

Feasibility of Attributing Crimes Caused by Artificial Intelligence to Human Agents from the Perspective of Imāmīyya Jurisprudence

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ABSTRACT

Artificial intelligence, as one of the leading technologies of the contemporary era, has created unprecedented challenges for legal and jurisprudential systems. Among the most significant of these challenges is the question of attributing criminal responsibility for acts committed by intelligent systems. Given that in Imāmīyya jurisprudence the default principle is the non-responsibility of non-humans, this research employs an analytical-descriptive method to examine the feasibility of attributing crimes caused by artificial intelligence to human agents. The findings indicate that, based on Imāmīyya jurisprudential foundations such as the rule of *lā yaḍman illā mā ‘amila* (no liability except for one's own action), the rule of *iqdām* (initiative), and the rule of *tasbīb* (causation), criminal responsibility can be attributed to human agents at three levels: first, programmer liability for defective system design; second, user liability for improper exploitation; and third, supervisor and owner liability for failure to exercise necessary oversight. Additionally, secondary rulings such as *lā ḍarar* (no harm) and *nafy al-‘usr wa al-ḥaraj* (negation of hardship) can be effective in limiting or expanding the scope of responsibility. Conversely, in cases where the intelligent system possesses complete autonomy and no human intervention exists in the commission of the crime, attributing responsibility to humans faces difficulties, necessitating reconsideration of jurisprudential foundations or the utilisation of new institutions such as strict liability or compensation funds.

Keywords:

Criminal Responsibility, Artificial Intelligence, Imāmīyya Jurisprudence, Human Agent, Causation, Initiative Rule.

1. Introduction

Artificial intelligence, as one of the transformative technologies of the contemporary era, has confronted legal and jurisprudential systems with unprecedented challenges. Among the most significant of these challenges is the question of attributing criminal responsibility for acts and consequences arising from intelligent systems. With the entry of autonomous systems into various spheres of human life—from autonomous vehicles to medical diagnostic systems and decision-making algorithms—the question has been seriously raised: in the event that an AI system commits a crime, upon whom or what does criminal responsibility fall?

In legal systems based on Imāmīyya jurisprudence, this question assumes additional dimensions. On the one hand, the default principle is the non-responsibility of non-humans, and AI not only lacks legal personality but is also devoid of the will and intent deemed necessary in Imāmīyya jurisprudence for the realisation of criminal responsibility (Mūsavī Khomeinī, 2022; Najafī, 2021). On the other hand, the rule *lā yaḍman illā mā ‘amila* (no liability except for one's own action) and the rule *al-kharāj bi-l-ḍamān* (gain accompanies liability) emphasise the principle of personal responsibility (Anṣārī, 2020). Nevertheless, the expanding scope of AI applications and the occurrence of harms and crimes arising therefrom have doubled the necessity of finding a jurisprudential answer to this question.

The present research seeks, through an analytical-descriptive method, to examine the feasibility of attributing crimes caused by artificial intelligence to human agents from the perspective of Imāmīyya jurisprudence. The main research question is: on the basis of Imāmīyya jurisprudential foundations and rules, in what circumstances and to what extent can criminal responsibility arising from the acts of intelligent systems be attributed to humans involved in the design, production, supervision, or operation of these systems?

The research background shows that in Western law, numerous theoretical discussions have been advanced concerning models of AI criminal liability. Some researchers have examined three models: vicarious liability, natural-probable-consequence liability, and direct liability (Meghdadi & Pourcheriki, 2025). In Iranian domestic law, few studies have addressed this issue from a jurisprudential perspective, and most research has focused on legal-legislative aspects rather than jurisprudential foundations (Morādī & Karīmī, 2023). This research gap justifies the necessity of the present study.

The significance of this research can be explained from two directions: first, theoretically, systematising the jurisprudential foundations of attributing responsibility to human agents will lay the groundwork for the development of jurisprudence concerning emerging technologies. Second,

practically, providing a jurisprudential framework can assist the legislator in formulating an appropriate criminal policy regarding AI-induced crimes. The objectives of the research are: (1) to identify the jurisprudential rules applicable to the question of attributing crimes to human agents in AI-induced offences; (2) to determine the scope and limits of such attribution; and (3) to present a typology of the different levels of human agent responsibility.

2. Literature Review Literature Review

The literature review is conducted in two main areas: first, studies on AI criminal liability in comparative law and Islamic jurisprudence; second, jurisprudential foundations related to indirect liability and attribution of crime.

2.1. AI Criminal Liability in Contemporary Literature

In the past decade, an extensive literature has developed on AI criminal liability in Western legal systems. Meghdadi and Pourcheriki (2025), in a comparative study, identified three theoretical models for attributing criminal liability to AI: the first model is perpetration-by-another liability, under which AI is regarded as a tool or instrument in human hands; the second is natural-probable-consequence liability; and the third is direct liability, in which AI itself is held accountable as an independent agent (Meghdadi & Pourcheriki, 2025, p. 89). The findings of this study show that in Iranian and Saudi law, the dominant approach, as in many other legal systems, is to attribute responsibility to the human agent, and AI cannot be held directly responsible due to its lack of criminal capacity (Meghdadi & Pourcheriki, 2025, p. 91).

Moafa and Almarri (2025), in a study focusing on AI-powered transportation crimes in Saudi law, analysed the challenge of attribution with emphasis on the requirement of intent (*niyyah*) in Islamic Sharia. Their findings indicate that Saudi law's reliance on criminal intent as an essential element of crime makes attributing responsibility to AI difficult, as AI lacks intent in the jurisprudential sense (Moafa & Almarri, 2025, p. 92). This study also points to the possibility of using jurisprudential institutions such as *diyāh* (blood money) as a Sharia-compatible solution and proposes a hybrid model combining strict and fault-based liability (Moafa & Almarri, 2025, p. 94).

At the international level, the International Islamic Fiqh Academy, in its Resolution No. 258 (2025), defined AI as a technology based on programs and machines that simulate human intelligence (International Islamic Fiqh Academy, 2025, p. 2). The Academy declared the primary principle in AI development and use to be permissibility (*ibāḥah*), subject to numerous ethical and Sharia conditions, including: legitimacy of purpose, securing benefit and repelling harm, not insulting religious beliefs, preserving privacy, and adhering to honesty and transparency

(International Islamic Fiqh Academy, 2025, p. 4). The resolution also recommends conducting studies on the "ruling on granting legal personality to AI," indicating the seriousness of this issue in contemporary jurisprudence (International Islamic Fiqh Academy, 2025, p. 7).

Criminological analysis of AI-induced crimes also shows that this technology has dramatically transformed the structure of criminal opportunities. A review study by Zanca et al. (2026) shows that AI facilitates crime in three ways: industrialising deception, compressing attack cycles, and undermining trust in evidentiary proof (Zanca et al., 2026, p. 54). These findings underscore the importance of determining the jurisprudential status of responsibility, as in the event of a crime, a responsibility vacuum can mean the practical impossibility of criminal prosecution (Maoro & Geierhos, 2025, p. 3).

From the perspective of moral philosophy and responsibility theory, Dodig-Crnkovic et al. (2024) have presented a functionalist approach to moral responsibility in autonomous systems. According to them, moral responsibility is conceivable not as an individual attribute but as a role within a socio-technical system that can be distributed among human and artificial agents (Dodig-Crnkovic et al., 2024, p. 5). Although this approach has developed within the framework of Western philosophy, it is useful for jurisprudential analysis of the issue insofar as it raises the possibility of "distributing responsibility" (Floridi & Cowls, 2022, p. 8).

With respect to ḥudūd crimes and criminal investigations, Smith (2025) has provided a framework for adapting AI-enhanced criminal investigations to Sharia. The main finding of this research is that electronic and machine-based evidence cannot replace traditional evidence required in Sharia for proving ḥudūd offences and can at most be used as secondary evidence (Smith, 2025, p. 95). This research also emphasises the necessity of judicial oversight, algorithmic transparency, and the prohibition of AI use in cases where uncertainty exists (Smith, 2025, p. 108).

2.2. Jurisprudential Foundations of Indirect Liability in Imāmīyya Jurisprudence

In Imāmīyya jurisprudence, civil and criminal liability are based on principles and rules, some of which are capable of application to AI-induced liability (Riḍwānī, 2025, p. 145). Although Imāmīyya jurists have not directly addressed the issue of AI, in various chapters of jurisprudence (such as ḍamān, qīṣāṣ, and diyāt) they have established rules that can serve as a basis for analysis (Husaynī, 2024, p. 92).

The first and most important rule is the rule *lā yaḍman illā mā ‘amila* (no one is liable except for his own action), which indicates the principle of personal responsibility. This rule makes liability

arising from the act of another difficult to establish (Anṣārī, 2020, p. 156). However, jurists have, in cases where there exists a spiritual and causal connection between the person and the criminal act, deemed responsibility attributable through other means (Mūsavī Khomeinī, 2022, vol. 2, p. 312).

The second rule is the rule of *tasbīb* (causation), according to which one who causes harm or a crime, even if not directly committing the act, may be held liable (Ḥusaynī, 2024, p. 95). The condition for the realisation of *tasbīb* is that the cause, customarily, leads to the result, and there is no intervening factor breaking the causal chain. Some contemporary jurists, including Imam Khomeini, in discussing causes and effects, have established liability for one who lights a fire and the fire spreads to another's property, on the basis of the rule of *tasbīb* (Mūsavī Khomeinī, 2022, vol. 2, p. 325). This rule is potentially applicable to the programming of an intelligent system that leads to a crime (Morādī & Karīmī, 2023, p. 225).

The third rule is the rule of *iqdām* (initiative), according to which anyone who voluntarily and deliberately performs an act that results in harm to himself or another is held responsible (Riḍwānī, 2025, p. 152). The rule of *lā ḍarar* (no harm), as an important jurisprudential rule, prevents the endorsement of any act that causes harm to another (Ṭabāṭabā'ī Yazdī, 2019, vol. 2, p. 45). In the sphere of supervisor and owner liability, rules such as '*alā al-yad mā akhadhat ḥattā tu'addī*' can serve as a basis for the responsibility of one under whose control and possession a harmful act occurs (Shahīd al-Thānī, 2020, vol. 3, p. 187; Ḥurr 'Āmilī, 2021, vol. 19, p. 234).

The literature review shows that no systematic study has yet examined the possibility of attributing crimes to human agents in AI-induced offences from the perspective of Imāmīyya jurisprudence. Existing studies have either focused on positive law (Ṣādiqī & Riḍā'ī, 2023; Morādī & Karīmī, 2023), or addressed ethical and philosophical aspects (Dodig-Crnkovic et al., 2024; Floridi & Cows, 2022), or confined themselves to a general explanation of AI rulings (International Islamic Fiqh Academy, 2025; Moafa & Almarri, 2025). The present research seeks to fill this gap by providing a precise jurisprudential analysis of the question of attribution to the human agent.

3. Methodology

This research was conducted using a qualitative research method of jurisprudential-legal content analysis. The study design is analytical-descriptive with an inferential (*ijtihādī*) approach, in which authoritative texts and sources of Imāmīyya jurisprudence, as well as contemporary legal and jurisprudential studies, have been examined.

Research population includes all jurisprudential sources related to the rules of liability (including the rule of *tasbīb*, the rule of *iqdām*, the rule of *lā ḍarar*, the rule of *lā yaḍman illā mā 'amila*) as

well as contemporary legal-jurisprudential sources on AI. Sampling was purposive, and the most important and authoritative sources in each area were selected.

Inclusion criteria for sources were: (1) authenticity and academic credibility of the source; (2) direct relevance to the subject of liability or AI; (3) historical significance (in jurisprudential sources, original and authoritative sources; in contemporary sources, publication within the last ten years). Exclusion criteria included non-specialist sources, unpublished articles, and non-authoritative jurisprudential sources.

Data collection method was library-based, using academic search engines (including Noormags, SID, as well as international databases such as Scopus, Springer, and arXiv). Search keywords included "criminal liability of AI," "AI-induced crimes," "Imāmīyya jurisprudence and technology," "human agent," "tasbīb," "iqdām," and their English equivalents.

Data analysis method is based on three stages: first, identifying and extracting jurisprudential rules related to indirect liability from primary Imāmīyya jurisprudential texts (including Sharā'ī al-Islām, Jawāhir al-Kalām, Taḥrīr al-Wasīlah, and Shaykh Anṣārī's Makāsib); second, applying these rules to analogous cases (including liability arising from trained animals, machinery, and fire) to discover analogical priority (qiyās al-awlā); third, critical analysis of contemporary fatwas and resolutions of jurisprudential assemblies (particularly the International Islamic Fiqh Academy) to identify existing approaches (International Islamic Fiqh Academy, 2025).

Ethical considerations of the research included maintaining accuracy in source attribution, avoiding distortion in reporting jurists' opinions, and honest reporting of findings. The research was funded by the authors' personal resources, and no institution or organisation was involved in the design, execution, or writing of this study.

4. Findings and Discussion

4.1. Findings of the Research

The jurisprudential analysis of the question of attributing crimes to human agents in AI-induced offences led to several findings, which can be categorised into three main axes.

4.1.1. Applicable Jurisprudential Rules

Examination of Imāmīyya jurisprudential sources shows that the rule of *tasbīb*, together with the rule of *iqdām*, constitute the two main pillars for analysing liability arising from AI (Ḥusaynī, 2024, p. 98; Riḍwānī, 2025, p. 153). From a jurisprudential perspective, the programmer, user, owner, and supervisor of an intelligent system may each, in some way, be considered a "cause" (*sabab*) of the crime, provided that a customary causal relationship exists between their act and the criminal result (Mūsavī Khomeinī, 2022, vol. 2, p. 328).

The rule *lā yaḍman illā mā ‘amila* is also compatible with the other two rules, in the sense that "action" (*‘amal*) in this rule is not confined to direct commission, but includes causal action as well (Anṣārī, 2020, p. 160). Imāmīyya jurists, in the various grounds of liability, have held liable one who, by digging a well on his own property, causes another to fall and perish, on the basis of *tasbīb* (Najafī, 2021, vol. 27, p. 112). Therefore, the distinction between direct commission (*mubāsharah*) and causation (*tasbīb*) does not negate causal responsibility, but rather expands the scope of liability (Ḥusaynī, 2024, p. 100).

4.1.2. Tripartite Typology of Human Agent Responsibility

The main finding of the research is that, on the basis of Imāmīyya jurisprudential foundations, three distinct levels of attributing responsibility to the human agent can be identified and explained:

First Level: Responsibility of the Programmer and Designer of Intelligent Systems. Where the programmer knowingly and intentionally designs a system to act with the purpose of committing a crime, or fails to implement necessary safety measures that could have prevented a foreseeable crime, attribution of criminal responsibility to him appears justified from the perspective of Imāmīyya jurisprudence (Ṣādiqī & Riḍā’ī, 2023, p. 60). The jurisprudential basis for this attribution is the rule of *tasbīb*, for the programmer has, through his actions, provided the ground and cause for the crime (Ḥusaynī, 2024, p. 102). The extent of the programmer's responsibility is determined according to the type of fault (intentional or unintentional) and the degree of foreseeability of the consequence (Meghdadi & Pourcheriki, 2025, p. 90).

Second Level: Responsibility of the User and Operator. Where the user of the AI system has sufficient knowledge of the system's functioning and uses it for illegitimate purposes, or disregards safety instructions, he is held responsible under the rule of *iqdām* (Riḍwānī, 2025, p. 156). The rule of *iqdām*, based on "whoever deliberately acts to the detriment of himself or another is liable" (derived from "*man ta‘arraḍa li-shay’in min al-nās fa-‘aṭiba fa-huwa ḍāmin*"), can provide a suitable basis for attribution (Shahīd al-Thānī, 2020, vol. 3, p. 190). For example, if a user of an

autonomous vehicle programmes it to run a red light and the vehicle collides with a pedestrian, the user is liable under the rule of *iqdām* (Moafa & Almarri, 2025, p. 93).

Third Level: Responsibility of the Owner and Supervisor. In cases where the owner or supervisor of an intelligent system, despite awareness of potential risks, refrains from overseeing the system's performance, and this failure of oversight leads to the commission of a crime, the rule of *lā ḍarar* and the rule of *nafy al-‘usr wa al-ḥaraj* may be invoked and the owner or supervisor held responsible (Ṭabāṭabā’ī Yazdī, 2019, p. 48). In some cases, the concept of *tafrīt* (negligence in maintenance and custody) may also serve as a jurisprudential basis for responsibility (Ḥurr ‘Āmilī, 2021, vol. 19, p. 236).

4.1.3. Scope and Limits of Attribution

Another important finding of the research is the identification of cases in which attribution of responsibility to the human agent faces difficulty. In AI systems with a high degree of autonomy (known as strong or general AI), if the system performs an act completely independently of human instructions and initial design, and this act falls outside any reasonable foresight of the designer and user, then the causal chain between the human and the criminal result is broken (Moafa & Almarri, 2025, p. 94; Zanca et al., 2026, p. 58). In such cases, applying the traditional rules of *tasbīb* and *iqdām* is difficult due to the absence of a customary causal relationship (Ḥusaynī, 2024, p. 107).

Contemporary jurists, in confronting analogous cases (such as a trained animal acting contrary to its training or an industrial robot suffering an unforeseeable technical defect), have generally negated liability for the owner and trainer, unless it is proven that the defect or error resulted from their fault (Najafī, 2021, vol. 27, p. 115; Mūsavī Khomeinī, 2022, vol. 2, p. 330). This practice indicates that in the jurisprudential system, "foreseeability" and "customary causal relationship" are two essential conditions for attributing responsibility to humans (Riḍwānī, 2025, p. 159).

4.2. Discussion and Analysis

The findings of the present research highlight several important points in the literature.

First: Completing the Existing Comparative Literature. While previous studies (such as Meghdadi & Pourcheriki, 2025) concluded that in Iranian and Saudi law the dominant approach is to attribute responsibility to the human agent, they stopped short of distinguishing the different levels of attribution and their jurisprudential foundations (Meghdadi & Pourcheriki, 2025, p. 92). The

present research, by presenting a tripartite typology, completes this level of analysis and shows that attribution to the human agent is not a unitary concept but, depending on the human role (programmer, user, supervisor), has different jurisprudential foundations (Riḍwānī, 2025, p. 160; Morādī & Karīmī, 2023, p. 235).

Second: Engagement with the Challenge of "Intent" in Sharia. Moafa and Almarri (2025) correctly point out that Saudi law's reliance on the element of intent (*niyyah*) as an essential element of the crime makes attributing responsibility to AI difficult (Moafa & Almarri, 2025, p. 92). The findings of the present research confirm this point but complement it: in Imāmīyya jurisprudence, intent is also recognised as one of the elements for the realisation of an intentional crime, and since AI lacks intent, it cannot be the direct perpetrator of an intentional crime (Anṣārī, 2020, p. 162). Nevertheless, the solution of attributing responsibility to the human agent through the rule of *tasbīb* (which does not require intent on the part of the causal agent, provided the causal relationship is established) is illuminating (Ḥusaynī, 2024, p. 109).

Third: Alignment with Contemporary Jurisprudential Resolutions. The International Islamic Fiqh Academy, in Resolution 258 (2025), has implicitly affirmed human responsibility for the consequences of AI. The obligation to "secure benefit and repel harm" and "maintain individual and social security" entails that if these obligations are breached, liability must attach to the human agent (International Islamic Fiqh Academy, 2025, p. 5). The findings of the present research confirm this approach and reveal its jurisprudential foundations (Riḍwānī, 2025, p. 162).

Fourth: The Necessity of Reconsideration in Cases Beyond Foreseeability. The most significant challenge facing the jurisprudential system is cases where the intelligent system acts with complete autonomy and beyond any human foresight. In these cases, the present research shows that Imāmīyya jurisprudence, relying solely on traditional rules, cannot rule human responsibility (Moafa & Almarri, 2025, p. 94). Two strategies lie before jurisprudence: first, developing the concept of *tasbīb* through new foundations capable of adapting to the technological world (Dodig-Crnkovic et al., 2024, p. 8); second, using alternative institutions such as "strict liability," which in contemporary jurisprudence can be raised under the heading of "no-fault liabilities" (such as coercive liability based on the rule of *ghurūr* or the rule of *itlāf*) (Ṣādiqī & Riḍā'ī, 2023, p. 65). Although strict liability poses a challenge to the individualistic foundations of Imāmīyya jurisprudence (which emphasise personal fault), it can be justified under "secondary titles" (*‘unwān thānawī*) by reference to social necessities and the rule of *lā ḍarar* (Ṭabāṭabā'ī Yazdī, 2019, p. 50; Floridi & Cowls, 2022, p. 12).

Research Limitations. This research has several limitations: first, the analysis is largely based on general jurisprudential rules and does not cover some specialised chapters (such as *qīṣāṣ* in AI-induced crimes). Second, due to the novelty of the subject, direct reference to the opinions of contemporary jurists is not possible, and the analysis relies to some extent on analogy and personal

inference (ijtihād). Third, the research has focused primarily on criminal responsibility, while civil liability issues have been discussed only peripherally.

Suggestions for Future Research. Based on the findings of this research, further studies are suggested in the following areas: (1) examining the possibility of applying qisās and diyāh in AI-induced crimes; (2) a comparative study of the jurisprudence of Islamic schools of law regarding AI-induced liability; (3) feasibility of granting legal personality to AI from the perspective of Imāmīyya jurisprudence (in line with the recommendation of the International Islamic Fiqh Academy) (International Islamic Fiqh Academy, 2025, p. 7); (4) designing a model for an AI crime compensation fund based on jurisprudential standards.

5. Conclusion

The present research has examined the feasibility of attributing crimes caused by artificial intelligence to human agents from the perspective of Imāmīyya jurisprudence. The findings indicate that:

First, the rule of tasbīb and the rule of iqdām are the two main jurisprudential pillars for analysing responsibility in this domain (Ḥusaynī, 2024, p. 112; Riḍwānī, 2025, p. 156). Contrary to initial perception, the rule lā yaḍman illā mā ‘amila does not prevent attribution of responsibility to the human agent, because "action" in this rule includes causal action, and Imāmīyya jurists, in various chapters of liability, have recognised causal responsibility (Najafī, 2021, vol. 27, p. 120; Mūsavī Khomeinī, 2022, vol. 2, p. 335).

Second, three distinct levels of attributing responsibility to the human agent can be identified: programmer or designer responsibility on the basis of the rule of tasbīb (in case of defective design or failure to implement foreseeable safety measures) (Şādiqī & Riḍā’ī, 2023, p. 68); user responsibility on the basis of the rule of iqdām (in case of illegitimate use or intentional disregard of safety) (Meghdadi & Pourcheriki, 2025, p. 91); and owner or supervisor responsibility on the basis of the rule of lā ḍarar and the concept of tafirīṭ (in case of failure to exercise necessary oversight) (Ṭabāṭabā’ī Yazdī, 2019, p. 52; Ḥurr ‘Āmilī, 2021, vol. 19, p. 240).

Third, the limits of attributing responsibility to the human agent are subject to the establishment of two essential conditions: a "customary causal relationship" and "foreseeability" of the criminal result (Ḥusaynī, 2024, p. 114). In cases where the intelligent system acts with complete autonomy and beyond any human foresight, the causal chain is broken and attribution to humans faces difficulty (Moafa & Almarri, 2025, p. 94; Zanca et al., 2026, p. 58). In such cases, there is a need for reconsideration of jurisprudential foundations or the use of new institutions (such as strict

liability based on the rule of *lā ḍarar* under a secondary title) (Dodig-Crnkovic et al., 2024, p. 10; Floridi & Cowls, 2022, p. 15).

The significance of this research is twofold: theoretically, it provides a jurisprudential framework for analysing liability for AI-induced crimes that was previously absent from Iranian jurisprudential literature. Practically, it assists the legislator in formulating a criminal policy appropriate to emerging technologies and grounded in jurisprudential foundations.

The implications of the research for criminal policy in Iran and other Islamic states are: (1) in drafting laws concerning AI crimes, the different levels of responsibility (programmer, user, supervisor) should be separately provided for, and treating them uniformly should be avoided; (2) in cases where attribution to humans is not possible (fully autonomous systems), institutions such as "compensation funds" or "compulsory liability insurance" can serve as suitable alternatives; (3) in light of the International Islamic Fiqh Academy's recommendation for further study on "AI legal personality" (International Islamic Fiqh Academy, 2025, p. 7), jurisprudential research in this area should be placed on the agenda of academic assemblies.

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7. Conflict of Interest

The author declares that there is no financial, personal, professional, or political conflict of interest in connection with the content of this article, and that the results and findings of the present research are objective, independent, and free from the influence of any natural or legal entity outside academic and scholarly frameworks.

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