

Reconstructing Islamic Family Law in the Age of Artificial Intelligence: Balancing Technology, Ethics, and Family Values

Irma Purnamayanti¹, La Hanuddin², Rahmat Haniru³, Bayu Sanjaya⁴, Hastuti⁵

^{1,2,3,4,5} *Fakultas Agama Islam, Universitas Muhammadiyah Buton, Baubau, Indonesia*

*Corresponding author: irmapurnamayanti89@gmail.com

ABSTRACT

The rapid development of Artificial Intelligence (AI) has significantly transformed various aspects of human life, including family relations, legal services, and decision-making processes. This study aims to reconstruct Islamic Family Law in response to the opportunities and challenges posed by AI while maintaining a balance between technological advancement, ethical principles, and family values. Employing a qualitative library research approach, this study examines classical and contemporary Islamic legal literature, academic publications, policy documents, and relevant studies on AI governance and family law. The findings indicate that AI can contribute to enhancing access to legal information, family counseling services, dispute resolution mechanisms, and administrative efficiency within family law institutions. However, the integration of AI also raises concerns regarding privacy, algorithmic bias, accountability, and the preservation of moral and religious values. Therefore, the reconstruction of Islamic Family Law requires a normative framework grounded in the objectives of Islamic law (maqāṣid al-sharī'ah), emphasizing the protection of religion, family, human dignity, and social justice. This study proposes a balanced model that integrates technological innovation with ethical responsibility and Islamic family values, ensuring that AI serves as a tool for strengthening rather than undermining family welfare. The study contributes to the ongoing discourse on the adaptation of Islamic legal thought to contemporary technological developments in the digital age.

Keywords: Artificial Intelligence, Islamic Family Law, Digital Ethics, Maqāṣid al-Sharī'ah, Family Values, Legal Reconstruction.

1. INTRODUCTION

The rapid development of Artificial Intelligence (AI) has transformed numerous aspects of human life, including legal services, education, healthcare, business, and family relations. Recent advances in machine learning, natural language processing, and automated decision-support systems have enabled AI to assist legal consultation, legal document analysis, dispute resolution, and judicial administration, thereby improving efficiency and accessibility in legal services (Russell & Norvig, 2021; European Commission, 2024). Nevertheless, the increasing application of AI in legal decision-making also raises significant ethical and legal concerns related to transparency, accountability, algorithmic bias, privacy protection, and human oversight, particularly in areas involving fundamental human rights and family welfare.

Within the context of Islamic Family Law, these challenges become more complex because legal reasoning is not solely based on positive law but is also grounded in Islamic legal principles, moral values, and the objectives of Islamic law (*maqāṣid al-sharī'ah*). Islamic Family Law seeks to protect religion, family, human dignity, lineage, and public welfare (*maslahah*), making ethical considerations inseparable from legal decision-making.

Consequently, the growing use of AI-based legal consultation, digital mediation, automated legal assistance, and algorithm-supported decision-making requires careful examination to ensure that technological innovation remains consistent with Islamic legal values (European Commission, 2024; Russell & Norvig, 2021).

Islamic Family Law is fundamentally guided by the principles of justice, public welfare (*maslahah*), and the objectives of Islamic law (*maqāṣid al-sharī'ah*), which seek to protect religion, life, intellect, lineage, and property. According to Jasser Auda, *maqāṣid al-sharī'ah* should not be understood merely as a framework for preserving legal interests but as a dynamic systems approach that promotes justice, human rights, social welfare, and adaptability in responding to contemporary societal changes. Therefore, the application of *maqāṣid al-sharī'ah* provides a relevant normative foundation for addressing legal and ethical challenges arising from emerging technologies, including Artificial Intelligence (AI).

Recent scholarship has further emphasized that the ethical implications of AI cannot be adequately addressed solely through legal rules or technical regulations. Instead, AI governance requires a comprehensive ethical framework that integrates Islamic moral values, accountability, human dignity, and spiritual responsibility. In this regard, Ali et al. (2025) argue that while *maqāṣid al-sharī'ah* offers essential guidance for evaluating AI applications, a broader Islamic ethical perspective is also necessary to address complex issues such as algorithmic bias, privacy protection, transparency, and human oversight in AI-assisted decision-making. Consequently, the reconstruction of Islamic Family Law should not only accommodate technological innovation but also ensure that AI implementation remains aligned with the ethical objectives of Islamic law, the protection of family rights, and the realization of *maslahah* in the digital era.

literature review komparatif have discussed AI from various legal perspectives. Some researchers have examined AI governance, ethical principles, and regulatory challenges in legal systems, while others have focused on digital transformation within judicial institutions and the implications of AI for legal practice. In the field of Islamic studies, several scholars have emphasized the importance of *maqāṣid al-sharī'ah* as a normative framework for addressing technological developments and contemporary legal issues (Islamic Ethics and AI, 2025).

Recent studies have examined AI governance and ethical regulation in legal and Islamic contexts (International Journal of Law and Management, 2026), Shariah governance for generative AI (Journal of Islamic Accounting and Business Research, 2026), and AI-supported fatwa systems from a *maqāṣid* perspective (Millah, 2026). However, these studies primarily focus on AI governance, Islamic finance, religious advisory systems, or ethical frameworks individually. None develops an integrated normative model for reconstructing Islamic Family Law that simultaneously combines AI governance, *maqāṣid al-sharī'ah*, family rights protection, and technological ethics.

Accordingly, the literature reveals a significant research gap. Although previous studies provide valuable insights into AI regulation and Islamic legal thought, there remains limited discussion on developing a comprehensive reconstruction model of Islamic Family Law that

simultaneously accommodates technological innovation, safeguards family rights, and preserves the objectives of Islamic law. This unresolved issue becomes increasingly important as AI applications continue to expand in legal consultation, mediation, and family dispute resolution.

Based on this gap, the present study addresses the following research question: How can Islamic Family Law be reconstructed to respond to the development of Artificial Intelligence while maintaining a balance between technological innovation, ethical responsibility, and the objectives of Islamic law (*maqāṣid al-sharī'ah*)?

Accordingly, this study aims to analyze the challenges and opportunities arising from AI implementation in Islamic Family Law and to formulate a normative reconstruction model that integrates technological advancement with ethical principles, family rights protection, and Islamic legal values.

The novelty of this study lies in its development of an integrated normative framework that combines AI governance, technological ethics, Islamic Family Law, and *maqāṣid al-sharī'ah* within a single analytical model. Unlike previous studies that primarily examine AI regulation, digital legal services, or Islamic legal principles independently, this research proposes a comprehensive reconstruction model that positions AI as an instrument for strengthening justice, family welfare, and human dignity while maintaining the normative foundations of Islamic law.

The findings are expected to enrich contemporary Islamic legal scholarship, contribute to the development of adaptive legal policies in the digital era, and provide practical guidance for policymakers, legal practitioners, academics, and religious institutions in responding to the growing influence of Artificial Intelligence in family law.

2. METHODS

This study employs a normative legal research approach, which examines legal norms, legal principles, doctrines, and ethical concepts to formulate a normative framework for reconstructing Islamic Family Law in the era of Artificial Intelligence (AI). Normative legal research is appropriate because the study focuses on legal reasoning rather than empirical observation and seeks to evaluate the compatibility of AI developments with the principles of Islamic Family Law and *maqāṣid al-sharī'ah* (Marzuki, 2021; Hutchinson, 2018).

The research design integrates conceptual, statutory, and comparative approaches. The conceptual approach is used to examine theories of Islamic Family Law, AI ethics, AI governance, and *maqāṣid al-sharī'ah*. The statutory approach analyzes legal instruments governing family law, data protection, and AI regulation, including Law No. 1 of 1974 on Marriage (as amended by Law No. 16 of 2019), the Compilation of Islamic Law (Kompilasi Hukum Islam/KHI), Law No. 27 of 2022 on Personal Data Protection, the European Union Artificial Intelligence Act (2024), and the UNESCO Recommendation on the Ethics of Artificial Intelligence (2021). The comparative approach compares legal and governance

frameworks adopted in Indonesia, Malaysia, and the European Union to identify best practices that may be adapted within the context of Islamic Family Law.

The study relies exclusively on secondary data obtained through library research. Legal materials were collected from Scopus, Web of Science, HeinOnline, SpringerLink, ScienceDirect, Google Scholar, and official institutional databases, including publications from UNESCO and the European Commission. Literature searches were conducted using combinations of the following keywords: "Artificial Intelligence", "Islamic Family Law", "AI Governance", "AI Ethics", "Maqasid al-Shariah", "Digital Family Law", and "Legal Reconstruction". The search was limited to publications issued between 2020 and 2026, while several classical works on Islamic legal theory and *maqāṣid al-sharī'ah* were included because of their continuing theoretical relevance.

The literature selection followed predefined inclusion and exclusion criteria. Inclusion criteria comprised peer-reviewed journal articles, books, conference proceedings, policy documents, and legal instruments directly related to AI governance, Islamic law, legal ethics, and family law. Publications unrelated to the research topic, duplicate records, opinion pieces without academic review, and non-scholarly sources were excluded. The initial search identified approximately 180 publications. After screening titles, abstracts, and full texts based on relevance, 62 sources were selected for detailed analysis.

The legal materials were classified according to the normative legal research framework proposed by Marzuki (2021) and Soekanto and Mamudji (2015). Primary legal materials include the Qur'an, Hadith, Indonesian legislation on family law and information technology, the Compilation of Islamic Law, the European Union AI Act, and UNESCO policy documents on AI ethics. Secondary legal materials consist of peer-reviewed journal articles, scholarly books, conference proceedings, institutional reports, and previous research discussing Islamic law, AI, AI governance, and technology ethics. Tertiary legal materials, including legal dictionaries, encyclopedias, and academic indexes, were consulted to strengthen conceptual understanding and legal terminology.

Data were analyzed using normative legal analysis and qualitative content analysis. Normative legal analysis was employed to interpret legal norms, principles, and doctrines and to evaluate their consistency with the objectives of Islamic law (*maqāṣid al-sharī'ah*) (Marzuki, 2021; Hutchinson, 2018). Content analysis followed the qualitative approach proposed by Krippendorff (2019), enabling the systematic identification of recurring legal and ethical themes across the selected literature. The findings from both analytical methods were subsequently synthesized to formulate a reconstruction model integrating technological innovation, ethical responsibility, justice, *maslahah* (public interest), and Islamic family values.

To enhance the credibility of the study, source triangulation was applied by comparing legal norms, academic literature, policy documents, and international AI governance frameworks from different jurisdictions (Creswell & Creswell, 2018; Denzin, 2017). The use of multiple authoritative sources and systematic cross-validation strengthened the consistency and

reliability of the legal interpretation. Through these methods, the study aims to produce a comprehensive normative framework for reconstructing Islamic Family Law that can contribute to future legal development and policymaking in the age of Artificial Intelligence.

3. RESULTS AND DISCUSSIONS

3.1 Challenges of Artificial Intelligence in Islamic Family Law

The analysis of legal materials and scholarly literature demonstrates that Artificial Intelligence (AI) has increasingly been integrated into modern legal systems through AI-assisted legal consultation, legal document analysis, online dispute resolution, digital mediation, and judicial decision-support systems (Cath, 2018; European Commission, 2024; UNESCO, 2021). These developments improve efficiency, reduce administrative burdens, and enhance public access to legal information. However, the analysis also indicates that AI functions primarily as a supporting technology rather than an autonomous legal decision-maker, particularly in legal fields requiring ethical judgment and contextual interpretation.

From the perspective of Islamic Family Law, the statutory analysis of Law No. 1 of 1974 on Marriage (as amended by Law No. 16 of 2019), the Compilation of Islamic Law (KHI), and the European Union Artificial Intelligence Act (2024) reveals that legal decision-making in family disputes extends beyond procedural compliance. Matters concerning divorce, child custody, marital property, guardianship, and family mediation require judicial discretion, moral reasoning, and consideration of the best interests of family members. These legal values cannot be fully replicated through algorithmic processing alone.

The literature further identifies several legal and ethical challenges. First, AI systems may generate algorithmic bias when trained on incomplete or socially unrepresentative datasets, potentially leading to discriminatory legal recommendations (UNESCO, 2021; European Commission, 2024). Second, AI-based legal services involve extensive processing of sensitive personal and family data, thereby increasing privacy and data protection risks, particularly in disputes involving children, divorce, and domestic relations. Third, excessive reliance on automated decision-support systems may reduce meaningful human oversight, despite international AI governance frameworks consistently emphasizing that final legal responsibility must remain under human control (OECD AI Principles; European Commission, 2024).

These findings are consistent with previous studies by Cath (2018), UNESCO (2021), and the European Commission (2024), which argue that AI should enhance legal efficiency without replacing human legal reasoning. Nevertheless, unlike previous studies that primarily examine AI governance from a general legal perspective, the present study demonstrates that these concerns acquire additional significance within Islamic Family Law because legal judgments are inseparable from religious values, ethical responsibility, and family welfare.

3.2 Integrating AI Ethics with Maqāṣid al-Sharī'ah

The doctrinal analysis indicates that the fundamental principles of AI ethics—namely transparency, accountability, fairness, privacy protection, and human oversight are substantially compatible with the objectives of Islamic law (*maqāṣid al-sharī'ah*). According to Jasser Auda's systems approach, *maqāṣid al-sharī'ah* functions as a dynamic framework that promotes justice, human dignity, social welfare, and adaptability in responding to contemporary challenges. Similarly, UNESCO's Recommendation on the Ethics of Artificial Intelligence (2021) emphasizes human dignity, fairness, accountability, and inclusiveness as core principles of responsible AI governance.

The comparative analysis demonstrates that these ethical principles correspond closely to the five essential objectives of Islamic law: protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). For example, privacy protection in AI systems supports the preservation of family dignity and lineage, while transparency and accountability reinforce justice (*al-'adl*) and public welfare (*maṣlaḥah*). Consequently, AI should be evaluated not merely on the basis of technical performance but also according to its ability to preserve ethical values and protect the rights of family members.

These findings support recent studies on Islamic AI ethics, which argue that AI governance requires both legal regulation and moral responsibility. However, this study extends previous scholarship by explicitly integrating international AI ethical principles with *maqāṣid al-sharī'ah* as a unified normative framework for Islamic Family Law.

3.3 Reconstruction Model of Islamic Family Law in the AI Era

Based on the synthesis of statutory analysis, doctrinal analysis, comparative legal analysis, and previous studies, this research proposes a normative reconstruction model consisting of five interrelated components.

First, AI should function exclusively as a decision-support system, while final legal authority remains with judges, mediators, and qualified Islamic legal scholars. Second, AI governance within Islamic Family Law should be guided by the principles of transparency, accountability, explainability, privacy protection, and meaningful human oversight, consistent with international AI governance standards. Third, every AI application in family law should be evaluated according to the objectives of *maqāṣid al-sharī'ah*, ensuring the protection of religion, family, human dignity, lineage, and public welfare. Fourth, national legal policies should establish regulatory standards governing AI-assisted legal consultation, digital mediation, protection of personal data, and ethical use of AI within judicial institutions. Finally, interdisciplinary collaboration among legal scholars, Islamic jurists, AI specialists, policymakers, and technology developers is essential to ensure that technological innovation remains aligned with Islamic legal values and family welfare.

Compared with previous frameworks that focus separately on AI governance, legal technology, or Islamic ethics, the proposed model integrates these dimensions into a comprehensive normative framework specifically designed for the reconstruction of Islamic Family Law in the era of Artificial Intelligence. Accordingly, the principal contribution of this study lies in

demonstrating that AI should strengthen not replace human legal reasoning while remaining firmly grounded in the objectives of Islamic law and the protection of family rights.

The synthesis of statutory analysis, doctrinal analysis, comparative legal analysis, and previous studies resulted in a conceptual reconstruction model consisting of five interrelated components. As presented in Table 1, each component represents a normative requirement for integrating Artificial Intelligence into Islamic Family Law while maintaining compliance with the objectives of *maqāṣid al-sharī'ah* and internationally recognized AI ethical principles. The components were formulated based on the analysis of Indonesian family law, international AI governance frameworks, UNESCO's AI Ethics Recommendation (2021), the European Union AI Act (2024), and Islamic legal scholarship, particularly the theory of *maqāṣid al-sharī'ah* proposed by Jasser Auda (2008).

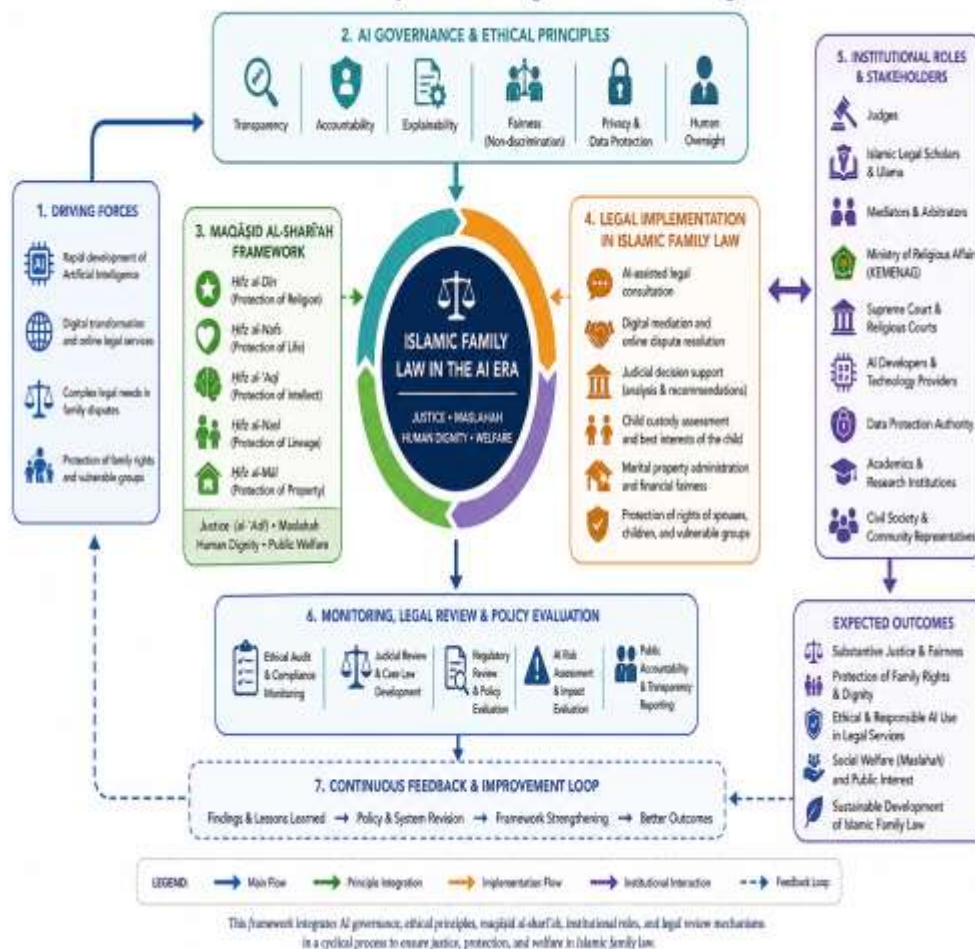
Table 1. Reconstruction Model of Islamic Family Law in the Age of Artificial Intelligence

Component	Operational Indicators	Implementation in Islamic Family Law	Supporting Sources
AI Governance	AI functions only as a decision-support system; transparency, explainability, and accountability are mandatory.	AI is used for legal consultation, document analysis, digital mediation, and case management, while final legal responsibility remains with competent authorities.	European Commission (2024); UNESCO (2021); Cath (2018)
Ethical Principles	Fairness, non-discrimination, privacy protection, accountability, transparency, and meaningful human oversight.	AI systems must protect personal and family data, avoid algorithmic bias, and ensure ethical legal services.	UNESCO (2021); OECD AI Principles; Cath (2018)
Sharī'ah Principles	AI applications comply with <i>maqāṣid al-sharī'ah</i> : protection of religion (<i>ḥifẓ al-dīn</i>), life (<i>ḥifẓ al-naḥs</i>), intellect (<i>ḥifẓ al-'aql</i>), lineage (<i>ḥifẓ al-nasl</i>), and	AI-assisted legal services must promote justice (<i>al-'adl</i>), public welfare (<i>maṣlahah</i>), and the protection of family rights.	Auda (2008); Al-Shatibi; Ali et al. (2025)

	property (<i>hifẓ al-māl</i>).		
Human Oversight	Judges, mediators, arbitrators, and Islamic legal scholars retain exclusive authority over legal interpretation and final decisions.	AI recommendations are advisory only and cannot replace judicial discretion or religious legal reasoning.	European Commission (2024); UNESCO (2021); OECD AI Principles
Family Protection	Protection of spouses, children, vulnerable family members, privacy, and family dignity through secure and ethical AI use.	AI implementation supports dispute resolution, child custody assessment, family mediation, and legal information services while safeguarding human rights and family welfare.	Law No. 1 of 1974 (as amended by Law No. 16 of 2019); Compilation of Islamic Law; Law No. 27 of 2022 on Personal Data Protection

The proposed framework positions AI as a supporting instrument while maintaining human authority over legal decision-making.

Figure 1. Governance Framework for the Reconstruction of Islamic Family Law in the Age of Artificial Intelligence



3.4 Discussion

The findings demonstrate that AI has become an integral part of modern legal systems, including Islamic family law. Accordingly, neither rejecting AI entirely nor allowing AI to independently determine legal outcomes is consistent with the principles of Islamic jurisprudence. These findings support previous studies emphasizing human oversight, algorithmic transparency, accountability, and responsible AI governance.

The study further confirms that *maqāsid al-sharī'ah* offers an appropriate normative framework for assessing AI applications in Islamic family law. Unlike previous research that has generally examined AI from either legal or ethical perspectives, this study integrates technological

innovation, AI ethics, and Islamic family values into a comprehensive reconstruction framework.

The primary contribution of this research lies in proposing an adaptive model of Islamic family law that utilizes AI to improve legal services while preserving the authority of judges, mediators, and Islamic legal scholars. The proposed framework may serve as a reference for policymakers, legal practitioners, and researchers in developing regulations and governance mechanisms that balance technological innovation, ethical responsibility, and the protection of family values in the age of artificial intelligence.

3.5 Findings That Do Not Fully Support the Conceptual Framework

In addition to highlighting the various opportunities offered by *Artificial Intelligence* (AI) in the development of Islamic family law, this study also identifies several findings that do not fully support the initial assumption that AI can always improve the quality of legal services. Analysis of various literature indicates that the effectiveness of AI is highly dependent on data quality, algorithm transparency, and the social context in which the technology is applied.

One important finding is that AI has not yet been able to accommodate the dimensions of *ijtihad* (*ijtihād*), wisdom (*ḥikmah*), and moral considerations that are central to resolving Islamic family law cases. In matters such as divorce, child custody, division of marital assets, and family mediation, legal decisions are often influenced by psychological conditions, cultural norms, customs, and religious values that cannot be fully represented in algorithmic models. Therefore, the use of AI as a primary decision-maker may result in decisions that are procedurally consistent but lack substantive justice.

This study also finds that the implementation of AI may increase the risk of algorithmic bias. If the training data are dominated by legal practices from specific regions or schools of thought, the recommendations generated by AI may overlook the diversity of opinions (*ikhtilāf al-fuqahā'*) that characterize Islamic law. This finding indicates that AI does not always produce neutral or universally applicable legal recommendations.

Furthermore, there is a potential conflict between technological efficiency and the principle of confidentiality in family law. The digitization of case documents and the use of AI systems based on *cloud computing* enhance administrative efficiency, but at the same time pose risks of data breaches, misuse of family information, and violations of privacy rights. Therefore, the implementation of AI must be accompanied by strong data protection mechanisms and adequate information security standards.

Another finding that does not fully align with initial expectations is the lack of regulatory harmonization regarding the use of AI in family dispute resolution across different countries. While some countries have begun to develop comprehensive AI governance frameworks, others still limit its use to administrative functions. These differences indicate that the reconstruction of Islamic family law cannot rely on a single universal model but must consider national legal systems, social conditions, and the characteristics of each society.

Overall, the findings confirm that AI has significant potential to enhance the effectiveness of Islamic family law services. However, these benefits cannot be fully realized without human oversight, a clear ethical framework, accountable technological governance, and the integration of *maqāṣid al-syarī'ah* principles. Therefore, the conceptual hypothesis that AI can support the reconstruction of Islamic family law can only be accepted if its implementation remains under the control of judges, mediators, and scholars as final decision-makers.

Additional Discussion

These findings reinforce the view that the reconstruction of Islamic family law in the AI era must adopt a *human-centered artificial intelligence* approach, which places humans at the center of decision-making. This approach aligns with the principles of *maqāṣid al-syarī'ah*, which prioritize the protection of religion (*ḥifẓ al-dīn*), life (*ḥifẓ al-naḥs*), intellect (*ḥifẓ al-'aql*), lineage (*ḥifẓ al-nasl*), and property (*ḥifẓ al-māl*). Thus, AI should be viewed as a tool to enhance the quality of legal services, rather than a substitute for legal reasoning that requires ethical, social, and religious judgment.

The results of this study also indicate that the successful integration of AI in Islamic family law is not solely determined by technological sophistication, but also by regulatory readiness, the quality of human resources, digital literacy among legal practitioners, and public acceptance of technological innovation. Therefore, the reconstruction of Islamic family law requires collaboration among academics, scholars, AI developers, policymakers, and judicial institutions to create a legal system that is adaptive, ethical, and oriented toward the protection of family values.

4. CONCLUSION

This study examined the reconstruction of Islamic Family Law in response to the development of Artificial Intelligence (AI) through a normative legal research approach. The analysis indicates that AI has the potential to improve legal accessibility, administrative efficiency, and decision-support processes in family law. However, the study also finds that the application of AI raises important legal and ethical issues, particularly concerning algorithmic bias, privacy protection, accountability, and the need for meaningful human oversight. Accordingly, AI should function as a decision-support tool rather than replacing the authority of judges, mediators, or Islamic legal scholars.

The findings further demonstrate that *maqāṣid al-sharī'ah* provides an appropriate normative framework for evaluating and guiding the use of AI in Islamic Family Law. The proposed reconstruction framework integrates AI governance principles, ethical responsibility, and the objectives of Islamic law to support the protection of family rights, justice (*al-'adl*), and public welfare (*maṣlahah*). These findings suggest that future legal development concerning AI in family law should maintain an appropriate balance between technological innovation and the fundamental values of Islamic law.

The principal contribution of this study is the development of a normative conceptual framework that connects AI governance principles with *maqāṣid al-sharī'ah* in the context of Islamic Family Law. Rather than offering a universal regulatory model, the framework is intended to provide a conceptual reference for future academic discussion and legal policy development concerning the responsible use of AI in family law.

This study is limited by its reliance on normative legal analysis and secondary legal materials. Consequently, the proposed framework has not been empirically evaluated within judicial institutions or AI-assisted family law services. Future research may therefore employ empirical or mixed-method approaches involving judges, legal practitioners, Islamic legal scholars, AI developers, and policymakers to assess the practical implementation of AI governance in Islamic Family Law across different legal jurisdictions.

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