

## *The Transformation of Ḥifẓ Al-'Ird in Contemporary Uṣūl Al-Fiqh: A Maqāṣid Framework for The Protection of Digital Dignity in The Deepfake Era*

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### **Abstract**

*This article departs from a new anxiety in the world of Islamic law: human dignity is now threatened not only in the social-physical space, but also in the digital space. The deepfake phenomenon has given birth to a form of slander that is so convincing that it can damage reputations, collapse public trust, and even cause economic losses. With a doctrinal qualitative approach enriched by the AIRE (authenticity, integrity, reliability, explainability) digital forensic standard, this study reconstructs the concept of ḥifẓ al-'ird in uṣūl al-fiqh to be relevant to contemporary digital challenges. The results of the study map the typology of digital slander: sexualization, political manipulation, and financial fraud and classify digital evidence into three levels: valid as bayyinah, just forensic qarīnah, or must be rejected. The analysis of maqāṣid shows that the protection of dignity can defeat the claim of freedom of expression when the negative impact is greater. From this was born new ideas: al-bayyinah al-raqmīyyah as a standard of digital evidence, karāmah al-raqmīyyah, which equates digital insults with qadhf, and the selective application of the principle of sadd/fath al-zarā'i' to AI technology. This article then offers a maqāṣid framework for the protection of digital dignity with four layers: prevention, detection, adjudication, and remediation as a bridge between classical legal theory and modern forensic practice, while presenting a blueprint for the protection of dignity in the digital age.*

**Keywords:** Deepfake, Ḥifẓ al-'Ird, Digital Dignity, Maqāṣid al-Sharī'ah, Digital Forensics, Al-Bayyinah al-Raqmīyyah, AI Ethics, Digital Defamation.

### **Abstrak**

Artikel ini berangkat dari kegelisahan baru di dunia hukum Islam: martabat manusia kini terancam tidak hanya di ruang sosial-fisik, tetapi juga di ruang digital. Fenomena deepfake telah melahirkan bentuk fitnah yang sangat meyakinkan sehingga dapat merusak reputasi, meruntuhkan kepercayaan publik, bahkan menyebabkan kerugian ekonomi. Dengan pendekatan kualitatif doktrinal yang diperkaya oleh standar forensik digital AIRE (authenticity, integrity, reliability, explainability), penelitian ini merekonstruksi konsep ḥifẓ al-'ird dalam uṣūl al-fiqh agar relevan dengan tantangan digital kontemporer. Hasil penelitian memetakan tipologi fitnah digital: seksualisasi, manipulasi politik, dan penipuan keuangan, serta mengklasifikasikan bukti digital ke dalam tiga tingkatan: sah sebagai bayyinah, qarīnah forensik yang adil, atau harus ditolak. Analisis maqāṣid menunjukkan bahwa perlindungan martabat dapat mengalahkan klaim kebebasan berekspresi ketika dampak negatifnya lebih besar. Dari sini lahir gagasan-gagasan baru: al-bayyinah al-raqmīyyah sebagai standar bukti digital, karāmah al-raqmīyyah yang menyamakan penghinaan digital dengan qadhf, serta penerapan selektif terhadap prinsip sadd/fath al-zarā'i' pada teknologi AI. Artikel ini kemudian menawarkan kerangka maqāṣid untuk perlindungan martabat digital dengan empat lapisan: pencegahan, deteksi, adjudikasi, dan remediasi sebagai jembatan antara teori hukum klasik dan praktik forensik modern, sekaligus menyajikan cetak biru perlindungan martabat di era digital.

**Kata kunci:** Deepfake, Ḥifẓ al-'Ird, Martabat Digital, Maqāṣid al-Sharī'ah, Forensik Digital, Al-Bayyinah al-Raqmīyyah, Etika AI, Fitnah Digital.

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## A. Introduction

The deepfake phenomenon causes very convincing visual and audio slander, thus threatening human dignity.<sup>1</sup> In ushul fiqh, especially *maqāṣid ḥifẓ al-'ird*, this problem is urgent because classical fiqh does not recognise artificial evidence. Dignity now transcends the physical towards digital identity, which, when falsified, causes trauma, stigma, and loss. In Indonesia, *deepfake videos* of President Prabowo and Minister of Finance Sri Mulyani are used for aid fraud,<sup>2</sup> in the UK, RAF members were jailed for five years for spreading *deepfake pornography*.<sup>3</sup> This condition requires the formulation of a methodology so that the protection of *ḥifẓ al-'ird* includes digital dignity.

So far, the concept of *ḥifẓ al-'ird* in ushul fiqh is understood to be limited to the protection of physical honour, good name, and traditional social dignity, while the dimension of digital dignity *has* not been formulated. This creates a theoretical vacuum because classical fiqh has never faced artificial instruments capable of constructing false identities with high realism. In the digital age, human dignity can be harmed through algorithmic engineering that goes viral, is difficult to erase, and leaves a permanent trace.<sup>4</sup> The case of *the deepfake video* of Finance Minister Sri Mulyani, which was cut as if calling teachers a "burden on the state", tarnished the reputation of state officials.<sup>5</sup> In the US, Dazhon Darien was convicted of *racist deepfake* audio against the principal.<sup>6</sup> Therefore, the expansion of *ḥifẓ al-'ird* towards the protection of digital dignity has become a necessity of *contemporary maqāṣid al-syarī'ah*.

In legal practice, courts and fatwa institutions do not yet have a standard to determine whether AI-based media, such as *deepfakes*, can be accepted as *bayyinah* or just *qarīnah*. This void raises doubts in the process of proving the law and fatwa. Without clear criteria, digital evidence is prone to misuse, while victims have difficulty proving the slander they experienced.

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<sup>1</sup> Can Yavuz, "Adverse Human Rights Impacts of Dissemination of Nonconsensual Sexual Deepfakes in the Framework of European Convention on Human Rights: A Victim-Centered Perspective," *Computer Law & Security Review* 56 (April 2025): 106108, <https://doi.org/10.1016/j.clsr.2025.106108>.

<sup>2</sup> "The National Police Again Arrests New Perpetrators of Deepfake Videos That Record the Names of State Officials," 2025, [https://tribatanews.sulut.polri.go.id/polri-kembali-tangkap-pelaku-baru-video-deepfake-yang-catut-nama-pejabat-negara/?utm\\_source=chatgpt.com](https://tribatanews.sulut.polri.go.id/polri-kembali-tangkap-pelaku-baru-video-deepfake-yang-catut-nama-pejabat-negara/?utm_source=chatgpt.com).

<sup>3</sup> "UK Soldier Sentenced to Prison for Posting Deepfake Pics of Ex-Wife, Other Women on Porn Websites" (New York, 2025), [https://nypost.com/2025/01/02/world-news/uk-soldier-sentenced-to-prison-for-posting-sexually-explicit-deepfake-pics-of-women-on-porn-sites/?utm\\_source=chatgpt.com](https://nypost.com/2025/01/02/world-news/uk-soldier-sentenced-to-prison-for-posting-sexually-explicit-deepfake-pics-of-women-on-porn-sites/?utm_source=chatgpt.com).

<sup>4</sup> Lixuan Zhang and Clinton Amos, "Dignity and Use of Algorithm in Performance Evaluation," *Behaviour & Information Technology* 43, no. 2 (January 25, 2024): 401–18, <https://doi.org/10.1080/0144929X.2022.2164214>.

<sup>5</sup> Riza Aslam Khaeron, "Sri Mulyani Hit by Deepfakes, Makers and Disseminators Can Be Charged with Laws Using This Rule" (Jakarta, 2025), <https://www.metrotvnews.com/read/N4EC4wqR-sri-mulyani-diterjang-deepfake-pembuat-dan-penyebar-bisa-dijerat-hukum-pakai-aturan-ini?>

<sup>6</sup> Lea Skene, "Former School Athletic Director Gets 4 Months in Jail in Racist AI Deepfake Case" (Baltimore, 2025), <https://apnews.com/article/racist-ai-recording-maryland-high-school-487ea673b0449077cb23e7970546cb9f>.

The *deepfake case* that profited from President Prabowo's name for fraud mode<sup>7</sup> shows how fake video evidence can be used to convince victims. The urgency of the birth of a digital evidence standard (*bayyinah raqamiyyah*) is inevitable.

The emergence of *deepfake* technology raises new problems that need to be answered by Islamic law. The question is, how can *the concept of ḥifẓ al-'ird* be extended to not only maintain physical honour, but also protect digital dignity? What are the criteria in ushul fiqh that can be used to determine whether *deepfake evidence* is valid as *bayyinah* or just *qarīnah*? How can *maqāṣid al-syarī'ah* help to strike a balance between the protection of human dignity and freedom of expression? And what new rules can be prepared to serve as guidelines for fatwas and the judiciary to be more relevant to the challenges of the digital era?

This study makes important contributions in three main domains. Theoretically, this study offers a redefinition of *ḥifẓ al-'ird*, which was originally understood as limited to the protection of physical honour towards the protection of digital dignity, so that *maqāṣid al-syarī'ah* is more relevant to the contemporary context. Methodologically, this study integrates the analysis of ushul fiqh with a digital forensic approach, presenting a new way to assess the validity of technology-based evidence such as *deepfakes* in the framework of digital evidence (*bayyinah raqamiyyah*).

## B. Research Methods

The study is structured with a doctrinal qualitative approach that focuses on classical ushul fiqh literature and *contemporary maqāṣid* thought, combined with the study of modern digital law. Its main sources include fundamental works such as *al-Mustaṣfā* al-Ghazālī, *al-Muwāfaqāt* al-Syāṭibī, *al-Ṭuruq al-Ḥukmiyyah* Ibn al-Qayyim, the thought of Ibn 'Āsyūr, al-Fāsī, Jasser Auda, and Hashim Kamali, who emphasised the expansion of *maqāṣid* into the realm of human rights.

The analysis was carried out through three paths: examining the rules of ushul fiqh on evidence and honour, adapting digital forensic standards with the AIRE (*Authenticity, Integrity, Reliability, Explainability*) test, and applying *the maqāṣid consideration matrix* to weigh the benefits and mafsadat in the protection of digital dignity. To strengthen the argument, this study includes examples of cases as supporting evidence, such as a *deepfake* video that profited from President Prabowo and Finance Minister Sri Mulyani for fraud in Indonesia, a viral clip of Sri Mulyani with the narrative of a "burden teacher of the state," to the international case of Dazhon

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<sup>7</sup> "New Round of the Deepfake Case of Catut Prabowo" (Jakarta, 2025), <https://news.detik.com/berita/d-7884867/babak-baru-perkara-deepfake-catut-prabowo>.

Darien in the United States who made *deepfake* audio racist towards the principal. These cases are not positioned as the main object of research, but rather as contextual illustrations that affirm the urgency of the reconstruction of *ḥifẓ al-'ird* in order to include the dimension of digital dignity within the framework of *contemporary maqāṣid al-syari'ah*.

### C. Discussion

#### 1. Typology of Digital Defamation: Sexualization, Politics, Finance

The deepfake phenomenon *first appears to be* most destructive in the form of sexualization. The majority of *deepfake* content circulating on the internet is fake pornography, which manipulates a woman's face into another body to create non-consensual sexual representations.<sup>8</sup> Beatriz Kira cited a Sensity AI study in 2020 showing that more than 90% of *online deepfake* content has pornographic nuances, with the main victims being public and anonymous women.<sup>9</sup> Saifuddin Ahmed et al. mentioned that this condition causes psychological trauma, social stigma, and repetitive effects because content is difficult to remove and continues to circulate in online networks.<sup>10</sup> Muktashim Billah et al. stated that from the perspective of *maqāṣid*, this damage directly touches the aspects of *ḥifẓ al-'ird* (protection of honour) and even *ḥifẓ al-nafs* (protection of the soul), because the victim is vulnerable to extreme psychological distress that interferes with his survival.<sup>11</sup>

The *second type* is politically motivated digital slander, which operates through the manipulation of public officials' images, speeches, or recordings to form a false narrative.<sup>12</sup> The case of the video clip of Finance Minister Sri Mulyani, which seems to call teachers a "burden on the state", is a clear illustration of how digital engineering can influence public opinion, damage reputations, and trigger widespread social

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<sup>8</sup> Zhaoxiang Xu et al., "Public Perception towards Deepfake through Topic Modelling and Sentiment Analysis of Social Media Data," *Social Network Analysis and Mining* 15, no. 1 (March 2025): 16, <https://doi.org/10.1007/s13278-025-01445-8>.

<sup>9</sup> Beatriz Kira, "When Non-Consensual Intimate Deepfakes Go Viral: The Insufficiency of the UK Online Safety Act," *Computer Law & Security Review* 54 (September 2024): 106024, <https://doi.org/10.1016/j.clsr.2024.106024>.

<sup>10</sup> Saifuddin Ahmed, Sheryl Wei Ting Ng, and Adeline Wei Ting Bee, "Understanding the Role of Fear of Missing out and Deficient Self-Regulation in Sharing of Deepfakes on Social Media: Evidence from Eight Countries," *Frontiers in Psychology* 14 (March 2023), <https://doi.org/10.3389/fpsyg.2023.1127507>.

<sup>11</sup> Muktashim Billah et al., "Islamic Law Perspectives and Social Experiences on Stigma toward Disabled People in Indonesia," *Frontiers in Sociology* 10 (March 2025), <https://doi.org/10.3389/fsoc.2025.1479243>.

<sup>12</sup> Ulrike Reisach, "The Responsibility of Social Media in Times of Societal and Political Manipulation," *European Journal of Operational Research* 291, no. 3 (June 2021): 906–17, <https://doi.org/10.1016/j.ejor.2020.09.020>; Mina Momeni, "Artificial Intelligence and Political Deepfakes: Shaping Citizen Perceptions Through Misinformation," *Journal of Creative Communications* 20, no. 1 (March 2025): 41–56, <https://doi.org/10.1177/09732586241277335>.

controversy.<sup>13</sup> Another case is a *deepfake* video that portrays President Prabowo Subianto and other state officials promising fake aid, which was then massively disseminated on social media.<sup>14</sup> This kind of phenomenon gives rise to what Rini calls an "epistemic crisis," which is the collapse of public trust in visual and audio evidence as representations of truth.<sup>15</sup> In *maqāṣid*, this damage touches on *aspects of ḥifẓ al-dīn* (stability of authority), *ḥifẓ al-'aql* (public rationality), and *ḥifẓ al-'ird*, because political slander damages personal honour and weakens the social order.<sup>16</sup>

*The third category* is financially motivated digital slander. *Deepfakes* are used for online fraud, ranging from fake advertisements, impersonating the faces and voices of officials to deceive the public, to attacks on the banking sector through manipulation of biometric verification systems.<sup>17</sup> Group-IB (2024–2025) recorded a significant increase in the use of *deepfakes* to bypass digital identities<sup>18</sup> and voice cloning-based fraud.<sup>19</sup> In Indonesia, the case of fraud by profiteering the names of public officials for social assistance mode shows how *deepfakes* cross the political and financial realms at the same time.<sup>20</sup> The losses that arise are not only material, but also the collapse of social trusts, which, in the framework of *maqāṣid*, allude to *ḥifẓ al-māl* (protection of property) and *ḥifẓ al-'ird*.<sup>21</sup> Thus, these three typologies show that digital slander not only damages individuals but also threatens social, political, and economic structures, thus confirming the urgent need for *a reconstruction of maqāṣid al-syarī'ah* that includes the digital dimension.

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<sup>13</sup> Riza Aslam Khaeron, "Sri Mulyani Diterjang Deepfake, Pembuat Dan Penyebar Bisa Dijerat Hukum Pakai Aturan Ini" (Jakarta, 2025).

<sup>14</sup> "Babak Baru Perkara Deepfake Catut Prabowo" (Jakarta, 2025).

<sup>15</sup> Michal Tanzer et al., "The Role of Epistemic Trust and Epistemic Disruption in Vaccine Hesitancy, Conspiracy Thinking and the Capacity to Identify Fake News," ed. Madhukar Pai, *PLoS Global Public Health* 4, no. 12 (December 2024): e0003941, <https://doi.org/10.1371/journal.pgph.0003941>.

<sup>16</sup> Mohd Harifadilah Rosidi, Ahmad Wifaq Mokhtar, and Mohd Nasir Abdul Majid, "The Use Of Online Media In The Perspective Of Maqāṣid Al-Shari'Ah," *Journal of Fatwa Management and Research* 27, no. 3 (May 2022): 78–105, <https://doi.org/10.33102/jfatwa.vol27no3.451>.

<sup>17</sup> Siyou Guo et al., "Deep Learning-Based Face Forgery Detection for Facial Payment Systems," *IEEE Consumer Electronics Magazine* 14, no. 3 (May 2025): 80–86, <https://doi.org/10.1109/MCE.2024.3434909>.

<sup>18</sup> C. Sullivan, "Digital Identity and Mistake," *International Journal of Law and Information Technology* 20, no. 3 (September 2012): 223–41, <https://doi.org/10.1093/ijlit/eas015>.

<sup>19</sup> Kun Wang et al., "From One Stolen Utterance: Assessing the Risks of Voice Cloning in the AIGC Era," in *2025 IEEE Symposium on Security and Privacy (SP)* (IEEE, 2025), 4663–81, <https://doi.org/10.1109/SP61157.2025.00238>.

<sup>20</sup> Ari Purwadi, Cita Yustisia Serfiyani, and Citi Rahmati Serfiyani, "Legal Landscape on National Cybersecurity Capacity in Combating Cyberterrorism Using Deep Fake Technology in Indonesia," *International Journal of Cyber Criminology* 16, no. 1 (2022): 123–40, <https://doi.org/10.5281/zenodo.4766560>.

<sup>21</sup> Abderrahmane Ridad and Radhia Guesbaya, "Maqṣad Ḥifẓ Al-'Ird Tahṛir Al-Mafhūm Wa Tahqīq Al-Rutbah," *Majallah Al-Ihyā* 20, no. 25 (2020): 97–134, <https://doi.org/10.35553/1699-020-025-004>.

## 2. Classification of Digital Evidence: *Bayyinah*, *Qarīnah*, and Invalid Evidence

In the literature of ushul fiqh, *bayyinah* is understood as everything that reveals the truth (*kullu mā yubayyinu al-haqq*), while *qarīnah* serves as a supporting indication that strengthens the judge's beliefs, even if it does not stand alone.<sup>22</sup> A digital proof test in the context of *deepfakes* found that not all algorithmic content can be directly equated with *bayyinah*. Through the adaptation of the AIRE (*Authenticity, Integrity, Reliability, Explainability*) test, only evidence that meets authentication standards, has a *chain of custody*, and can be explained methodologically that can be upgraded to *digital evidence*.<sup>23</sup> Evidence that does not meet the full standard, but still gives a relevant indication, is categorized as *qarīnah*, while content that is clearly invalid or completely manipulative must be rejected.

Practically, this category is seen in the case of *deepfakes* in Indonesia. A manipulative video that profited from the names of President Prabowo Subianto and Finance Minister Sri Mulyani, for example, through forensic analysis was proven to be fake with an algorithmic detection score of 1.00 (*completely fake*).<sup>24</sup> Within the framework of fiqh, this kind of content is impossible to accept as *bayyinah*; even for the status of *qarīnah*, it is very weak because its authenticity is scientifically disputed. On the other hand, *screenshots* of online conversations or voice recordings that have been verified through *hash value* and chain of evidence checks can be considered as *digital evidence (bayyinah)*.<sup>25</sup> However, if the evidence is only a video clip without metadata or expert witnesses, the status drops to *qarīnah*, which only gives additional indications.

Thus, the results of the digital evidence test show that there are three layers of categorization: (a) *bayyinah raqamiyyah*, which is digital evidence that meets the requirements of full authentication; (b) *forensic qarīnah* in the form of relevant but inconclusive digital indications; and (c) *rejected evidence* in the form of manipulative content that fails to pass the AIRE standard. This typology is in line with the classical

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<sup>22</sup> Al-Qarafi, *Al-Furuq*; Qudamah, *Al-Mughnī*; Al-Jauziyyah, *Al-Ṭuruq Al-Ḥukmiyyah*; Al-Āmidī, *Al-Ihkām Fī Uṣūl Al-Aḥkām*; Al-Kasani, *Badai' Ash-Shanai' Fī Tartīb Asy-Syarai'*; Wahbah Az-Zuhaili, *Ushul Al-Fiqh Wa Madaris Al-Baḥts Fih* (Damaskus: Dar Al-Maktabi, 2000).

<sup>23</sup> Arwa Juma AlBusaidi, Laiha Binti Mat Kiah, and Ainuddin Wahid Bin Abdul Waha, "Toward a Unified Methodology for Preliminary Digital Evidence Assessment: Standardizing Forensic Investigations," *Journal of Forensic Sciences* 70, no. 4 (July 2025): 1571–83, <https://doi.org/10.1111/1556-4029.70070>.

<sup>24</sup> "The National Police Again Arrests New Perpetrators of Deepfake Videos That Record the Names of State Officials," 2025.

<sup>25</sup> Mohamed Ali et al., "A Procedure for Tracing Chain of Custody in Digital Image Forensics: A Paradigm Based on Grey Hash and Blockchain," *Symmetry* 14, no. 2 (February 2022): 334, <https://doi.org/10.3390/sym14020334>.

fiqh principle of *dar' al-ḥudūd bi al-shubuhāt* (*ḥudūd* is lost due to *syubhat*), which prevents criminalisation with weak evidence.<sup>26</sup> Furthermore, the recognition of the *bayyinah raqamiyyah* category paves the way for the integration of Islamic law with modern digital forensic standards, ensuring that the protection of digital dignity remains in harmony with *the maqāṣid* of sharia.

### 3. *Maqāṣid's* Priority: Digital Dignity Over Free Expression

In the tradition of *ushul fiqh*, the principle of protection of dignity (*ḥifẓ al-'ird*) occupies a fundamental position in addition to the protection of religion, soul, intellect, and property.<sup>27</sup> The findings of this study show that in the context of *deepfakes*, the protection of digital dignity should be positioned as *a priority of maqāṣid* that defeats claims of freedom of expression if the content disseminated causes defamation, reputational damage, or social trauma.<sup>28</sup> Freedom of expression in Islamic views is indeed recognised as part of *ḥurriyat al-ta'bīr*, but it must not lead to *mafsadah* that degrades humanity.<sup>29</sup> Therefore, *consideration* serves as an instrument to weigh whether a digital expression brings public benefits or actually harms the dignity of individuals.

A real example can be seen in the case of *a deepfake video* that manipulated the words of Finance Minister Sri Mulyani to the point of calling teachers a "burden on the state."<sup>30</sup> In terms of freedom of expression, disseminators may claim content as a form of political criticism. However, the results of *maqāṣid's* priorities show that *mafsadah* is much greater: individual reputations are tarnished, the dignity of office is abused, and the public is lost in false narratives. In such cases, *the principle of ḥifẓ al-'ird* not only justifies but also requires restrictions on freedom of digital expression. This is in line with the rules of fiqh *dar' al-mafāsid muqaddam 'alā jalb al-maṣāliḥ* (rejecting damage over gaining benefits).<sup>31</sup>

On the other hand, *the priority of maqāṣid* also affirms its limits. Not all forms of digital satire, criticism, or parody can be immediately considered defamatory. If digital content is clearly created for educational, artistic, or legitimate expression purposes that

<sup>26</sup> Qudamah, *Al-Mughnī*. vol. 12, 185

<sup>27</sup> Ridat and Guesbaya, "Maqṣad Ḥifẓ Al-'Ird Tahṙīr Al-Mafhūm Wa Tahqīq Al-Rutbah."

<sup>28</sup> Ahmed et al., "Fitnah in the Digital Age: Regulating Social Media Misuse Through Islamic Criminal Principles."

<sup>29</sup> Marlinda Irwanti et al., "The Study of Freedom of Expression in Islamic Teachings with an Emphasis on Nahj Al-Balagha," *HTS Teologiese Studies / Theological Studies* 79, no. 1 (April 2023): 1–6, <https://doi.org/10.4102/hts.v79i1.8368>.

<sup>30</sup> Khaeron, "Sri Mulyani Hit by Deepfake, Makers and Disseminators Can Be Charged with Crimes Using This Rule," 2025.

<sup>31</sup> Qudamah, *Al-Mughnī*. vol. 12, 185

do not damage the dignity of the individual, then freedom of expression can still be maintained.<sup>32</sup> Thus, the findings of this study confirm the need for a dividing line: when a digital expression contains a real *mafsadah* of dignity, it must be subjugated by *maqṣad ḥifẓ al-'ird*; but when the expression contributes to the public benefit without hurting personal honour, it remains valid within the framework of sharia. This pattern shows the dynamics of *maqāṣid* as a principle of life that is able to maintain a balance between freedom and dignity in the digital era.

#### 4. Formulation of *Digital Maqāṣid* Rules

The findings of this study lead to the formulation of new rules in contemporary *ushul fiqh* that are relevant to the challenges of digital evidence. *First*, the concept of *al-bayyinah al-raqmīyyah* emphasises that digital evidence can only be considered valid if *authenticity* and *chain of custody* are guaranteed. This principle is an extension of the classical definition of *bayyinah*, which includes everything that reveals the truth (*kullu mā yubayyinu al-ḥaqq*).<sup>33</sup> In the algorithmic era, digital evidence that has no guarantee of authenticity or cannot be tracked in its storage flow is at great risk of causing *syubhat*, so that it is not suitable as a legal basis.

*Second*, the concept of *karāmah al-raqmīyyah* (digital dignity) affirms that digital insults are equivalent to *qazaf*, both in the form of sexual slander and attacks on personal dignity.<sup>34</sup> In classical literature, *qazaf* is understood as an accusation of adultery or abuse of honour that is sanctioned by *hudūd*.<sup>35</sup> With the presence of *deepfake* technology, the damage caused is equivalent to or even greater because it is viral, difficult to remove, and has the potential to permanently stigmatise the victim. Therefore, *karāmah al-raqmīyyah* became a new form of *maqṣad ḥifẓ al-'ird*, ensuring that human dignity is protected not only in traditional social spaces, but also in digital spaces.

*Third*, the proposal of *qa'idah sadd/fath al-ẓarā'i* is directed to provide restrictions on the use of *deepfake technology*. The rule of *sadd al-ẓarā'i* applies when the potential

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<sup>32</sup> Christopher S. Peters et al., "Satire Versus Illicit: Policy Issues Regarding the Creation of Deepfakes Using AI Technology," *Behavioral Sciences & the Law* 43, no. 4 (August 2025): 462–71, <https://doi.org/10.1002/bsl.2726>; Anna Broinowski and Fiona R. Martin, "Beyond the Deepfake Problem: Benefits, Risks and Regulation of Generative AI Screen Technologies," *Media International Australia*, December 2024, <https://doi.org/10.1177/1329878X241288034>.

<sup>33</sup> Al-āmīdi, *al-ihkām fī uṣūl al-aḥkām*. Vol. 4, 212

<sup>34</sup> Kamali, *The Dignity of Man: An Islamic Perspective*. 88-89

<sup>35</sup> Qudamah, *Al-Mughnī*. vol. 12, 186

for harm (*mafsadah*) is more dominant than the benefit,<sup>36</sup> so the production and spread of *deepfakes* must be prevented. However, *fath al-zarā'i* can be considered if the technology is used for obvious benefit purposes,<sup>37</sup> such as in education, art, or cybersecurity training. Thus, *the maqāsid* does not reject technology totally, but limits and directs its use so as not to harm human dignity.

### 5. *Maqāsid Framework for the Protection of Digital Dignity*

The formulation of *the maqāsid framework for the protection of digital dignity* stems from theoretical gaps found in literature reviews. The classical concept of *ḥifẓ al-'ird* has been understood only as a protection of physical honour and good name in traditional social spaces.<sup>38</sup> However, contemporary reality presents a new dimension in the form of digital threats, especially through the phenomenon of *deepfakes* that can produce visual or audio slander with a very high level of realism.<sup>39</sup> This condition raises the urgent need to expand the scope of *maqāsid al-syarī'ah* to be able to respond to the destruction of dignity in the digital space, so that *maqāsid ḥifẓ al-'ird* remains relevant in the algorithmic era.

The theoretical framework of this research is built through the integration of classical ushul fiqh literature, *contemporary maqāsid*, and modern digital legal studies. In the classical tradition, the protection of dignity is closely related to *qazaf*, *shahadah*, *bayyinah*, and *qarīnah*, as well as the principle of *sadd/fath al-zarā'i* as a mechanism of prevention and opening of means. In contemporary discourse, thinkers such as Ibn 'Āsyūr, al-Fāsī, and Jasser Auda emphasised the need for the expansion of *maqāsid*<sup>40</sup> (in this case, the spirit of the three is considered to include the realms of privacy, digital rights, and non-physical honour). Meanwhile, the legal and digital forensic literature underscores the *synthetic, viral, and hard-to-trace nature of deepfakes, causing serious*

<sup>36</sup> Fajar Rachmadhani, Mualimin Mochammad Sahid, and Muchammad Ichsan, "The Use of Sadd Al-Dhari'ah on Contemporary Islamic Family Law in Indonesia: Concept and Practice," *Malaysian Journal of Syariah and Law* 12, no. 1 (April 2024): 206–15, <https://doi.org/10.33102/mjssl.vol12no1.505>.

<sup>37</sup> Lutfi Chakim, Nur Hidayah, and Hasanudin Hasanudin, "FATWA, AUTHORITY, AND DIGITAL TRADE: A Critical Legal-Discursive Analysis of Dropshipping Rulings in Indonesia and Egypt," *Jurisdictie: Jurnal Hukum Dan Syariah* 16, no. 1 (July 2025): 124–65, <https://doi.org/10.18860/j.v16i1.31882>.

<sup>38</sup> Mohammad al-Muhdi, "Mazāhir Ḥifẓ Al-'Ird Wa Al-Nasab Fi Al-Syarī'ah Al-Islāmiyyah," *Majallah Al-Ijtihād Li Al-Dirāsāt Al-Qanūniyyah Wa Al-Iqtisādiyyah* 6 (2014): 143–58.

<sup>39</sup> Tatwadarshi P. Nagarhalli et al., "A Comprehensive Review of Deepfake and Its Detection Techniques," *International Journal of Electrical and Electronics Engineering* 11, no. 8 (August 2024): 121–33, <https://doi.org/10.14445/23488379/IJEEE-V11I8P111>.

<sup>40</sup> 'Alāl Al-Fāsī, *Maqāsid Al-Sharī'ah Wa Makārimuhā*; 'Asyūr, *Maqāsid Al-Syarī'ah Al-Islāmiyyah*; Jasser Auda, *Al-Ijtihad Al-Maqashidi Mn Al-Tashawwur Al-Ushuli Ila Al-Tanzil Al-Amal* (Beirut: Al-Syubkha Al-Arabiyyah lil Abhats wa Al-Nasyr, 2013).

*socio-legal impacts*.<sup>41</sup> All of this is the basis for formulating a comprehensive protection model.

The results of the analysis show three main things: *first*, the existence of a typology of digital slander which includes sexualization, politics, and finance; *second*, the need to classify digital evidence into *bayyinah raqmiyyah* (valid), *forensic qarīnah* (indicative), or rejected entirely; and *third*, the urgency of *maqāṣid's* priority to determine when the protection of dignity should trump freedom of expression. From this analysis, three new rule proposals emerged: (a) *al-bayyinah al-raqmiyyah*, which affirms that digital evidence is only valid if it is authentic and the chain of evidence is maintained, (b) *karāmah al-raqmiyyah*, which equates digital insults with *qāzaf*, and (c) *qa'idah sadd/fath al-ẓarā'i* to control the use of *deepfakes* according to their *maslahat* and *mafsadah*.

From the rest of the series, this study synthesises a four-layer model called *the Maqāṣid Framework for the Protection of Digital Dignity*. The first layer is **prevention**, which is rooted in the theory of *sadd al-ẓarā'i* and the rules of *dar' al-mafāsīd muqaddam 'alā jalb al-maṣāliḥ*.<sup>42</sup> Prevention is carried out through ethical regulations, digital literacy, and restrictions on the production and distribution of *deepfakes* that have the potential to cause slander. Thus, prevention becomes the front line of *the protection of the maqāṣid* against human honour.

The second layer is **detection**, which originates from the concept of *bayyinah* in fiqh and is expanded through the proposal of *al-bayyinah al-raqmiyyah*. Detection is carried out with modern forensic standards such as the AIRE (*Authenticity, Integrity, Reliability, Explainability*) test to verify the validity of digital content.<sup>43</sup> Within the framework of *maqāṣid*, this detection protects *ḥifẓ al-'aql* because the public has the right to obtain clear and non-misleading information as a result of algorithmic manipulation. Without a detection layer, legal protection would lose its strong epistemic footing.

The third layer is **adjudication** (*legal/ijtihādīc adjudication*). It is rooted in the fiqh discourse on *bayyinah*, *qarīnah*, and *shahadah*, as well as the principle of *dar' al-ḥudūd bi al-shubuhāt*, which prevents punishment with weak evidence.<sup>44</sup> Adjudication is carried

<sup>41</sup> Yavuz, "Adverse Human Rights Impacts of Dissemination of Nonconsensual Sexual Deepfakes in the Framework of European Convention on Human Rights: A Victim-Centered Perspective," April 2025.

<sup>42</sup> Az-Zuhāilī, *ushul al-fiqh wa madaris al-baḥṭis fih*. 230

<sup>43</sup> Saad Said Alqahtany and Toqeer Ali Syed, "ForensicTransMonitor: A Comprehensive Blockchain Approach to Reinvent Digital Forensics and Evidence Management," *Information* 15, no. 2 (February 2024): 109, <https://doi.org/10.3390/info15020109>.

<sup>44</sup> Qudamah, *Al-Mughnī*. vol. 12, 185

out through a judicial institution or fatwa authority that determines the final status of digital evidence, whether it is accepted as *bayyinah raqmiyyah*, functions only as *qarīnah*, or is rejected. This process ensures that justice is not only formalistic, but also substantive, because it considers the benefits and mafsadah in its entirety.

*The fourth layer is restoration*, which is derived from *maqāṣid jalb al-maṣāliḥ* and *raf' al-ḥaraj*.<sup>45</sup> Recovery not only punishes the perpetrator but also restores the dignity of the victim who was tainted by digital slander. Modern concepts such as *the right to be forgotten*, online reputation rehabilitation, and psychological counselling are integral parts of digital dignity protection.<sup>46</sup> With this layer, *the maqāṣid* does not stop at the repressive aspect, but rather provides a restorative path that restores the honour of the whole human being.

Thus, *the maqāṣid framework for the protection of digital dignity* is the logical evolution of the entire research process: from background, literature review, data analysis, to the formulation of new rules. This model shows that *maqāṣid al-syarī'ah* remains alive and relevant, able to protect human dignity from digital threats through a multi-layered approach that is preventive, detective, judicial, and restorative. It is also a new theoretical offering in contemporary ushul fiqh, bridging classical heritage with the challenges of the digital world.

## 6. Recontextualization of *Ḥifẓ al-'ird*: Digital Dignity as *Maqṣad Ḍarūrī*

Within the framework of classical ushul fiqh, *ḥifẓ al-'ird* is placed as one of the main purposes of sharia that protects human honour from false accusations, harassment, and social stigma.<sup>47</sup> Scholars such as al-Ghazālī and al-Syāṭibī affirm that without the protection of honour, the social order will be corrupted and human dignity will be degraded.<sup>48</sup> However, this concept at the time was still oriented towards physical honour and good name operating in a face-to-face social space. Contemporary reality shows that threats to honour are now present in digital forms (visual, audio, and algorithmic text engineering) that can damage reputations faster and leave permanent traces.<sup>49</sup>

<sup>45</sup> 'Asyūr, *Maqāṣid Al-Syarī'ah Al-Islāmiyyah*. 243

<sup>46</sup> María José Santos Morón, "The Contours of the Right to Be Forgotten in Spain. The Application by the Spanish Courts of European Case Law," *Revista de Derecho Civil* 9, no. 2 (2022): 71–112.

<sup>47</sup> Hānī Maḥmūd Ḥasan Aḥmad, "حفظ العرض" مقصد "في ضوء مآثرها وحكمها في ضوء مقصد" (Digital Seclusion: Its Concept, Effects, And Ruling In Light Of The Purpose Of 'Preserving Honor')," *Majallat Al-Syarī'ah Wa Al-Qānūn Bi Al-Qāhirah* 45, no. 45 (May 2025): 71–168, <https://doi.org/10.21608/mawq.2025.388880.1189>.

<sup>48</sup> Al-Syāṭibī, *Al-Muwāfaqāt Fī Uṣūl Al-Syarī'ah*. vol. 2, 17

<sup>49</sup> Ahmed et al., "Fitnah in the Digital Age: Regulating Social Media Misuse Through Islamic Criminal Principles."

The results of this study show that the threat of *deepfakes* and algorithmic slander causes damage equal to, or even more extensive than, classical *qazaf*. The case of the manipulation of Finance Minister Sri Mulyani's video that was cut so that it seemed to call teachers a "burden on the state," or a digital fraud that profited from President Prabowo's name, proves that a person's dignity can be destroyed without any physical contact.<sup>50</sup> The damage has a direct impact on *aspects of ḥifẓ al-'aql* (public rationality), *ḥifẓ al-māl* (protection of property through digital fraud), and especially *ḥifẓ al-'ird*. Therefore, *digital dignity (karāmah raqmiyyah)* must be understood as an integral part of *the maqṣad ḥifẓ al-'ird*, which is upgraded from *the category of ḥājiyyāt* (secondary) to *darūriyyāt* (primary), because its sustainability determines the social and moral safety of the community.<sup>51</sup>

Thus, the recontextualization of *ḥifẓ al-'ird* into a *form of digital dignity* is not just an adaptation of terminology, but an epistemological transformation of *maqāṣid al-syarī'ah*. It expands the scope of sharia protection from traditional social spaces to limitless cyberspace, while addressing the gap between the treasures of classical ushul fiqh and contemporary digital reality. This formulation affirms that *maqāṣid* is not static, but dynamic, able to accommodate new challenges while adhering to the basic principle:<sup>52</sup> to maintain human dignity as a divine mandate that must not be reduced by technology.

### 7. Digital Bayyinah and Forensic Qarīnah in Contemporary Uṣūl Fiqh

In classical ushul fiqh, *bayyinah* is understood as any form of evidence that reveals the truth (*kullu mā yubayyinu al-ḥaqq*), while *qarīnah* is positioned as a supporting indication that strengthens the judge's beliefs despite having no standing power.<sup>53</sup> Ibn al-Qayyim in *al-Ṭuruq al-Ḥukmiyyah* asserts that strong signs (*qarā'in qā'i'ah*) can serve as a legal basis if they lead to justice, even beyond the sometimes limited *formalism of the shahadah*.<sup>54</sup> However, this category still operates in analogue and physical contexts: eyewitnesses, written documents, or material indications. The presence of digital

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<sup>50</sup> Khaeron, "Sri Mulyani Hit by Deepfake, Makers and Spreaders Can Be Charged with Crimes Using This Rule," 2025; "New Round of the Deepfake Case of Catut Prabowo," 2025.

<sup>51</sup> Kamali, *The Dignity of Man: An Islamic Perspective*; Mohammed Hashim Kamali, "Al-Maqasid Al-Shariah The Objectives Of Islamic Law," *Islamic Studies* 38, no. 2 (1999): 193–208, <https://www.jstor.org/stable/20837037>.

<sup>52</sup> 'Asyūr, *Maqāṣid Al-Syarī'ah Al-Islāmiyyah*; Ahmad Ar-Raisuni, *Al-Fikr Al-Maqashidi Qawa'iduhu Wa Fawaiduhu*, 1999.

<sup>53</sup> Al-āmidi, *al-iḥkām fī uṣūl al-aḥkām*. Vol. 4. 212

<sup>54</sup> Al-Jauziyyah, *Al-Ṭuruq Al-Ḥukmiyyah*. 21

evidence that can be algorithmically manipulated demands fundamental reforms in the framework of proving *ushul fiqh*.

The results of this study recommend two new categories: digital *bayyinah* (*al-bayyinah al-raqmiyyah*) and *forensic qarīnah*. *Digital bayyinah* is defined as legitimate technology-based evidence that meets the standards of *authenticity*, *integrity*, *reliability*, and *explainability* known as the AIRE test in modern forensic literature. With such tests, digital records, metadata, or electronic traces can be treated as valid evidence. On the other hand, digital content that does not fully meet these criteria but still provides a relevant indication is positioned as *a forensic qarīnah*. This category bridges the *fiqh* tradition with the needs of contemporary law, so that digital evidence is not rejected outright, but placed according to its epistemic weight.

Thus, the reform of the law of proving *ushul fiqh* through the concept of *digital bayyinah* and *forensic qarīnah* not only updates the methodology but also maintains the continuity of *maqāṣid al-syarī'ah*. The protection of digital dignity can only be enforced if the evidence submitted is valid and scientifically verifiable, in line with the principles of *maqṣad ḥifẓ al-'aql* and *ḥifẓ al-'ird*.<sup>55</sup> This reform shows that *ushul fiqh* remains alive, dynamic, and able to adapt to the challenges of the times without losing its normative spirit.

## 8. Application of *Sadd/Faḥ al-ẓarā'i* in AI Ethics

The concepts of *sadd al-ẓarā'i* (closing the means that have the potential to bring *mafsadah*) and *fath al-ẓarā'i* (opening the means that lead to *maslahat*) are important pillars in classical *ushul fiqh*.<sup>56</sup> Scholars such as al-Qarāfi affirm that means can take the law of purpose, so that something that is originally *mubah* can be forbidden if it leads to *mafsadah*, and conversely, that which is neutral can be obligatory if it is the only way to benefit.<sup>57</sup> This principle is now relevant for assessing artificial intelligence (AI) technology, especially in the deepfake phenomenon. These technologies are *ambivalent*: on the one hand, they can be used for entertainment, education, and historical

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<sup>55</sup> Ahmad, "Digital Seclusion: Its Concept, Effects, And Ruling In Light Of The Purpose Of 'Preserving Honor'."

<sup>56</sup> Ahmad Ar-Raisuni, *Al-Dzari'ah Ila Maqashid Al-Syari'ah* (Cairo: Dar Al-Kalimah li Al-Nashr wa Tauzi', 2015). <sup>77</sup> The Gospel of Jesus Christ

<sup>57</sup> Al-Qarafi, *Al-Furuq*. vol. 2, 35

reconstruction; on the other hand, they have great potential for defamation, non-consensual pornography,<sup>58</sup> or political manipulation.<sup>59</sup>

From the results of the analysis, deepfake-based AI technology should be subject to *the principle of sadd al-ẓarā'i* when the risk of social harm outweighs the potential benefits. For example, the production of *deepfake pornography* content clearly raises a mafsadah against *ḥifẓ al-'ird* (dignity), *ḥifẓ al-nafs* (psychological victim), and *ḥifẓ al-dīn* (public morality). In contrast, *the principle of fath al-ẓarā'i* applies when the same technology is utilised for positive purposes, such as protecting threatened witnesses through facial anonymisation, restoring historical archives through visual reconstruction, or creating more interactive educational simulations. With this approach, AI is not considered flat as haram or halal, but is assessed contextually based on the maslahat and mafsadah caused.

Thus, *the sadd/fath al-ẓarā'i* approach in the context of AI provides a *dynamic maqāṣid* framework. It is not trapped in the dichotomy of prohibition or absolute ability, but rather presents a legal logic that is flexible, balanced, and based on the principle of *jalb al-maṣāliḥ wa dar' al-mafāṣid*.<sup>60</sup> This, at the same time, actualises the relevance of *ushul fiqh* in dealing with disruptive technological developments, as well as proving that *maqāṣid al-syarī'ah* is still able to become an ethical and normative foundation to answer the challenges of the digital era.

#### D. Conclusion

This study shows that *ḥifẓ al-'ird*, as one of the main maqṣad of sharia, can no longer be understood as a protection of physical honour or good name in the traditional social space. Digital reality presents a new dimension in the form of digital dignity (*karāmah raqmiyyah*), which is often threatened by manipulative technologies such as *deepfakes* and algorithmic slander. Contemporary cases, ranging from visual engineering of public figures to *voice cloning-based* frauds, show that the damage caused not only damages an individual's reputation, but also damages public rationality (*ḥifẓ al-'aql*) and threatens the protection of property (*ḥifẓ al-māl*). Thus, digital dignity must be placed in the category of *ḍarūriyyāt* because its sustainability determines the social and moral safety of the community.

From a methodological perspective, this study offers a new framework through the classification of digital evidence using the AIRE (*Authenticity, Integrity, Reliability, Explainability*) test. This mechanism allows the mapping of evidence into three categories:

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<sup>58</sup> Sanela Veljković, Milica Čurčić, and Ilija Gavrilović, "Dark Sides of Deepfake Technology," *Vojnotehnicki Glasnik* 72, no. 3 (2024): 1441–63, <https://doi.org/10.5937/vojtehg72-49630>.

<sup>59</sup> Reisach, "The Responsibility of Social Media in Times of Societal and Political Manipulation."

<sup>60</sup> Salīm Sirār, "Naḍariyyah Rūh Al-Tasyrī' Al-Islāmī Wa Aṣaruha Fī Istinbāṭ Wa Taṭbīq Al-Aḥkām," 2015. 207

*bayyinah raqmiyyah* for authentic evidence, *forensic qarīnah* for relevant but inconclusive indications, and rejected evidence for manipulative content. This approach connects the classical fiqh principles of *dar' al-ḥudūd bi al-syubuhāt* with modern forensic standards. In addition, this study formulates new rules: *al-bayyinah al-raqmiyyah*, *karāmah al-raqmiyyah*, and *qa'idah sadd/fath al-zarā'i*, which are synthesised in a four-layer protection model: prevention, detection, adjudication, and recovery. This model not only shows the flexibility of *ushul fiqh* but also confirms that *maqāṣid al-syarī'ah* remains alive, relevant, and able to provide ethical direction in protecting human dignity in the digital age.

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