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Analysis of Copyright Protection of AI Works from the Perspective of the MUI Fatwa

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Abstract

The rapid development of Artificial Intelligence (AI) raises complex legal questions regarding ownership and copyright protection of works generated through algorithmic systems. AI can produce text, images, music, and other creative outputs with economic value, yet it lacks legal personality, intention, and moral responsibility. This situation creates normative challenges in both contemporary copyright law and Islamic legal discourse, particularly in determining ownership and accountability for AI-generated works. In Islamic law, the absence of explicit classical rulings on AI-based creativity requires new interpretative approaches that integrate traditional legal principles with modern technological realities. This study aims to analyze the construction of ownership and copyright protection of AI-generated works from the perspective of Islamic law by examining the normative principles contained in the fatwas of the Indonesian Ulema Council (MUI). The research employs normative legal methods using conceptual, statutory, and maqasid al-shari'ah approaches based on library research. The findings show that AI-generated works can be classified as mal hukmi (intangible property) because they possess economic value, utility, and social recognition. Their protection therefore aligns with the principle of hifz al-mal. Although no MUI fatwa explicitly regulates AI copyright, the principles in MUI Fatwa No. 24 of 2017 indicate that digital systems function only as instruments (wasilah), while legal responsibility remains with humans. Consequently, AI cannot be considered a legal subject, and copyright ownership is most appropriately attributed to users who actively direct the creative process. This study demonstrates that Islamic law, through maqasid al-shari'ah and contemporary fatwas, provides a normative framework for addressing emerging issues of AI governance and intellectual property in the digital era.

INTRODUCTION

The rapid advancement of Artificial Intelligence (AI) over the past decade has significantly transformed the way humans produce knowledge and creative works.[1] Unlike earlier technological tools that merely assisted human creativity, contemporary AI systems particularly generative AI are capable of autonomously producing images, music, literary texts, and even academic writings.[2] These developments have positioned AI not only as a technological instrument but also as a potential generator of intellectual output.[3] Consequently, the emergence of AI-generated works challenges the conventional assumptions underlying copyright law, particularly regarding authorship, originality, and ownership of creative works.[4]

In Indonesia, the use of AI-based technologies in creative production has expanded rapidly in various sectors such as digital design, social media content creation, advertising, and AI-assisted writing.[5] Despite this rapid adoption, the legal status of AI-generated works remains uncertain. Indonesian copyright law continues to be based on the classical paradigm that copyright originates from human creativity, where authors are recognized as natural persons who produce intellectual works.[6] This framework raises a fundamental legal question: who should be recognized as the copyright holder when a work is generated through an AI system? The rights could potentially belong to the user who provides prompts, the developer who designs the algorithm, the platform provider that operates the system, or none of these actors.[7] This conceptual ambiguity creates legal uncertainty and opens the possibility of ownership disputes in the future.

Beyond the realm of positive law, the issue of AI-generated works also raises broader ethical and normative questions, particularly within Muslim societies where legal

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[1] Nurcahaya Wahid, Luth Fiah and Cahaya Permata, "Hukum Jual Beli Emas Melalui Sistem Tidak Tunai Menurut Mazhab Syafi'i (Studi Kasus Toko Emas Pasar Horas Kota Pematangsiantar)," *Journal Humaniora: Jurnal Hukum Dan Ilmu Sosial* 1, no. 2 (2021): 1–22.

[2] Annisa Sativa Lisa Yusri Ritonga, "Legal Protection For T-Shirt Design Owners From The Perspective Of The Mui Fatwa No. 1 Munas Vii/Mui/5/2005 (A Study Of The Shopee Marketplace)," *Indonesian Interdisciplinary Journal of Sharia Economics (IIJSE)* 7, no. 3 (2024): 5703–9.

[3] Singgih Subiyantoro, *Buku Ajar Artificial Intellegence*, 2016.

[4] Rahmat Hidayat, "Analisis Fikih Aktual Dan Hipotesis Atas Eksposisi Eksistensi Artificial Intelligence Dalam Transaksi," *Justisia Ekonomika* 5, no. 2 (2021): 214–28.

[5] J. M. d Babashahi, L., Barbosa, C. E., Lima, Y., Lyra, A., Salazar, H., Argôlo, M., Almeida, M. A. d., & Souza, "AI in the Workplace: Systematic Review of Skill Transformation in the Industry," *Administrative Sciences* 4, no. 6 (2024): 13–24, https://doi.org/https://doi.org/10.3390/admsci14060127.

[6] Syafika Handayani and Fatimah Zahara, "Legal Consequences of Product Quality Tadlis on Shopee E-Commerce from the Perspective of DSN MUI Fatwa Number 146 of 2021 on Online Shops Based on Sharia Principles," *Journal Equity of Law and Governance* 4, no. 2 (2021): 294–99.

[7] Zulham Irwansyah, Faisar Ananda, "Positivization of Sharia Regional Regulations in North Sumatra," *JALREV* 3, no. 3 (2021): 161–79.

reasoning is often informed by religious principles.[8] In Islamic jurisprudence, ownership of property including intellectual property is closely related to the principle of *ḥifẓ al-māl* (protection of property) within the broader framework of *maqāṣid al-sharīʿah*.[9] Intellectual works are generally regarded as the result of human effort (*ʿamal*) that possesses both economic and moral value. Therefore, their protection is associated with the principles of justice (*ʿadl*), accountability, and the prevention of injustice.[10] The emergence of AI as a producer of intellectual works raises new normative questions regarding how Islamic legal principles should interpret authorship, responsibility, and ownership in algorithmically generated creations.[11]

In Indonesia, the Indonesian Ulema Council (Majelis Ulama Indonesia—MUI) has issued several fatwas addressing ethical and legal aspects of digital technology, particularly in relation to electronic transactions, digital financial services, and the responsible use of technology. These fatwas emphasize principles such as transparency, accountability, fairness, and the protection of rights in digital interactions.[12] However, the issue of copyright ownership in AI-generated works has not yet been explicitly addressed within the framework of MUI fatwas. Considering that technological developments often evolve more rapidly than legal and religious formulations, the absence of normative guidance on this issue highlights the need for contemporary Islamic legal analysis.[13]

Existing academic literature has discussed AI and copyright from various perspectives. Many studies within the field of intellectual property law examine the issue from the standpoint of positive law and international legal frameworks, focusing on debates concerning authorship, originality, and the legal personhood of AI systems. These studies attempt to determine whether AI-generated works can be protected under

[8] Nurul Aulia Dewi and Tuti Anggaini, "Menelusuri ' Illat Hukum Dalam Ushul Fiqh: Sebab, Hikmah, Dan Implementasinya Dalam Penetapan Hukum Islam," *Indonesian Journal of Multidisciplinary Scientific Studies (IJOMSS)* 3, no. 2 (2025): 33–40.
[9] Musolli Musolli, "Maqasid Syariah: Kajian Teoritis Dan Aplikatif Pada Isu-Isu Kontemporer," *AT-TURAS: Jurnal Studi Keislaman* 5, no. 1 (2018): 60–81, https://doi.org/10.33650/at-turas.v5i1.324.
[10] Fatimah Zahara, "The Analysis of Maqashid Syariah on the Use of Fiat Money and Dinar Dirham," *Budapest International Research and Critics Institute-Journal (BIRCI-Journal)* 3, no. 2 (2020): 1216–26.
[11] Sri Wahyuni, Asmuni Asmuni, and Tuti Anggraini, "Analisis Maqashid Dan Maslahah Transaksi E-Commerce Di Indonesia," *Jurnal Riset Pendidikan Ekonomi* 8, no. 2 (2023): 124–33, https://doi.org/10.21067/jrpe.v8i2.8703.
[12] Yuliana Pida and Imsar Imsar, "Pengaruh Literasi Keuangan Dan Inklusi Keuangan Terhadap Scale Up Bisnis UMKM Kota Medan Dalam Kerangka Maqashid Syariah," *Jurnal Sains Sosio Humaniora* 6, no. 2 (2022): 104–18, https://doi.org/10.22437/jssh.v6i2.22897.
[13] Ahmad Erwaedy et al., "Implementing Halal Industry Management and Environment Conservation Based on Maqashid Sharia," *AL-FALAH : Journal of Islamic Economics* 6, no. 2 (2021): 268, https://doi.org/10.29240/alfalah.v6i2.3504.

existing copyright regimes or whether new legal frameworks are required.[14] Meanwhile, research within the domain of Islamic law has generally examined AI in relation to digital transactions, financial technology, or ethical governance rather than addressing AI as a producer of intellectual property objects. As a result, the intersection between AI-generated works, copyright ownership, and Islamic legal reasoning remains relatively underexplored.[15]

This situation reveals a clear research gap. First, there is a theoretical gap between the development of AI technology as an autonomous producer of creative works and the current discourse in Islamic jurisprudence, which still predominantly focuses on transactional uses of technology rather than algorithmic intellectual production. Second, while legal scholarship on AI copyright has grown significantly within positive law frameworks, limited studies have examined how Islamic legal principles particularly those articulated in MUI fatwas can be applied to determine responsibility and ownership in AI-generated works. Third, discussions of intellectual property in Islamic law often remain at the level of general legitimacy of copyright protection without addressing complex contemporary cases where human creativity is mediated by algorithmic systems.[16]

Based on these gaps, this study seeks to examine copyright ownership of AI-generated works from the perspective of MUI fatwas and contemporary Islamic legal principles. Specifically, this research addresses the following questions: 1) How can the principles contained in MUI fatwas concerning digital ethics and responsibility be interpreted in relation to copyright ownership of AI-generated works?; 2) Who can be considered the most legitimate copyright holder in AI-generated works when analyzed through the normative framework of Islamic law?; 3) How can Islamic legal reasoning contribute to developing a conceptual framework for regulating copyright in the era of artificial intelligence?.

The objective of this research is to construct a normative analysis of AI-generated copyright ownership based on the principles embedded in MUI fatwas and Islamic legal

[14] Merin Ananda Putri, Elviandri Elviandri, and Rio Arif Pratama, "Analisis Yuridis Terhadap Penggunaan Artificial Intelligence (AI) Dalam Transaksi Bisnis Online Pada Aspek Privasi Data Dan Keamanan Konsumen," *AURELIA: Jurnal Penelitian Dan Pengabdian Masyarakat Indonesia* 4, no. 2 (2025): 2054–66, https://doi.org/10.57235/aurelia.v4i2.5439.
[15] Virlyana Listy and Ilham Ilham, "Revolusi Sistem Informasi Manajemen Di Era AI Dan Big Data Mengubah Cara Bisnis Bekerja," *Simpatik: Jurnal Sistem Informasi Dan Informatika* 5, no. 1 (2025): 27–36, https://doi.org/10.31294/simpatik.v5i1.7621.
[16] Dian Anggraini, "Kecerdasan Buatan (Ai) Dan Nilai Co-Creation Dalam Penjualan B2B (Business-To-Business)," *Jurnal Sistem Informasi, Teknologi Informasi, Dan Edukasi Sistem Informasi* 1, no. 2 (2020): 63–69, https://doi.org/10.25126/justsi.v1i2.7.

theory. By integrating contemporary technological developments with Islamic legal reasoning, this study aims to provide a conceptual framework that can contribute to the evolving discourse on intellectual property in Muslim societies.

The significance of this research lies in its contribution to the development of contemporary Islamic legal studies in responding to emerging technological issues. By positioning MUI fatwas as a normative analytical framework for understanding AI-generated intellectual property, this study offers a new perspective that bridges the gap between technological innovation and Islamic legal thought. Such an approach is important not only for academic discourse but also for policymakers, religious authorities, and legal practitioners seeking to formulate regulatory responses that are both technologically adaptive and normatively grounded.

Ultimately, addressing the issue of AI-generated works from the perspective of Islamic law reflects the broader challenge of maintaining a balance between technological progress and legal justice. Within the framework of *maqāṣid al-sharīʿah*, the protection of intellectual works produced through AI is not merely a matter of economic ownership but also an effort to uphold justice, prevent disputes, and promote public welfare in the digital era. Therefore, examining copyright protection of AI-generated works through the lens of MUI fatwas constitutes an important step toward developing an adaptive yet principled approach to Islamic law in the age of artificial intelligence.

METHOD

This study employs normative legal research with a conceptual approach and a statutory approach, complemented by normative-Islamic analysis.[17] Normative legal research is appropriate for this study because the research focuses on examining legal norms, identifying normative gaps, and constructing legal arguments regarding copyright ownership of works generated through Artificial Intelligence (AI). The study specifically analyzes how copyright protection for AI-generated works can be interpreted within the framework of Indonesian copyright law and the fatwas issued by the Indonesian Ulema Council (Majelis Ulama Indonesia—MUI).

The conceptual approach is used to examine the theoretical foundations related to copyright law, intellectual property rights, legal subjects, and the concept of *māl* (property) in Islamic jurisprudence. Through this approach, the research analyzes how intellectual property is conceptualized within both positive law and Islamic legal thought. Meanwhile, the statutory approach is applied to review relevant legal

[17] Ahmad Tanzeh, *Pengantar Metode Penelitian* (Yogyakarta: Teras Publis, 2018).

provisions within the Indonesian legal system, particularly laws and regulations concerning copyright and intellectual property. This approach allows the study to identify the extent to which existing legal norms can accommodate AI-generated works and to compare them with normative principles derived from Islamic legal sources.[18]

The data used in this research consist of secondary legal materials categorized into primary, secondary, and tertiary sources. Primary legal materials include fatwas issued by the Indonesian Ulema Council (MUI) concerning digital transactions, electronic transactions, ethical use of technology, and principles of rights protection in digital environments. These fatwas are treated as normative legal references representing authoritative Islamic legal opinions within the Indonesian context. In addition, statutory regulations related to copyright and intellectual property serve as primary legal sources within the positive legal system. Secondary legal materials include books on Islamic jurisprudence (*fiqh* and *uṣūl al-fiqh*), literature discussing the objectives of Islamic law (*maqāṣid al-sharīʿah*), academic works on intellectual property law, scientific journal articles, and previous studies addressing AI governance, technological ethics, and contemporary Islamic law. Tertiary legal materials include legal dictionaries, encyclopedias, and other reference sources used to clarify terminology and conceptual definitions.[19]

Data collection was conducted through library research. This process involved systematically identifying, selecting, and reviewing relevant literature from academic databases, legal documents, and authoritative Islamic legal references. The collected legal materials were then organized according to their thematic relevance to the research problem, particularly regarding copyright ownership, AI-generated works, and Islamic legal principles governing property rights and responsibility.

The analysis of legal materials was conducted using qualitative normative analysis with a descriptive-analytical method. The analytical process consisted of several stages. First, the descriptive stage aimed to map the legal position of AI-generated works within the framework of copyright law and to identify the main issues related to authorship, ownership, and legal responsibility. Second, the interpretative stage examined the normative principles contained in MUI fatwas, particularly those related to justice (*ʿadl*), responsibility (*mas'uliyyah*), transparency, and the prohibition of unjust appropriation of

[18] Samsul, *Metode Penelitian : Teori Dan Aplikasi Penelitian Kualitatif, Kuantitatif, Mixed Method, Dan Development* (Jambi: Pusaka, 2017).
[19] Zainuddin Ali, *Metode Penelitian Hukum* (Jakarta: Sinar Grafika, 2016).

others' rights. These principles were analyzed as normative guidelines that may be applied to emerging technological contexts.[20]

In this study, MUI fatwas are analyzed as normative Islamic legal sources through a process of doctrinal interpretation. The analysis focuses on identifying general legal principles contained within the fatwas and examining their relevance to contemporary issues concerning AI-generated intellectual works. Rather than treating fatwas merely as descriptive religious opinions, this research interprets them as normative frameworks capable of guiding legal reasoning in new technological contexts.[21]

To ensure systematic evaluation, the study employs an analytical framework based on the principles of *maqāṣid al-sharīʿah*, particularly the protection of property (*ḥifẓ al-māl*), justice (*ʿadl*), responsibility (*mas'uliyyah*), and public benefit (*maṣlaḥah*). These principles are used as evaluative criteria to assess which actors—such as AI users, developers, or platform providers—may possess the strongest normative claim to copyright ownership. Through this framework, the research attempts to construct a normative model for determining copyright protection of AI-generated works within the perspective of Islamic law.

Furthermore, this study applies a contextual *istinbāṭ* approach in Islamic legal reasoning. This method involves deriving legal conclusions from general principles of Islamic law and applying them to new cases that are not explicitly addressed in classical legal texts. By using this approach, the research seeks to formulate a normative interpretation that aligns Islamic legal principles with contemporary technological developments, particularly in relation to the ownership and protection of AI-generated intellectual works.[22]

Through these methodological steps, the research aims to produce a systematic normative analysis that integrates copyright law, Islamic legal principles, and the ethical framework reflected in MUI fatwas. This methodological design strengthens the analytical clarity of the study and enhances the academic validity of its conclusions.

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[20] Nurhikmatu Auliya Hardani, *Metode Penelitian Kualitatif Dan Kuantitatif* (Yogyakarta: Pustaka Ilmu, 2020).
[21] Amir Hamzah, *Metode Penelitian Studi Kasus: Single Case, Instrumental Case, Multicase Dan Multisite* (Malang: Literasi Nusantara Abadi, 2020).
[22] Machine Dalam et al., "Jurnal Bidang Hukum Islam Human Claw Machine Game Practices From the View of Islamic Jurnal Bidang Hukum Islam" 5, no. 1 (2024): 165–78, https://doi.org/10.36701/bustanul.v5i1.1350.165.

RESULTS AND DISCUSSION

1. Construction of the Concept of Ownership and Copyright from an Islamic Legal Perspective

In Islamic jurisprudence, the concept of ownership (*al-milk*) encompasses a broader dimension than the notion of property found in modern civil law. Classical jurists recognize that ownership does not only apply to tangible objects (*a'yan*), but also to benefits (*manfa'ah*) and intellectual outcomes (*nataij al-fikr*). Within the framework of *usul fiqh*, an entity may be categorized as *mal* (property) when it fulfills three essential elements: it possesses value (*qimah*), provides benefit (*manfa'ah*), and is socially recognized as an asset (*'urf*). Based on this doctrinal definition, intellectual property including copyright can be categorized as *mal hukmi* (intangible property).[23]

However, the recognition of intellectual property within Islamic law requires further analytical clarification. Modern copyright systems are primarily constructed around the concept of individual authorship and originality, where legal protection is granted to creators who produce works through their intellectual expression. In contrast, Islamic legal reasoning focuses less on the formal identity of the creator and more on the relationship between effort (*kasb*), responsibility (*dhaman*), and the resulting benefits. This distinction is crucial in analyzing contemporary issues such as AI-generated works.

According to the maqashid (lawful) principle, protecting intellectual property is part of hifz al-mal (protecting wealth). The Qur'an strictly forbids the unlawful seizure of another's rights:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ اِلَّآ اَنْ تَكُوْنَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ وَلَا تَقْتُلُوْٓا اَنْفُسَكُمْ ۗ اِنَّ اللّٰهَ كَانَ بِكُمْ رَحِيْمًا ﴿٢٩﴾

Meaning:

> "*O you who believe, do not consume your neighbor's wealth in a false (unrighteous) manner, except in the form of business based on mutual consent between you. Do not kill yourselves. Indeed, Allah is Most Merciful to you*." (QS. an-Nisa: 29)

From the perspective of *maqasid al-shari'ah*, protection of intellectual property falls within the objective of *hifz al-mal* (protection of property). The Qur'an prohibits the unjust appropriation of another person's property, as stated in Surah An-Nisa (4:29), which forbids consuming the wealth of others unlawfully. When applied to intellectual works,

[23] Mokthar Fadilah Mat Nor, Sa'diah Abd Karim, Mawar Murni Yunus, Ahmad Fatin Mohamad Suhaimi Ismail, "Youth Participation in the Gig Economy: A Scoping Review of Socioeconomic and Maqasid Shariah Perspectives," *E-JURNAL PENYELIDIKAN DAN INOVASI* 12, no. 4 (2025): 277–88, https://doi.org/10.53840/ejpi.v12i4.300.

this principle suggests that the unauthorized use of a work without permission constitutes a form of *akl al-mal bi al-batil* (illegitimate appropriation of property).

Nevertheless, the emergence of AI-generated works complicates the traditional understanding of ownership. Classical Islamic legal theory links ownership to human effort, as reflected in the Qur'anic principle that "a person will only obtain what he strives for" (QS. An-Najm: 39). The Qur'an states:

وَاَنْ لَّيْسَ لِلْاِنْسَانِ اِلَّا مَا سَعٰى ۙ ﴿٣٩﴾

Meaning:

"*that humans only get what they have worked for*" (QS. an-Najm: 39)

In the context of AI, however, the process of creation involves algorithmic systems that autonomously generate outputs based on large datasets and machine learning processes. As a result, the direct relationship between human intellectual effort and the produced work becomes less linear.

This phenomenon requires reinterpretation through contemporary legal reasoning methods such as *qiyas* (analogy) and *maslahah mursalah*. Within this framework, AI can be positioned as a technological instrument (*wasilah*) rather than an autonomous legal subject. Similar to tools such as cameras or computers, AI does not possess moral agency or legal responsibility. The principle *"al-aslu fi al-af'al idhafatuha ila al-fa'il"* (actions are attributed to their human actors) supports the argument that the legal consequences of technological processes ultimately remain linked to human users.

Thus, from an Islamic legal perspective, copyright ownership can still be attributed to humans who initiate, direct, and utilize AI systems. This interpretation ensures the preservation of the relationship between effort and reward while preventing the emergence of legal uncertainty that could undermine justice and social welfare.

2. AI Works in Positive Copyright Law: Comparative Legal Perspective

In modern copyright regimes, authorship is generally defined as a human-centered concept. Indonesian Copyright Law No. 28 of 2014 explicitly defines a creator as:

"*a person or persons who, individually or jointly, produce a work that is unique and persona*l."

This formulation reflects the traditional doctrine of authorship in copyright law, which emphasizes originality derived from human creativity.

However, the emergence of AI-generated works has triggered debates in many jurisdictions regarding the applicability of this doctrine. Different countries have adopted varying approaches in responding to this issue.[24]

[24] Undang-Undang, "Undang-Undang Nomor 28 Tahun 2014 Tentang Hak Cipta," 2014.

First, in the United States, the Copyright Office maintains a strict human authorship requirement. Several policy statements and legal decisions emphasize that works generated without significant human creative input cannot be granted copyright protection. This approach is based on the assumption that copyright law fundamentally protects human intellectual expression rather than machine-generated output.

Second, the European Union also emphasizes the requirement of human intellectual creation as the basis for copyright protection. The concept of "author's own intellectual creation" requires the presence of personal creative choices made by a human author. Consequently, purely AI-generated works that lack meaningful human intervention may not qualify for protection under current EU copyright law.

Third, a different approach can be found in the United Kingdom, where the Copyright, Designs and Patents Act recognizes computer-generated works and assigns authorship to "the person who makes the arrangements necessary for the creation of the work." This approach implicitly acknowledges that technological systems may produce works independently, while still attributing legal responsibility to human actors.

These comparative perspectives illustrate that modern copyright law is currently undergoing a process of adaptation to technological change. While some jurisdictions maintain strict human authorship requirements, others attempt to develop flexible legal interpretations that accommodate technological developments. The Indonesian legal framework remains closer to the traditional human-centered model, which creates potential normative gaps when addressing AI-generated works.[25]

When viewed from the perspective of Islamic law, the debate on authorship appears less rigid because Islamic legal reasoning focuses on the underlying elements of effort (*kasb*), responsibility (*mas'uliyyah*), and benefit (*maslahah*). AI cannot be considered a legal subject because it lacks moral agency (*ahliyyah*). Therefore, ownership must ultimately be attributed to humans who direct and utilize the technology.

This perspective aligns with the principle that tools follow the legal status of their users (*al-wasa'il laha ahkam al-maqasid*). Consequently, the legal responsibility and rights associated with AI-generated works remain attached to human actors rather than technological systems.

[25] G P Raiwella, Dwi Sartika Paramyta, and M Y F Hafidz Nasution, "The Copyright Ownership Status of Visual Works Generated by Artificial Intelligence Status Kepemilikan Hak Cipta Pada Karya Visual Yang Dihasilkan Oleh Kecerdasan Buatan Kata Kunci : Hak Cipta , Karya Visual , Kecerdasan Buatan Era Digital Saat Ini Ditand," *Al-Qanun: Jurnal Kajian Sosial Dan Hukum Islam* 06 (2025).

3. Normative Analysis of MUI Fatwa Principles on AI-Based Works

Although the Indonesian Ulema Council (MUI) has not issued a specific fatwa addressing AI-generated copyright, several existing fatwas related to digital transactions and social media ethics provide normative principles that can be extended to this issue. One relevant example is MUI Fatwa No. 24 of 2017 concerning Guidelines for Muamalah through Social Media, which emphasizes responsibility, honesty, and the prohibition of unjust appropriation in digital interactions.[26]

Rather than treating the fatwa merely as a descriptive religious statement, this study interprets it as a normative framework for analyzing emerging technological phenomena. Through the method of *takhrij al-furu' 'ala al-usul*, general sharia principles contained in the fatwa can be applied analogically to new cases such as AI-generated works.

Several key principles can be derived from this normative framework:[27]

a. Principle of Responsibility of Legal Subjects (*Mas'uliyyah Insaniyyah*)

The principle that digital systems are merely a means (wasilah), while responsibility remains with humans, aligns with the MUI Fatwa No. 24 of 2017, which emphasizes that the use of digital media does not eliminate the perpetrator's sharia responsibility. Within the sharia framework, the legal subject is humans as the possessors of will, intention, and moral consciousness. This principle is based on the word of Allah:

كُلُّ نَفْسٍۢ بِمَا كَسَبَتْ رَهِيْنَةٌۙ ﴿٣٨﴾

Meaning:

"*Everyone is responsible for what he has done*" (QS. Al-Muddatsir: 38)

AI lacks ahliyyah (legal capacity) because it lacks consciousness, intention (qasd), or moral responsibility. Therefore, within the framework of Islamic jurisprudence, AI cannot be the subject of ownership or legal responsibility. The analogy with electronic transaction systems suggests that human users of AI occupy the position of mubasyir (direct agent) or at least mutasabbib (cause) in the creation of a work. The Qur'anic basis for this principle is found in Surah An-Najm: 39:

وَاَنْ لَّيْسَ لِلْاِنْسَانِ اِلَّا مَا سَعٰىۙ ﴿٣٩﴾

Meaning:

"*that humans only get what they have worked for*" (QS. an-Najm: 39)

Although AI performs computational processes, the initiative for its use, the purpose for its creation, and the utilization of its results still come from humans. Therefore, AI

[26] Fatwa MUI, "Fatwa No. 24 Tahun 2017 Tentang Hukum Dan Pedoman Bermuamalah Melalui Media Sosial," 2017.
[27] Wahyuni, Asmuni, and Anggraini, "Analisis Maqashid Dan Maslahah Transaksi E-Commerce Di Indonesia."

users are the ones who bear legal responsibility and are the primary candidates for copyright ownership.

b. The principle of prohibiting taking other people's rights in vain

This principle is the foundation of rights protection in Islam. Allah says in Surah Al-Baqarah: 188:

وَلَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتُدْلُوْا بِهَآ اِلَى الْحُكَّامِ لِتَأْكُلُوْا فَرِيْقًا مِّنْ اَمْوَالِ النَّاسِ بِالْاِثْمِ وَاَنْتُمْ تَعْلَمُوْنَ ۧ

Meaning:

"*Do not consume your property among yourselves by wrongdoing, nor bring it to the judges with the intention that you may consume some of the property of others sinfully, while you know it*." (QS. Al-Baqarah: 188)

Intellectual works, including AI-based works, are classified as mal because they have recognized economic value and benefits. If AI works are not legally protected, they open up opportunities for unauthorized exploitation, appropriation of others' creative output, and the loss of economic and moral rights. This situation constitutes a form of akl al-mal bi al-batil (illegal consumption of property).

Within the framework of maqasid al-shari'ah, this directly contradicts hifz al-mal. Copyright protection is not merely an individual right, but a mechanism for maintaining a fair distribution of benefits and preventing social conflict. Without recognition of rights, the digital space could become an arena for new injustices in the form of intellectual theft.

c. Principle of Business Clarity (KASB) as the Basis for Ownership

In AI work, the element of human effort remains evident, albeit in a different form than in conventional creative processes. This effort includes:[28]

1) Designing prompts or instructions,
2) Selecting datasets or references,
3) Curating, editing, and selecting results,
4) Determining the intended use of the work.

This process demonstrates the existence of intellectual endeavor (ikhtiar 'aqli) and volitional action (tasharruf iradi), which makes AI creations not purely the product of machines, but rather the result of human-technology interaction. In Islamic jurisprudence (ushul fiqh), this form of enterprise falls under the category of work-based ownership (sabab al-milk bi al-'amal).

[28] Joni Hendra et al., "Creative Economic Development Strategy of Riau Province Community in As-Syatibi Shariah Maqasid Persfective," *Ikonomika* 6, no. 2 (2022): 291–308, https://doi.org/10.24042/febi.v6i2.11639.

Furthermore, the concept of maslahah mursalah supports this protection because it provides public benefit: encouraging innovation, maintaining economic justice, and preventing disputes.

4. Reconstruction of AI Copyright Ownership within the Framework of *Maqasid al-Shari'ah*

The legal reconstruction of AI-generated copyright requires the application of maqasid al-shari'ah because the issue does not appear explicitly in classical jurisprudential texts. As a contemporary technological phenomenon (nawazil mu'ashirah), its legal analysis must rely on broader objectives of Islamic law.

Three maqasid principles are particularly relevant:[29]

a. Hifz al-Mal (Protection of Property) as the Basis of Ownership

In the Qur'an it is emphasized:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْا لَا تَأْكُلُوْٓا اَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ اِلَّآ اَنْ تَكُوْنَ تِجَارَةً عَنْ تَرَاضٍ مِّنْكُمْ ۗ وَلَا تَقْتُلُوْٓا اَنْفُسَكُمْ ۗ اِنَّ اللّٰهَ كَانَ بِكُمْ رَحِيْمًا ﴿٢٩﴾

Meaning:

"*O you who believe, do not consume your neighbor's wealth in a false (unrighteous) manner, except in the form of business based on mutual consent between you. Do not kill yourselves. Indeed, Allah is Most Merciful to you*." (QS. an-Nisa: 29)

This verse serves as a universal basis for the prohibition on the unauthorized appropriation of another's rights. Contemporary scholars categorize intellectual property as a "mal" (property) because it fulfills the elements of value, benefit, and social recognition. AI-based works, although intangible, possess real economic value: they can be traded, licensed, and become a source of income. Thus, they fall into the category of "mal mutaqawwam" (assets with Islamic value).

If AI works are not protected, they open up the opportunity for unauthorized exploitation, which violates the principles of fairness in transactions. Within the framework of "maqasid," copyright protection for AI works is a form of actualization of "hifz al-mal," as it safeguards the fruits of human endeavor from unjust appropriation.

b. Hifz al-'Aql (Protection of Reason) and the Legitimacy of Intellectual Production

AI is essentially a product of accumulated human knowledge. Its development stems from long, collective intellectual work. The Qur'an repeatedly glorifies the function of reason, including:

[29] Ali Mutakin, "The Theory Of Maqasid Al-Syari'ah and the Relation with Instinbath Method," *Kanun Jurnal Ilmu Hukum* 3, no. 19 (2017): 557.

اَمَّنْ هُوَ قَانِتٌ اٰنَاۤءَ الَّيْلِ سَاجِدًا وَّقَاۤىِٕمًا يَّحْذَرُ الْاٰخِرَةَ وَيَرْجُوْا رَحْمَةَ رَبِّهٖۗ قُلْ هَلْ يَسْتَوِى الَّذِيْنَ يَعْلَمُوْنَ وَالَّذِيْنَ لَا يَعْلَمُوْنَۗ اِنَّمَا يَتَذَكَّرُ اُولُوا الْاَلْبَابِ ۝٩

Meaning:

"*(Is the polytheist more fortunate) or the one who worships at night, prostrating himself, standing, fearing the Hereafter, and hoping for the mercy of his Lord? Say (Prophet Muhammad), "Are those who know (the rights of Allah) equal to those who do not know (the rights of Allah)?" Indeed, only those who are wise (ululalbab) receive admonition*." (QS. az-Zumar: 9)

Protecting AI creations means safeguarding the innovation ecosystem and encouraging sustainable creativity. If AI-based creations are freely taken without authorization, the incentive for innovation will be weakened. This contradicts the goal of Sharia to safeguard reason, as intellectual protection plays a role in maintaining the productivity of human thought.

c. Maslahah Mursale as a Foundation for Contemporary Law

There are no specific textual arguments regarding ownership of AI works. However, Al-Syatibi emphasized that sharia was built to realize human benefit. Copyright protection for AI works meets the criteria for maslahah murlah because:[30]

1) Does not conflict with Islamic law,
2) Provides general benefits (legal certainty, creator protection, digital economic stability),
3) Prevents harm in the form of disputes and exploitation.

The rules of fiqh state:

"*Tasarruf al-imam 'ala al-ra'iyyah manutun bi al-maslahah*"

(The authority's policy must be based on the public interest).

This means that regulations and fatwas that protect AI works are in line with sharia principles in maintaining social order.[31]

[30] Urip Giyono et al., "Revitalizing the Indonesian Ulema Council ' s Fatwa on the Protection of Intellectual Property Rights," *Al-Mustashfa: Jurnal Penelitian Hukum Ekonomi Syariah* 10, no. 2 (2025): 701–19.

[31] Suyitno, "Maqhasid As-Syariah Dan Qishas: Pemikiran As-Syatibi Dalam Kitab Al-Muwafaqat," *Muaddib* 05, no. 01 (2015): 73–94, https://www.google.com/url?sa=t&rct=j&q=&esrc=s&source=web&cd=1&cad=rja&uact=8&ved=2ahUKEwjUsMLK9bLiAhXFbn0KHcGCBBEQFjAAegQICRAC&url=http%3A%2F%2Feprints.umpo.ac.id%2F1868%2F2%2FKompilasi%2520Artikel%252051%25205.pdf&usg=AOvVaw0q8gKqa_jmW_r1WPiVTsaC.

a. Determination of Ownership Subject: Analysis of Business Elements and Responsibilities

The most crucial issue isn't simply whether protection is permissible or not, but who owns it. In Islamic jurisprudence (fiqh muamalah), ownership rests with the party with the elements of kasb (direct effort) and dhaman (responsibility).

AI has no will, intention, or moral responsibility, and therefore cannot be the subject of ownership. AI developers do play a role in creating the system, but their contributions are general and not specific to each output. Meanwhile, users who:[32]

1) designing the prompt,
2) selecting the parameters,
3) curating the results.

Determining the intended use of the work fulfills the elements of direct effort and responsibility for the use of the work. Therefore, based on the principle of al-ghunmu bi al-ghurmi, the user has the strongest legitimacy as the copyright holder of AI output.

The AI developer retains rights to its software and system, but not automatically to every output produced by the user, unless there is a specific agreement. This aligns with the principle of al-muslimun ‘ala syurutihim (the parties are bound by their agreement).

b. Synthesis of Maqashid

Table 1. Matrix of the Relationship between the Principles of Maqashid al-Syari'ah and the Protection of AI Works

The Principle of Maqashid	Relevance to AI Works
Hifz al-mal	Protecting the economic value of AI works from exploitation
Hifz al-‘aql	Maintaining intellectual productivity and innovation
Maslahah mursalah	Providing a legal basis for new phenomena for the public good

source: data processed 2026

Copyright protection for AI works is not merely a technical legal issue, but a manifestation of the objectives of sharia to safeguard property, reason, and social welfare. AI is positioned as a tool (wasilah), while ownership rests with humans, who actively direct the creative process and are responsible for its results. With this approach, Islamic law demonstrates its flexibility in responding to technological developments without losing its normative foundation.

[32] Dewi and Anggaini, “Menelusuri ‘ Illat Hukum Dalam Ushul Fiqh: Sebab, Hikmah, Dan Implementasinya Dalam Penetapan Hukum Islam.”

CONCLUSION

This study examined the position of Artificial Intelligence (AI)–generated works within the framework of copyright protection and analyzed how Islamic legal principles, particularly those reflected in the fatwas of the Indonesian Ulema Council (MUI), can provide normative guidance for addressing emerging technological issues. The findings confirm that AI-generated works can still be classified as objects of intellectual property with economic value (*mal*) in Islamic legal thought. However, AI itself cannot be recognized as a legal subject because it lacks legal capacity (*ahliyyah*), intention, and moral responsibility. Consequently, the ownership of AI-generated works must remain attributed to human actors who initiate, direct, and control the creative process. In this context, AI functions only as a technological instrument (*wasilah*), while the legal and moral responsibility lies with the human user who performs the act of creative direction and determines the utilization of the output.

From the perspective of *maqasid al-shari'ah*, copyright protection for AI-generated works is consistent with the objectives of Islamic law. Such protection supports the preservation of property (*hifz al-mal*) by safeguarding the economic value of intellectual creations, and it also contributes to the protection of intellect (*hifz al-'aql*) by encouraging innovation and sustaining intellectual productivity in the digital era. Although classical Islamic sources do not explicitly address AI-based creativity, the principle of *maslahah mursalah* provides a legitimate foundation for extending legal protection to new technological phenomena that generate social benefit and prevent injustice.

The analysis of MUI fatwa principles concerning digital transactions further reinforces the argument that responsibility in the digital environment remains attached to human actors. These principles imply that technological systems, including AI, cannot independently bear legal or moral accountability. Therefore, within the normative framework of Islamic law, the most legitimate candidate for copyright ownership is the AI user who designs prompts, curates outputs, and determines the use of the generated work. Meanwhile, AI developers retain rights over the technological system or software they create, but not automatically over each output produced through user interaction unless otherwise regulated through contractual agreements.

Theoretically, this study contributes to the development of contemporary Islamic legal discourse by demonstrating that classical concepts such as *kasb* (effort), *mas'uliyyah* (responsibility), and *maqasid al-shari'ah* remain adaptable in addressing complex issues arising from artificial intelligence and digital creativity. The findings illustrate that Islamic law possesses a dynamic normative framework capable of responding to

technological transformations while maintaining its fundamental ethical principles of justice, accountability, and the protection of rights.

From a regulatory perspective, the study suggests that future legal development should clarify the status of AI-generated works within intellectual property law in order to avoid legal uncertainty and potential exploitation in the digital economy. Comparative legal studies across different jurisdictions may also provide useful insights for designing balanced regulations that protect creators while encouraging technological innovation. Furthermore, future research could explore broader dimensions of AI governance in Islamic law, including issues of data ethics, algorithmic accountability, and the limits of automation in creative industries.

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