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THE LEGAL CAPACITY (AL-AHLIYYAH) OF ARTIFICIAL INTELLIGENCE FROM AN ISLAMIC JURISPRUDENTIAL PERSPECTIVE

(2024) *Malaysian Journal of Syariah and Law*, 12 (1), pp. 31-42.

DOI: 10.33102/mjst.vol12no1.453

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Abstract

Capacity is the legal right and empowerment of a legal person to individual responsibility. A legal person has the right to social, economic, and political duties and responsibilities in the society to sue and be sued in the law court. However, the issue of artificial persons has been gaining attention in recent times, especially its legal capacity. This paper examines the legal capacity of Artificial Intelligence from Islamic jurisprudential perspective. For instance, legal and juristic issues remain around the legal capacity of humanoids like Sophia Robot which was granted the first full citizenship in Saudi Arabia. Does that citizenship translate to full rights and responsibility like a normal human? The study uses a qualitative method to employ the doctrinal approach of analyzing Islamic jurisprudential opinions on the legal personality of an artificial person. Although there are Islamic thresholds on minors and other interdicted persons, however, the study explores the extent of interpolating classical Islamic rulings of the legal capacity of certain corporations, entities, and interdicted persons on the artificial intelligence robot. The study found that an artificial intelligence robot does not have the complete traits to be considered for natural legal capacity. However, AI has the trait of artificial personality that is justified in Islamic jurisprudence. The vicarious tortious liability can be interpolated on the artificial personality of AI to ensure the protection of the public interest. Therefore, this study lays the groundwork for further studies in understanding how Islamic law can address the rights, responsibilities, and ethical considerations surrounding the use of AI, thereby facilitating the development of comprehensive, and religiously sensitive regulatory frameworks. © The authors (2024).

Author Keywords

alahliyyah; Artificial intelligence; legal capacity; robot

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Publisher: Faculty of Syariah and Law, Islamic Science University of Malaysia (USIM)

ISSN: 19857454

Language of Original Document: English

Abbreviated Source Title: Malays. J. Syariah. Law.

2-s2.0-85190940569

Document Type: Article

Publication Stage: Final

Source: Scopus

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