



Epistemological Reconstruction Fiqh Al-Fann (Fiqh Seni): Formulation of Ethics and Laws of Islamic Arts in the Digital Era

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Abstract

Background. The transformation of art in the digital era has raised epistemological and normative problems in Islamic law, especially related to the aesthetic limits, creative expression, and moral legitimacy of digital technology-based artworks, such as electronic music, virtual visual art, and *AI-generated art*.

Aims. This research aims to reconstruct the epistemology of *Fiqh al-fann* (art fiqh) in order to be able to answer the ethical and legal challenges of Islamic art in a contemporary context.

Methods. This research uses a qualitative-descriptive method with a normative analysis approach and Islamic legal hermeneutics, involving a literature review of classical works (*turats fiqhiyyah*), contemporary fatwas, and a comparative study of modern scholars' thinking on art and digital media. In addition, this study utilizes the *maqashid sharia* approach as an analytical framework to assess the value of beauty (*jamal*), benefit (*maslahah*), and purity of intention (*niyyah*) in modern works of art.

Result. The results of the study show that the epistemology of *Fiqh al-fann* needs to be reconstructed from the paradigm of *tahrīmī* (prohibition) to the paradigm of *tahdzībī* (guidance and creative ethics).

Conclusion. The main findings confirm that art in Islam cannot be reduced solely to halal-haram law, but must be placed in the context of *maqashid* that balances spiritual, aesthetic, and social values. Thus, the reformulated *Fiqh al-fann* can serve as a model of Islamic legal ethics that is adaptive to technology, as well as an epistemological foundation for the development of Islamic aesthetics in the digital era.

Implication. This research has implications for strengthening the Islamic legal framework that is more responsive to cultural and technological changes, as well as opening up space for Muslim artists to create ethically within the corridor of monotheism and the public benefit.

Keywords: *Fiqh al-fann* , Islamic epistemology, digital art, contemporary Islamic law, sharia maqashid, aesthetic ethics.



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INTRODUCTION

The development of the art world in the digital era has undergone a very rapid and complex transformation. The information technology revolution has given birth to new forms of artistic expression, such as AI art, digital painting, electronic music, virtual reality art, digital films, and various forms of creative content on social media. Art is no longer limited to physical spaces such as galleries and stages, but has morphed into a virtual aesthetic experience involving algorithms, artificial intelligence, and global public participation. This phenomenon presents an excellent opportunity for da'wah and Islamic culture. Still, at the same time, it raises new ethical and legal problems that have not been fully answered in the treasures of classical fiqh.

The transformation of modern art raises a fundamental question: how does Islam view creative expression involving digital technology? What is the boundary between freedom of expression and violation of Sharia values? On the one hand, art is one of the manifestations of human nature created with beauty (jamal) and creativity. Islam itself recognizes the value of aesthetics as affirmed in the words of the Prophet صلى الله عليه وسلم: "Verily Allah is beautiful and loves beauty" (HR. Muslim). But on the other hand, a dilemma arises when digital artworks involve elements of visual manipulation, hyperrealistic depictions of living beings, veiled sensuality, or the use of artificial intelligence that imitates human creations to cause value and meaning biases. This challenge demands a renewal of the way of thinking about Islamic law on art in the digital era.

Classical fiqh literature, in general, has not comprehensively addressed the context of modern digital art. The discussion of art fiqh in the works of previous scholars, such as Al-Ghazali, Ibn Hazm, or Ibn Qayyim al-Jauziyyah, highlights the art of music, poetry, and two-dimensional images that developed in their time. The approach is descriptive and normative, focusing on halal-haram law without dissecting the epistemological and ontological dimensions of art as a means of spiritual and social expression. As a result, a gap has emerged between classical fiqh norms and the reality of modern art, where many new issues, such as the ethics of using images resulting from artificial intelligence, digital copyright, and the morality of visual content on social media, do not have an adequate conceptual footing within the framework of conventional fiqh.

This limitation gives rise to the urgency of reconstructing the epistemology of fiqh al-fann (fiqh of art). This reconstruction is not only adapting Islamic law to the times, but also

rearranging the foundation of fiqh knowledge to be more responsive to cultural and technological changes. The epistemology of art fiqh needs to bring together three main dimensions: aesthetic values (beauty as a reflection of monotheism), moral values (morality and purity of expression), and legal values (maslahah and *maqashid al-shari'ah*). Thus, the new fiqh al-fann should serve as an ethical guide for Muslim artists and as a legal framework for artistic activities in the digital age, not to restrict creativity but to direct art to remain within the corridor of faith, benevolence, and divine beauty.

This epistemological reconstruction is expected to restore art as part of worship and da'wah, not just an aesthetic expression, but a means of refinement of the soul (tahdzib al-nafs) and the builder of civilization ('imarat al-ardh). With an integrative approach between revelation, reason, and contemporary reality, *fiqh al-fann* can become a new paradigm that integrates spirituality, morality, and modernity within a contextual and civilized Islamic legal framework.

Problem Formulation

The rapid development of art in the digital era has raised new challenges for Islamic law. This dynamic raises a number of fundamental problems that need to be studied epistemologically and normatively. Based on this background, the formulation of the problem in this study is as follows:

1. What is the basic concept and history of the development of fiqh of art (*fiqh al-fann*) in the tradition of classical Islamic thought?
2. What are the epistemological problems that prevent art fiqh from providing an adequate response to the phenomenon of modern and digital art?
3. How can the formulation of Islamic ethics and art law be reconstructed based on the principles of *maqashid al-shari'ah* to answer the challenges of the digital age?
4. To what extent can an integrative approach between aesthetic, moral, and legal values be used to build a contextual and civilized paradigm of art fiqh?

Research objectives

1. Analyze the basic concepts and trace the history of the development of fiqh art (*fiqh al-fann*) in the tradition of classical Islamic thought to understand the normative and methodological foundations that shape fiqh's attitude towards art practice.

2. Identify and examine epistemological problems in art fiqh that cause their limitations in responding to the dynamics of modern and digital art, especially related to the dominance of textual approaches, legalistic, and the lack of integration of social and cultural contexts.
3. Reconstruct the formulation of Islamic art ethics and laws based on the principles of *maqashid al-shari'ah* as an adaptive and relevant normative framework to answer the challenges of art in the digital era.
4. Formulate an integrative and contextual paradigm of art fiqh through an approach that harmonizes aesthetic, moral, and Islamic law values so that it can give birth to a concept of art fiqh that is civilized, humanistic, and responsive to the development of the times.

LITERATURE REVIEW

Studies of art from an Islamic perspective have been carried out by a number of scholars, both in the classical and contemporary traditions. However, these studies remain partial and have not explicitly developed art fiqh as a complete epistemological framework, especially in the context of digital art.

First, classical studies of art in Islam are found in the works of fiqh and Sufism scholars such as Al-Ghazali, Ibn Hazm, Ibn Taymiyyah, and Ibn Qayyim al-Jauziyyah. The discussion of art in these works is spread across the themes of *taswir* (images), *ghina'* (music), and *syi'r* (poetry), with the main focus on the assessment of halal and haram laws. This study provides an important normative foundation, but it does not address art as a dynamic cultural knowledge system and practice. Art tends to be understood as an additional activity that has the potential to cause slander, rather than as an integral part of the development of Islamic civilization.

Second, the study of modern Islamic aesthetics developed by Seyyed Hossein Nasr places art as a spiritual expression and manifestation of monotheism. Nasr emphasized that Islamic art has a metaphysical dimension that distinguishes it from secular modern art. This study enriches the philosophical understanding of art, but does not directly offer a formulation of fiqh law or a normative ethical framework applicable to contemporary art practices, especially digital art.

Third, contemporary research on fiqh and digital culture has begun to develop in the last two decades. Wael B. Hallaq and Mohammad Hashim Kamali discussed the crisis of Islamic law normativity in the face of modernity and digital technology. Kamali specifically examines Islamic ethics in the digital age and the importance of *maqashid al-shari'ah* as an

ethical approach. However, these studies are still general and have not specifically placed digital art as an object of thematic fiqh study.

Fourth, a number of cutting-edge journal articles discuss digital media ethics, visual da'wah, and Islamic popular culture. These studies highlight the issues of freedom of expression, censorship, religious commodification, and social media algorithms. Although relevant, these studies use more communication, sociology, or media studies approaches, and have not systematically integrated them into the epistemology of fiqh art.

Fifth, the study of artificial intelligence-based art and AI ethics is generally developing in the global technological ethics literature, such as UNESCO and OECD reports. This study discusses the ownership of works, the responsibility of creators, and the social impact of AI art. However, the perspective of Islam and fiqh is still very limited and has not been formulated within the framework of *maqashid al-shari'ah*.

Based on the study of the previous study, it can be concluded that there has been no research that comprehensively reconstructs the epistemology of *fiqh al-fann* by integrating fiqh, ethics, aesthetics, and digital media studies. Previous studies tend to stop at partial normative analysis, philosophical reflection, or social studies without a complete epistemological synthesis.

Therefore, this research occupies an important position by offering an epistemological reconstruction of art fiqh based on *maqashid al-shari'ah* and a multidisciplinary approach. The novelty of this research lies in the effort to formulate *fiqh al-fann* as a contextual and applicable ethical-legal paradigm to answer the challenges of Islamic art in the digital era, including social media art and artificial intelligence-based art.

Literature Review and Theoretical Framework

1. The Concept of *Fiqh al-fann* in Classical and Contemporary Literature

The concept of *fiqh al-fann* or art fiqh is not yet known as a separate discipline in the treasures of classical fiqh, but its discussion is spread across various legal themes related to the expression of human aesthetics. Classical scholars discuss art in the context of *taswir* (depiction), *ghina'* (music and singing), *syi'r* (poetry), and manners and ethics of cultural expression. The discussion is generally partial and contextual, adjusted to the social and cultural realities of each scholar's time.

In the issue of *taswir*, some scholars such as Ibn Taymiyyah and Ibn Qayyim al-Jauziyyah are cautious about the depiction of living beings because of concerns about the elements of *tasyabbuh bil-khaliq* and the potential deviation of the faith. However, other

scholars such as Al-Ghazali view art and beauty as part of human nature that can lead to the recognition of the majesty of Allah if directed correctly. In the discussion of music and singing, the differences of opinion of scholars are also very diverse, ranging from restrictive to conditional permissive, taking into account the context, intention, and moral impact.

Classical fiqh's approach to art tends to be normative and legalistic, with a primary focus on the classification of halal and haram. Art is more often seen as an additional activity that must be controlled so as not to violate sharia norms. In contrast to the Islamic aesthetic approach that developed in the study of philosophy and Sufism, art is understood as a manifestation of divine beauty and a means of purification of the soul. This difference in approach shows the tension between normative fiqh and a more substantial and spiritual understanding of Islamic aesthetics.

In contemporary thought, a number of Muslim scholars began to develop a more contextual idea of art fiqh. Art is no longer judged solely by its outward form, but also by its purpose, meaning, and impact on humanity and civilization. This shift opens up space for the reconstruction of *fiqh al-fann* that is more adaptive to the development of modern and digital art.

2. Epistemologists Fiqh Islam

The epistemology of Islamic fiqh relies on established sources of legal knowledge, namely the Qur'an and Sunnah as the main sources, as well as *ijma'*, *qiyas*, and *maslahah* as instruments of *ijtihad*. In practice, the dominance of the bayani approach that emphasizes textual analysis often forms a rigid fiqh pattern that is less responsive to new phenomena, including in the issue of art and culture.

The bayani approach has a great contribution to maintaining the authority of the text and the purity of Islamic law, but when applied rigidly without dialogue with social realities, it has the potential to give birth to laws that are ahistorical and contextually narrow. In the context of art, this approach often gets stuck in a literal reading of postulates related to depiction, entertainment, or cultural expression, without considering the changing medium, purpose, and social structure of modern art.

Criticism of bayani epistemology encourages the need for the integration of other approaches such as burhani and irfani. The burhani approach emphasizes rationality and causal analysis, while the irfani approach emphasizes the spiritual dimension and inner experience.

The integration of the three allows fiqh of art to be developed more comprehensively, not only normatively valid, but also socially relevant and spiritually meaningful.

Within the framework of *maqashid al-shari'ah*, law is no longer understood solely as a command and prohibition, but as an instrument to realize benefits and prevent harm. This epistemology opens up space for the evaluation of art based on its purpose, value, and impact, not just its outward form.

3. Art and Ethics in an Islamic Perspective

In an Islamic perspective, art has a close relationship with ethics and spirituality. Art is seen as one of the means of *tazkiyat al-nafs*, which is the purification of the soul through the experience of beauty that leads humans to the awareness of the greatness of Allah. Good art is not just about pampering the senses, but it awakens moral awareness, empathy, and human values.

In addition, art also functions as a medium of cultural da'wah. Throughout the history of Islam, the art of architecture, calligraphy, literature, and religious music have been the medium of spreading Islamic values in a persuasive and contextual manner. This approach shows that art can be an instrument of social transformation when it is guided by ethics and the right goals.

Islam views beauty, goodness, and truth as a unity of values. Beauty or *jamal* does not stand alone, but must be in harmony with goodness or *khayr* and truth or *haqq*. Art that is beautiful but morally destructive or misleads meaning cannot be justified within the framework of Islamic ethics. In contrast, art that integrates visual or auditory beauty with moral messages and truth values is seen as an aesthetic expression worthy of worship.

The theoretical framework of this research is built on the integration of Islamic fiqh, ethics, and aesthetics with the foundation of *maqashid al-shari'ah*. *Fiqh al-fann* is positioned as a normative-ethical paradigm that assesses art based on its purpose, value, and impact on individuals and society. With this framework, digital art is not understood as a threat, but as a new *ijtihad* space to present the beauty, morality, and spirituality of Islam in the context of modern civilization.

METHODS

This research is a qualitative study with a normative-philosophical approach that examines and reconstructs the epistemology of fiqh art (*fiqh al-fann*) in response to the dynamics of Islamic art in the digital era. The qualitative approach was chosen because the

object of study in this research concerns the concept, value, and construction of Islamic thought, which is interpretive and reflective.

The type of research used is library research, using written sources as the main data. Primary data include the Qur'an, hadiths, and works of classical and contemporary scholars on fiqh, ushul fiqh, art, Islamic aesthetics, and cultural ethics. Secondary data includes books, scientific journal articles, previous research results, and academic publications relevant to issues of art, digital culture, and contemporary Islamic thought.

The approaches used in this study include the ushul fiqh approach, *the maqashid al-shari'ah approach*, and the philosophical-hermeneutic approach. The ushul fiqh approach is used to examine the construction of art laws in the classical fiqh tradition. The *maqashid al-shari'ah* approach is used to assess the purpose and wisdom behind legal provisions related to art, thereby enabling a more substantive and contextual legal formulation. A philosophical-hermeneutic approach is used to understand religious texts in their contexts, considering social, cultural, and technological realities.

Data collection is carried out through a search and inventory of relevant literature, followed by the classification and selection of sources based on their authority and relevance to the research focus. Furthermore, the data was analyzed using descriptive-analytical analysis methods and critical analysis. Descriptive analysis explains the concept and development of art fiqh within the treasures of Islamic thought. In contrast, critical analysis identifies epistemological problems and formulates a more adaptive reconstruction of the art fiqh paradigm.

The final stage of research is carried out through conceptual synthesis, which integrates analytical findings into a new framework for thinking about Islamic art ethics and law in the digital age. This synthesis aims to produce a formulation of artistic fiqh grounded in *maqashid al-shari'ah*, ethically oriented, and capable of harmonizing the values of aesthetics, morals, and Islamic law in a civilized manner.

The following **Literature Review and Theoretical Framework** is written in an academic, narrative, and systematic style, without the use of * or ** marks, and is ready to be placed directly in the manuscript of journal articles.

DISCUSSION

Epistemological Problem of Art Fiqh in the Classical Tradition

The discussion of fiqh of art (*fiqh al-fann*) in the classical Islamic tradition shows epistemological problems that are structural, not just differences of legal opinion. The main problem lies in the way fiqh frames art as an object of legal knowledge, which from the outset was approached more through the logic of normative control than cultural and ethical meaning. In this context, classical fiqh is not completely ignorant of art, but art is placed within an epistemic horizon that limits the possibilities of a more contextual and transformative reading. This epistemological framework then has a serious impact on the ability of classical fiqh to respond to the development of modern art, especially digital art that is fluid, interactive, and cross-border.

One of the most fundamental epistemological problems is the dominance of the fiqh paradigm of worship in the reading of art. In the classical fiqh tradition, art is often analogous to activities that have the potential to interfere with the perfection of mahdhah worship or the purity of faith. As a result, art is not understood as part of the realm of cultural mu'āmalāt, open to social dynamics, but rather is treated as an object of moral scrutiny, subject to the standard of ritual piety. This framework is evident in the discussion of taswīr, music, and *shi'r*, which are often placed in the chapter on prohibitions or abilities, with the main criterion being whether they neglect dhikr, resemble the practices of jahiliyah, or open the way to disobedience. This pattern shows that classical fiqh operates on a preventive logic grounded in worship, rather than an ethical-cultural logic grounded in benefits (Kamali, 2019).

Such an approach has implications for the position of art that is always subordinate to legal norms. Art is not given epistemic autonomy as a creative expression of human beings, but is reduced to an activity that must always be tested through the halal-haram dichotomy. In fact, in the Islamic tradition itself, art has a historical role as a medium of transmission of values, spirituality, and civilizational identity, as seen in architecture, calligraphy, Sufi literature, and religious sound art. When fiqh fails to distinguish between art as a cultural expression and art as a potential moral violation, the law loses its sensitivity to the social and symbolic functions of art in people's lives (Necipoglu, 2016).

The second epistemological problem is the tendency of classical fiqh to reduce art to a potential for slander and immorality. Many legal constructions are born out of the assumption that art—especially music and figurative visuals—is inherently dangerous because it can arouse orgasm and deprive humans of their spiritual purpose. This assumption can indeed be understood in specific socio-political contexts, where art is often associated with elite hedonistic practices or moral deviances. However, problems arise when these historical

assumptions are generalized ahistorically and used as a universal normative basis. In the context of legal epistemology, this shows the tendency of classical fiqh to judge art more in terms of its potential harm than its possible benefits (March 2019).

This approach, which overemphasizes the preventive aspect, marginalizes the educational, therapeutic, and spiritual functions of art. In the modern context, various studies show that art plays a significant role in shaping social ethics, strengthening religious identity, and even serving as an effective medium of cultural preaching. When fiqh is unable to integrate these findings into its legal framework, there is an epistemic imbalance between normative law and the empirical reality of contemporary Muslim society (Ramadan, 2017).

The next problem is the absence of sociological and cultural approaches in the reading of classical art fiqh. Fiqh generally develops within a bayānī framework that emphasizes textual analysis and historical authority, while social reality is often treated as a passive background rather than an active epistemic variable. As a result, art is understood as a static entity that does not seem to change in medium, function, or meaning. In the context of modern legal epistemology, this approach is increasingly problematic because contemporary art—especially digital art—operates in a social space very different from the classical one. Social media, algorithms, artificial intelligence, and the creative economy have fundamentally changed the way art is produced, distributed, and consumed (Floridi, 2018).

When art fiqh lacks tools for social and technological analysis, it tends to reproduce outdated laws that are no longer contextually relevant. This reinforces the criticism that classical fiqh, if read literally, risks experiencing what is called an "epistemic relevance crisis", namely the inability of law to dialogue with new realities without losing its moral authority (Hallaq, 2019). In this situation, the ummah often develops artistic practices informally outside the guidance of fiqh, ultimately weakening fiqh's position as a guide to public ethics.

Another epistemological problem appears in the tension between normative texts and the aesthetic experience of Muslim society. Postulates about art are often read literally, without considering shifts in symbolic meaning or their aesthetic function. The prohibition of depictions of living beings, for example, is often understood within a rigid ontological framework, without a semiotic analysis of the differences between symbolic representation, educational illustration, and commercial visual production. As a result, there is a gap between legal norms and the aesthetic experience of people living in modern visual culture. This gap encourages the birth of an ambivalent attitude: normatively compliant, but pragmatically ignoring the authority of fiqh in matters of art and culture (Saeed, 2020).

From a critical epistemological perspective, this condition shows that the problem of classical art fiqh cannot be solved by adding fatwas or partial legal adjustments. What is needed is a reconstruction of the paradigm of fiqh knowledge itself. Art fiqh needs to move beyond the bayānī paradigm towards the integration of maqāsid al-sharī'ah, sociological, and aesthetic approaches. The maqāsid approach allows art to be judged by its contribution to the preservation of religion, intellect, soul, dignity, and humanity, rather than solely on its outward form. Meanwhile, the sociological and aesthetic approach opens space for fiqh to understand art as a social praxis rich in meaning and value (Auda, 2021).

Thus, the reconstruction of *fiqh al-fann* is not an attempt to liberalize Islamic law without limits, but an epistemological attempt to restore fiqh to its ethical function as a guide to civilized human life. Epistemologically reconstructed fiqh of art is expected to no longer function solely as a limiting tool but as an ethical framework that directs human creativity towards benefit, beauty, and moral responsibility. In the context of digital art and artificial intelligence, this reconstruction is becoming increasingly urgent so that fiqh remains relevant, dialogical, and meaningful for contemporary Islamic civilization.

Epistemological Reconstruction of *Fiqh al-fann*

Paradigm Shift: From Legalistic to Ethical-Maqashidi

The discussion of art fiqh in the classical Islamic tradition reveals structural and paradigmatic epistemological problems. This problem does not stem from scholars' lack of attention to the practice of art, but rather from the way fiqh, as a normative discipline, constructs art as an object of legal knowledge. Classical fiqh constructs art within a legal epistemology that tends to be reductionistic, namely, assessing art primarily from the perspective of potential disturbances to worship, faith, and individual morality. As a result, art is not understood as a cultural expression that has value autonomy, but rather as a phenomenon that must be continuously supervised and controlled through a strict legal apparatus. This perspective has a direct impact on the limitations of classical fiqh in responding to the increasingly complex, cross-medium, and socially dimensioned development of modern and digital art.

The dominance of the fiqh paradigm of worship in the reading of art is one of the main epistemological problems. In the classical fiqh tradition, art is often analogous to activities that intersect with *mahdhah worship*, especially in terms of its impact on solemnity, intention, and purity of faith. Music, taswīr, and *shi'r* are often discussed in the framework of prohibitions

and abilities that rest on the assumption that art has the potential to deprive people of dhikr and obedience. This epistemological framework causes art to be placed subordinately under the logic of worship, rather than as part of a dynamic and contextual cultural mu'āmalāt. In fact, in the development of contemporary Islamic legal theory, mu'āmalāt is understood as the area of law most open to social and cultural change (Kamali, 2019).

The reduction of art into the logic of worship reflects the tendency of classical fiqh to judge social practices by the standards of ritual piety, rather than by the approach of social ethics. Art, in this perspective, is not given space as a medium for expressing collective values, symbols, and meanings. Consequently, fiqh loses the ability to read art as a social phenomenon that contributes to the formation of identity, social cohesion, and even public spirituality. Criticism of this approach has intensified in the study of contemporary Islamic law, which emphasizes the need to expand the epistemic horizons of fiqh to avoid legal formalism (Auda, 2021).

The next epistemological problem is the tendency of classical fiqh to reduce art as a potential for fitnah and immorality. Many classical scholars view art, especially music and figurative visualization, as an entrance to orgasm and moral deviance. This view emerged from a specific socio-historical context in which art was often associated with elite hedonistic practices or pre-Islamic rituals. However, in later developments, such perspectives are often accepted ahistorically and generalized as universal norms. Within the framework of legal epistemology, this kind of generalization fails to distinguish between the context of legal production and that of its application (March 2019).

This approach, which overemphasizes the preventive aspect, causes art fiqh to focus more on potential harm than on the possible benefits it produces. In the modern context, art functions not only as entertainment but also as a medium of education, psychological therapy, cultural preaching, and social criticism. Various cutting-edge studies show that art has a significant role in building people's ethical and spiritual awareness. When fiqh is unable to accommodate these dimensions, Islamic law risks being alienated from the increasingly complex social reality of the ummah (Ramadan, 2017).

The absence of a sociological and cultural approach in classical art fiqh also strengthens this epistemological problem. Fiqh methodologically develops within the bayānī paradigm that emphasizes textual analysis and normative authority, while social context is often treated as a passive background. Art is understood as a static entity that does not seem to change in terms of medium, technology, or social relations. In fact, art is always intertwined with the structure

of society, power relations, and technological developments. In the context of digital art, this change is becoming increasingly radical, as art is no longer limited to physical spaces but operates within algorithmic ecosystems, social media, and artificial intelligence (Floridi, 2018).

The inability of classical fiqh to read the changes in the art medium led to an epistemic gap between normative law and social practice. Digital art, for example, raises new issues related to ownership of work, visual reproduction, virtual aesthetics, and cultural commodification. Without sociological and technological analytical tools, fiqh tends to respond to this phenomenon with a simplistic analogous approach or even with a normative attitude of rejection. This condition reinforces the criticism that fiqh, if not epistemologically reconstructed, risks being trapped in methodological stagnation (Hallaq, 2019).

Another epistemological problem appears in the tension between normative texts and the aesthetic experience of Muslim society. Postulates about art are often read literally, without considering changes in their symbolic meaning and aesthetic function. The prohibition of depicting living beings, for example, is often understood ontologically without semiotic analysis of the differences between symbolic representations, educational illustrations, and digital visualizations. As a result, fiqh creates a distance from the aesthetic experience of the ummah living in modern visual culture. In the long run, this distance weakens the authority of fiqh as a guide for social ethics and encourages the birth of art practices that develop outside the framework of Islamic law (Saeed, 2020).

From the perspective of contemporary Islamic legal epistemology, the problem of classical art fiqh cannot be reduced to a mere debate of halal and haram. The main problem lies in the paradigm of knowledge used by fiqh in reading art. Art fiqh is built on the dominance of the bayānī paradigm, but there is little integration with maqāṣid al-sharī'ah, sociological, and aesthetic approaches. The maqāṣid approach allows art to be judged based on its contribution to human welfare, such as the preservation of reason, dignity, and social harmony. Meanwhile, sociological and aesthetic approaches help fiqh understand art as a cultural praxis rich in value and meaning, rather than merely an object of legal regulation (Auda, 2021; Kamali, 2019).

Therefore, the reconstruction of *fiqh al-fann* is an epistemological necessity. This reconstruction is not intended to negate the legacy of classical fiqh, but rather to develop it to be in harmony with contemporary reality. The reconstructed art fiqh is expected to serve as an ethical guide that directs human creativity toward beauty, moral responsibility, and public benefit. In the context of digital art and artificial intelligence, this epistemological

reconstruction is becoming increasingly urgent so that fiqh remains relevant, dialogical, and effective in guiding the cultural life of Muslims in the modern era.

Integration of *Maqashid al-shari'ah* in Art Fiqh

The integration of *maqāṣid al-sharī'ah* into art fiqh is a crucial epistemological step toward shifting the orientation of legal judgment from mere formal legality to a value-based approach centered on human benefit. In this framework, Islamic law is not understood as a collection of rigid normative prohibitions, but rather as an ethical system that aims to maintain and develop the fundamental dimensions of human life, both individually and collectively. The *maqāṣid* approach views sharia as a civilization project with a teleological orientation, namely the realization of the goodness, beauty, and civilization of human beings in an ever-changing social context. Therefore, integrating *maqāṣid* into art fiqh is important so that art is not constantly treated as a moral threat but as a cultural potential that can be directed towards benefit (Auda, 2021).

In the history of classical fiqh, art is often ambivalently positioned. On the one hand, it is recognized as part of human expression, but on the other hand, it is treated with suspicion because it is considered close to orgasm, negligence, and deviation from the faith. This pattern shows that fiqh art is more built on a preventive paradigm than a constructive paradigm. The integration of *maqāṣid al-sharī'ah* serves to correct this tendency by placing art within the realm of cultural *mu'āmalāt*, open to change so long as it does not conflict with the basic purpose of the shari'a. With this approach, art is judged not only by its outward form but also by its ethical, social, and spiritual impact (Kamali, 2019).

In the perspective of *maqāṣid*, the dimension of *hifz al-dīn* is no longer understood narrowly as protection against all forms of expression considered to interfere with formal worship, but rather as an effort to maintain and strengthen divine consciousness in human life. Art, in this case, can function as a medium for internalizing the value of monotheism and aesthetically appreciating faith. The history of Islamic civilization shows that calligraphy, mosque architecture, Sufi literature, and religious sound arts played an important role in shaping the spirituality of the ummah. The *maqāṣid* approach allows art fiqh to judge works of art based on the extent to which they strengthen the awareness of God's presence, the value of sincerity, and the transcendental orientation of man, not just based on their visual form or medium of expression (Nasr, 2016).

In the contemporary context, the understanding of *hifz al-dīn*, which is *maqāsidī*, is also relevant for reading digital art and new media. Visual content, films, music, and art based on artificial intelligence can be an effective means of cultural da'wah if directed at strengthening spiritual values and public ethics. On the other hand, art that systematically reduces religion to commercial symbols or tools of ideological provocation can be considered contrary to the purpose of religious protection. Thus, *maqāsid-based* art fiqh is not anti-art, but selective and ethical in assessing the religious function of art in modern public spaces (Saeed, 2020).

The dimension of *hifz al-'aql* has enormous significance in the assessment of art in the age of information and digitalization. Art not only influences emotions but also shapes people's thinking, perceptions of reality, and collective consciousness. Art that encourages critical reflection, cultural literacy, and deep symbolic meaning aligns with the purpose of Sharia in maintaining and developing human intellect. On the other hand, art that produces disinformation, visual manipulation, or banality of meaning is contrary to the *maqāsid* of the preservation of reason. In the context of social media and digital algorithms, art is often part of an industry of attention that exploits public emotions and cognition. Therefore, art fiqh needs to broaden its epistemic horizons by considering the cognitive and psychological impact of works of art on society (Floridi, 2018; Auda, 2021).

The *maqāsid approach* also demands that art fiqh engage with the study of technological ethics and visual culture. Artificial intelligence-based digital art, for example, presents new issues related to creative authority, the manipulation of reality, and the formation of false consciousness through hyperreal images. From the perspective of *hifz al-'aql*, this kind of artwork needs to be critically evaluated, not only in terms of legal ownership but also in terms of its impact on human ability to distinguish between reality, simulation, and illusion. Fiqh of art that integrates *maqāsid* serves as a guide to public ethics in navigating these complexities (Zuboff, 2019).

The dimension of *hifz al-nafs* in art fiqh is related to the protection of the soul, dignity, and integrity of human beings. Art has great emotional power: it can build empathy, solidarity, and humanitarian awareness, but it can also be a means of symbolic violence, dehumanization, and exploitation of suffering. In the context of the global entertainment industry, the human body is often reduced to commodified visual objects, especially women's bodies and vulnerable groups. The perspective of *maqāsid* requires art fiqh to be critical of art practices that degrade human dignity or exploit trauma and violence as aesthetic commodities (Elias, 2017).

This approach is also relevant in reading art related to conflict, disaster, and social suffering. Art that raises humanitarian issues to build awareness and empathy can be seen as in line with *hifz al-nafs*. On the other hand, art that makes suffering a spectacle without ethical responsibility is contrary to the purpose of sharia. Maqāṣid-based art fiqh, thus, serves as an ethical instrument that protects psychological safety and human dignity in contemporary cultural spaces (March 2019).

The dimension of *hifz al-akhlāq* places morality at the core of the judgment of art. In Islam, beauty is inseparable from goodness. The concept of *al-jamāl* is always intertwined with *al-khayr* and *al-ḥaqq*. Therefore, art that is visually beautiful but contains immoral, pornographic, or normalized messages of violence is not in line with maqāṣid al-sharī'ah. The maqāṣid approach emphasizes that freedom of expression in Islam is not absolute, but ethically responsible. Art fiqh serves as a moral guide that maintains a balance between artists' creativity and their social responsibility (Kamali, 2019).

In the context of cultural globalization, the dimension of *hifz al-thaqāfah*, or *cultural preservation*, is becoming increasingly relevant. Art is an integral part of Muslims' cultural identity, reflecting specific values, history, and an outlook on life. The integration of maqāṣid in art fiqh encourages the preservation of a civilized culture while being open to innovation. Digital and global art should not be seen as a threat to tradition, but as a creative space to enrich the treasures of Islamic culture in a dialogical and transnational way. With the maqāṣid approach, art fiqh can distinguish between productive creative assimilation and hegemonic cultural domination (Hallaq, 2019).

Overall, the integration of *maqāṣid al-sharī'ah* in art fiqh confirms that art is not merely an object of legal regulation, but a subject of ethics and civilization. Art is positioned as a medium of character building, social awareness, and public spirituality. *Fiqh al-fann*, based on maqāṣid, is expected to present Islamic law that is not repressive but guides human creativity within the corridor of monotheism, benefit, and human dignity. In the face of the dynamics of digital art, social media, and artificial intelligence, this approach is the key to keeping fiqh relevant, humanistic, and practical in building contemporary Islamic civilization.

Multidisciplinary Approach in the Reconstruction of *Fiqh al-fann*

A multidisciplinary approach is an epistemological necessity for the reconstruction of *fiqh al-fann*, especially in responding to the complexity of art in the digital age. Fiqh as a normative discipline has the power to establish law, but it has limitations when dealing with

cultural phenomena that are symbolic, visual, and technological. Therefore, the integration of fiqh with other disciplines such as aesthetics, anthropology, and media studies is needed so that Islamic law is able to read art in its entirety, both in terms of normativity, cultural meaning, and social impact (Hallaq, 2013).

The integration of fiqh and Islamic aesthetics allows the evaluation of art not to stop at the aspect of what is or is not allowed, but also on the meaning of beauty and the spiritual experience it produces. Islamic aesthetics views beauty as a reflection of monotheism and cosmic order, not just a visual or auditory sensation. With this perspective, art fiqh can judge works of art based on the harmony between their form, meaning, and spiritual purpose. This approach is in line with Seyyed Hossein Nasr's view that Islamic art is a metaphysical expression of divine reality (Nasr, 1987).

The anthropological approach makes an important contribution to understanding art as a social and cultural practice. Art is not born in a vacuum, but in the context of traditions, local values, power relations, and community dynamics. Anthropology helps art fiqh to read how works of art are produced, consumed, and interpreted by a particular community. Thus, the legal assessment of art is not ahistorical, but considers the cultural context and social function of the art (Geertz, 1973). This approach prevents legal generalizations that ignore the diversity of Muslim cultural expressions.

Media studies is a crucial discipline in reading contemporary digital art. Digital art differs not only from traditional art in the medium, but also in the way it distributes, reproduces, and receives meaning. Social media algorithms, viral culture, and attention economics shape the way artworks are perceived and impact the public. Without a media studies approach, art fiqh risks failing to understand the structural power of digital media in shaping people's values, tastes, and behaviors (McLuhan, 1964). Therefore, the integration of media studies allows art fiqh to assess digital art more realistically and responsibly.

This multidisciplinary approach also opens up a new space for *ijtihad* in digital art. Art based on artificial intelligence, virtual reality, and interactive technology presents legal issues that are not found in classical fiqh literature, such as the issue of authorship, authenticity of works, manipulation of reality, and the ethics of visual representation. In this context, *ijtihad* cannot be done only with narrow textual analogies, but requires a cross-disciplinary understanding to accurately determine the legal *illat* and its social impact (Ibn Ashur, 2006). This new *ijtihad* space demands a change in the attitude of fiqh from defensive to dialogical. Fiqh is no longer just about maintaining boundaries, but also plays an active role in guiding the

direction of the development of digital art so that it remains within the corridor *of maqashid al-shari'ah*. With a multidisciplinary approach, *fiqh al-fann* can function as a public ethics capable of navigating the creativity of modern art without losing its normative and spiritual foothold (Qaradawi, 1994).

Thus, the multidisciplinary approach emphasizes that the reconstruction *of fiqh al-fann* is not an attempt to weaken the authority of fiqh, but rather to enrich its methodology. The integration of fiqh, aesthetics, anthropology, and media studies paves the way for the birth of art fiqh that is contextual, adaptive, and civilized, and is able to respond to the challenges of digital art as part of the dynamics of contemporary Islamic civilization (Arkoun, 1994).

Formulation of Ethics and Laws of Islamic Arts in the Digital Era

Ethical Principles of Digital Islamic Arts

The ethical principles of Islamic art in the digital era must be built on the orientation of monotheism, which is to make faith in Allah the main foundation of creative expression. The orientation of tawhidism does not mean that art must always be ritual or an explicit religious symbol, but art is directed so that it does not contradict divine values, does not normalize symbolic sharia, and does not obscure the relationship between human beings as creatures and God as *the Creator*. In the digital context, tawhidistic orientation is important because visual and audio arts have great representational power and can massively form religious and secular awareness (Nasr, 2019). Therefore, monotheistic ethics requires the spiritual awareness of Muslim artists in choosing themes, symbols, and messages conveyed through digital mediums.

In addition to divine orientation, digital Islamic art ethics must be humanistic and uphold human dignity. Art in Islam must not degrade the value of humanity through the exploitation of the body, symbolic violence, pornography, or dehumanization of certain groups. This principle is in line with *maqashid al-shari'ah* in safeguarding the soul and honor of man. In the digital era, where visuals can be engineered to the extreme through artificial intelligence and digital manipulation, humanistic ethics serves as a moral fence so that art does not turn into an instrument of objectification and human commodification (Ibn Ashur, 2018; Zainal Abidin, 2020). Ethical digital art is directed to foster empathy, justice, and social awareness.

The next principle is not to violate public morals and privacy. Digital art operates in a virtual public space that crosses ages, cultures, and values. Therefore, freedom of expression cannot be separated from moral responsibility towards the public. Art content that displays veiled sensuality, visual violence, hate speech, or invasion of individual privacy is contrary to

Islamic ethics, even though it is claimed to be an artistic expression. In the study of contemporary Islamic digital ethics, privacy violations are seen as a new form of tyranny that emerges as a result of visual technology and social media (Kamali, 2019). This principle demands an awareness of the boundaries between artistic expression and the protection of individual honor and social order.

The last ethical principle is social responsibility. Digital art has a wide reach and a significant social impact in shaping people's opinions, tastes, and behaviors. Therefore, Muslim artists are not only personally responsible, but also socially. Social responsibility ethics demand the arts to contribute to the public good, such as strengthening literacy, peace, justice, and ecological awareness. In the perspective of contemporary *fiqh*, the social responsibility of art is understood as part of the mandate of human caliphate on earth, including in the digital space (Hallaq, 2019; Karimullah, 2022). Art that ignores its social impact has the potential to be contrary to the purpose of sharia, even if it does not technically violate formal law.

Thus, the ethical principles of digital Islamic art affirm that art is not a value-free area, but a moral space that must be directed by monotheism, humanity, public protection, and social responsibility. This ethical formulation is the normative basis for the development of Islamic art law in the digital era, so that *fiqh al-fann* is not repressive, but is able to guide artistic creativity towards meaningful, civilized, and beneficial beauty for mankind (Kamali, 2023).

Legal Classification of Digital Art

In the framework of *fiqh al-fann* based on *maqashid al-shari'ah*, digital art is not judged uniformly, but rather is classified based on its purpose, content, impact, and social context. This classification is necessary to avoid a simplistic halal-haram dichotomous approach, as well as to present a proportionate and contextual legal assessment of the complexity of contemporary digital art (Kamali, 2019).

Digital art as a cultural worship refers to works of art that are consciously directed to bring humans closer to Allah, foster moral awareness, and strengthen Islamic values through the medium of aesthetics. This type of art includes digitally visual, audio, or audiovisual works that contain monotheistic messages, spiritual reflections, and noble human values. From the perspective of *maqashid*, this kind of art functions to maintain religion and morals, as well as to be a means of cultural da'wah that is relevant to the digital society. Therefore, digital art that meets these criteria can have the value of worship, as long as the intention and impact are in harmony with the goals of sharia (Nasr, 2019; Kamali, 2023).

The second category is conditional mubah art, which is digital art that substantially does not contain the value of direct worship, but also does not contradict the principles of sharia. This art is considered mubah as long as it meets a number of ethical requirements, such as not violating public morals, not exploiting the human body, not spreading visual lies, and not causing destructive social impacts. In this context, the judgment of the laws of art depends heavily on its intentions, context, and social consequences. This approach is in line with the rules of *fiqh al-ashl fi al-ashya' al-ibahah* and the principle of *maslahah mursalah* in contemporary *fiqh* (Ibn Ashur, 2018; Karimullah, 2022).

The third category is digital art that violates *maqashid* and public ethics. Art in this category includes works that clearly undermine the values of religion, reason, soul, and morals, such as digital pornography, glorification of violence, misleading visual manipulation, symbol-based hate speech, and invasion of privacy through digital technology. This kind of art cannot be protected under the pretext of freedom of expression, because it is contrary to the basic purpose of the shari'a and undermines social order. In contemporary *fiqh*, violations of public ethics in the digital space are seen as a new form of *mafsadah* that requires strict legal and ethical regulations (Kamali, 2019; Hallaq, 2019).

This legal classification of digital art emphasizes that *fiqh al-fann* does not aim to restrict creativity in a repressive manner, but provides a normative framework for art to develop responsibly. With the *maqashid* approach, Islamic law is able to distinguish between art that builds civilization, art that is ethically neutral, and art that damages human values. This framework also strengthens *fiqh's* position as a relevant public ethical guide in facing the challenges of contemporary digital art and culture (Kamali, 2023).

Contemporary Challenges in Digital Art Fiqh

The development of artificial intelligence-based art presents new challenges in determining the ownership of works and the moral responsibility of creation. AI art is generated through algorithms that process visual, audio, or text data from various sources, raising the question: who is the real creator, humans as system controllers, algorithm developers, or the machines themselves. From the perspective of *fiqh*, the ownership of works is closely related to the concept of *kasb* and human endeavor. Therefore, the art of AI demands a new *ijtihad* to affirm that moral and legal values remain inherent in humans as ethical subjects, not machines. The *maqashid* approach requires protection of intellectual property rights, creative honesty,

and the prevention of tyranny in the form of digital plagiarism and the exploitation of other people's works through AI systems (Kamali, 2019; Zainal Abidin, 2021).

In addition to the issue of ownership, the commodification of art on social media is a serious challenge for Islamic art ethics. Digital platforms encourage art to submit to market logic, popularity algorithms, and the economy of attention, so aesthetic and moral values are often sacrificed for the sake of virality and economic gain. In this context, art risks losing its transformative function and turning into mere visual commodities that exploit emotions, bodies, and religious symbols. The *maqashid-based perspective of fiqh al-fann* views this phenomenon as a threat to *Hifz al-akhlāq* and *Hifz al-'aql*, since excessively commodified art can form superficial public tastes and undermine collective moral consciousness (Hallaq, 2019; Karimullah, 2022).

The next challenge is the tension between censorship, freedom of expression, and da'wah ethics in the digital space. On the one hand, freedom of expression is an important principle in artistic creativity and the delivery of contextual da'wah messages. But on the other hand, without clear ethics, this freedom can give birth to provocative, manipulative, or counterproductive content to the goals of Islamic da'wah. Excessive censorship also has the potential to stifle creativity and stifle cultural dialogue. In the perspective of *maqashid al-shari'ah*, a balance needs to be built between freedom of expression and the protection of the public interest. Digital da'wah ethics requires art to prioritize wisdom, *mau'izhah hasanah*, and social sensitivity, not just symbolic controversy (Kamali, 2023).

Furthermore, digital art often operates in a cross-cultural and value space, thus creating a risk of misunderstanding the message of da'wah. Visual symbols that are considered reasonable in one context may be perceived as problematic in another. This requires *fiqh* of art to develop visual communication ethics based on global awareness and cross-cultural responsibility. This approach is in line with the goals of the sharia in maintaining social peace and preventing symbolic conflicts that harm the image of Islam as a religion of *rahmatan lil 'alamin* (Nasr, 2019; Abu Zayd, 2018).

Thus, contemporary challenges in digital art show that *fiqh al-fann* cannot stop at the formulation of normative laws alone, but must function as an adaptive public ethics. The issue of AI art, the commodification of social media, and the relationship between freedom and da'wah responsibilities require sustainable *ijtihad* based on *maqashid al-shari'ah*. Art *fiqh* in the digital era is expected to be able to be a guide that liberates creativity without releasing it from the values of monotheism, humanity, and social welfare (Hallaq, 2019; Kamali, 2023)

Theoretical and Practical Implications

Theoretically, the epistemological reconstruction of *fiqh al-fann* makes an important contribution to the development of contemporary fiqh by expanding the field of fiqh study from the legal-formal domain to the ethical, cultural, and civilizational domain. Fiqh is no longer understood solely as a normative tool that regulates halal and haram, but as a value system that is responsive to social and technological changes. The *maqashid al-shari'ah-based* and multidisciplinary approach enriches contemporary ijihad methodologies, especially in responding to digital cultural phenomena that have not been reached by classical fiqh (Hallaq, 2019; Kamali, 2023). Thus, *fiqh al-fann* has the potential to become a model for the development of thematic fiqh that is contextual and civilized.

Another theoretical implication is the strengthening of the position of art as a legitimate object of study in cultural fiqh mu'amalah fiqh. So far, art has often been marginally positioned in the discourse of fiqh, thus creating a gap between Islamic law and the cultural practices of the people. The maqashid-based framework of art fiqh emphasizes that art is part of human activities that have moral, social, and spiritual dimensions, so it deserves to be seriously studied in the development of contemporary fiqh. This approach also corrects the tendency of legalistic fiqh to be less sensitive to aesthetic and humanitarian values (Nasr, 2019; Zainal Abidin, 2020).

From a practical perspective, this study provides strategic recommendations for scholars and religious authorities to develop fatwas and religious guidelines that are more contextual to digital art. Scholars are expected to focus not only on the medium of art, but also on the goals, social impact, and moral values it contains. A dialogue approach with artists, academics, and digital media practitioners is important so that Islamic law products are not reactive or repressive, but are able to guide artistic creativity towards benefits (Kamali, 2019; Karimullah, 2022).

For Muslim artists, the practical implication of this research is the need for ethical awareness in working in the digital space. Art is seen not only as an individual expression or an economic commodity, but also as a moral and social mandate. Muslim artists are expected to be able to make the values of monotheism, humanity, and social responsibility as a creative foundation, so that digital artworks can function as a means of cultural da'wah and the formation of community character. This awareness is important amid the pressure of social media algorithms that often encourage sensational and superficial content (Nasr, 2019; Hallaq, 2019).

The practical implications are also aimed at regulators and policymakers, both at the state level and religious institutions. Regulations related to art and digital content need to be designed proportionately, balancing freedom of expression and the protection of public morals. An approach based on Islamic ethics and *maqashid al-shari'ah* can be a normative reference in the formulation of policies that are fair, inclusive, and sensitive to the dynamics of digital culture. Excessive regulation risks killing creativity, while the absence of regulation can open up space for social damage (Kamali, 2023).

Furthermore, this study emphasizes the importance of strengthening art fiqh literacy in the digital era. This literacy includes the Muslim community's understanding of artistic ethics, digital art law, and the social and spiritual impact of the consumption of visual and audio content. Literacy of art fiqh needs to be developed through formal education, religious studies, and public discussion spaces so that the ummah does not get caught up in the extreme attitude between unlimited permissiveism and total prohibition. Strengthening literacy is the foundation for the formation of a civilized and beneficial digital art ecosystem (Zainal Abidin, 2021; Karimullah, 2022).

Thus, the theoretical and practical implications of this study confirm that *fiqh al-fann* has a strategic role in bridging Islamic law with the dynamics of digital art and culture. Through the development of methodologies, policy recommendations, and strengthening literacy, art fiqh is expected to be able to make a real contribution to building a digital civilization based on monotheism, humanity, and social justice (Kamali, 2023)

CONCLUSION

This study found that the main problem of art fiqh in the classical tradition does not lie in the absence of Islamic attention to art, but in the limitations of the epistemological framework used in assessing aesthetic expression. Classical art fiqh tends to be dominated by legalistic and textual approaches, which position art as a marginal and potentially deviant activity, so that it is less able to respond to the dynamics of modern and digital art. As a result, there is a tension between fiqh norms and contemporary aesthetic realities, especially in the context of digital art, artificial intelligence, and social media culture.

Based on these findings, this study emphasizes the urgency of developing art fiqh based on ethics and *maqāṣid al-syarī'ah*. The *maqāṣid* approach allows art to be understood as a testament to realize benefits, maintain religious, humane, and public moral values, and strengthen the role of art as a means of cultural da'wah and the formation of civilization. The

reconstructed *Fiqh al-fann* is not intended to limit creativity, but rather to direct art to remain within the corridor of monotheism, beauty, and social responsibility in the digital age.

The direction of further research is directed at the development of an applicative model of digital art fiqh, including empirical studies of art practices based on artificial intelligence, social media, and virtual reality in Muslim society. Further research also needs to deepen the integration of fiqh with media studies, intellectual property law, and technological ethics, as well as examine the role of public policy and religious education in strengthening fiqh literacy and art. With the development of this advanced research, *fiqh al-fann* is expected to contribute more concretely in building a civilized and beneficial digital art ecosystem for mankind.

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