminish the relevance of international AI governance standards. Instead, it seeks to enrich both by introducing Maqāṣid al-Sharī'ah as a source of normative guidance capable of strengthening the legal and ethical foundations of AI governance. Through this approach, Maqāṣid is understood not merely as an ethical ideal, but as a practical legal framework capable of informing legislation, administrative institutions, and public policy in an era increasingly shaped by intelligent technologies (Maiga, 2025).

The first element of the proposed framework is constitutional legality. Every application of AI within public administration must remain anchored in the Constitution, statutory legislation, and the General Principles of Good Governance (*Asas-Asas Umum Pemerintahan yang Baik*). Artificial intelligence may assist public officials in analysing information, identifying patterns, or supporting administrative decisions, but it should never become an autonomous source of governmental authority. Decisions affecting constitutional rights, public services, taxation, licensing, healthcare, immigration, or other matters involving significant legal consequences must ultimately remain the responsibility of accountable public institutions and human decision-makers. In this respect, technological innovation should reinforce not replace the constitutional doctrine that governmental power is exercised under the rule of law (Sigfrids et al., 2022). A third element distinguishes the proposed framework from many existing models of AI governance, namely its emphasis on human dignity and public welfare as the principal benchmarks for evaluating technological innovation. From the perspective of Maqāṣid al-Sharī'ah, the success of AI cannot be measured solely by speed, accuracy, or administrative productivity. Rather, AI should be assessed according to whether it contributes to *maṣlaḥah* by protecting fundamental rights, promoting social justice, reducing discrimination, and improving equitable access to public services. An AI system that increases administrative efficiency while simultaneously producing opaque decisions or reinforcing structural inequality would fail to achieve these broader normative objectives. Consequently, technological advancement should always remain closely connected to the values of justice, accountability, and respect for human dignity (Zijing Wang, 2025).

The fourth element is adaptive governance. Artificial intelligence evolves at a pace that frequently exceeds conventional legislative processes, making it difficult for statutory law alone to anticipate future technological developments. For this reason, AI governance should be designed as a flexible regulatory ecosystem that combines legislation with institutional guidelines, ethical review mechanisms, algorithmic audits, regulatory sandboxes, and periodic policy evaluation . Such an

approach enables legal institutions to respond more effectively to technological change while preserving legal certainty and democratic oversight. This adaptive character also reflects the spirit of *Maqāṣid al-Sharī'ah*, which has historically encouraged legal development that remains faithful to enduring principles while responding to changing social realities (Arifardhani et al., 2025).

Taken together, these four elements establish a governance model that balances innovation with responsibility. Constitutional legality provides the legal foundation; algorithmic accountability safeguards procedural justice; *Maqāṣid al-Sharī'ah* supplies the substantive values that orient technological development towards the public interest; and adaptive governance ensures that regulation remains capable of responding to future challenges. Rather than operating independently, these elements reinforce one another to create a governance framework that is legally coherent, ethically grounded, and institutionally sustainable (Bachtia, 2025). The implications of this framework extend beyond theoretical discussion. Indonesia would benefit from adopting legislation that specifically regulates AI in public administration, including provisions on automated administrative decision-making, mandatory human oversight, algorithmic impact assessments, transparency obligations, and accessible mechanisms for administrative and judicial review. At the institutional level, government agencies should also develop internal governance mechanisms such as independent AI audits, ethical oversight, and continuous monitoring to ensure that AI applications remain consistent with constitutional principles and the public interest (Wirtz et al., 2020).

Ultimately, the principal contribution of this study lies in demonstrating that *Maqāṣid al-Sharī'ah* can be reconstructed as a contemporary framework for governing emerging technologies within the public sector. Rather than positioning Islamic legal thought in opposition to international AI governance, this study shows that the two perspectives are capable of complementing one another. By integrating constitutional principles, administrative law, globally recognized AI standards, and the normative objectives of *Maqāṣid*, the proposed *Maqāṣid*-Based AI Governance Framework offers a model that is not only relevant for Indonesia but also contributes to wider discussions on responsible AI governance in other Muslim-majority jurisdictions seeking to reconcile technological innovation with democratic governance, the rule of law, and the protection of fundamental rights.

CONCLUSION

This study demonstrates that, although Indonesia has established a substantial legal foundation for digital government through constitutional provisions, administrative law, the Electronic-Based Government System (SPBE), and personal data protection legislation, its current regulatory framework remains insufficient to govern AI-assisted administrative decision-making. Critical issues, including algorithmic accountability, explainability, human oversight, institutional liability, and effective legal remedies, have yet to be comprehensively addressed.

By integrating constitutional principles, administrative law, international AI governance standards, and *Maqāṣid al-Sharī'ah*, this study reconstructs a normative foundation for responsible AI

governance. It argues that *Maqāṣid al-Sharī'ah*, particularly through Jasser Auda's systems approach, provides a dynamic framework grounded in justice, public welfare (*maṣlaḥah*), human dignity, transparency, and accountability. Building on this analysis, the study proposes a Maqāṣid-Based AI Governance Framework (MBAGF) as its principal contribution. The framework offers a coherent model for regulating AI in public administration while ensuring that technological innovation remains consistent with constitutional values, democratic governance, and the protection of fundamental rights.

The findings have practical implications for legal reform in Indonesia, particularly the need for comprehensive legislation on AI governance that incorporates transparency, mandatory human oversight, algorithmic accountability, and accessible mechanisms for administrative and judicial review. More broadly, this study contributes to the growing dialogue between Islamic legal scholarship and contemporary AI governance by demonstrating that *Maqāṣid al-Sharī'ah* can serve as a relevant normative framework for regulating emerging technologies in Muslim-majority jurisdictions.

This research is limited to a doctrinal analysis of legal norms and does not examine the practical implementation of AI within Indonesian public institutions. Future studies should therefore incorporate empirical and comparative research to evaluate the application of the proposed framework and further refine its contribution to AI governance.

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