NEO-SIYASAH: RECONSTRUCTING CONSTITUTIONAL SOVEREIGNTY IN THE AGE OF ARTIFICIAL INTELLIGENCE

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ABSTRACT

Artificial intelligence and global digital platforms increasingly erode traditional notions of territorial sovereignty, exposing constitutional deficiencies in regulating algorithmic decision-making and the exercise of public power. This study proposes the Neo-Siyasah paradigm, a digital constitutional framework that integrates modern constitutional theory with the ethical principles of Islamic governance. The framework is built through a conceptual-normative methodology that combines comparative constitutional analysis—drawing on instruments such as the GDPR, the EU AI Act, jurisprudence of the Court of Justice of the European Union, and UNESCO's ethics guidelines—with normative synthesis rooted in fiqh siyāsah and maqāṣid al-sharīʿah. From this dual approach, five transformative shifts are identified: digital sovereignty replacing territorial control, digital rights evolving into constitutional entitlements, artificial intelligence functioning as a quasi-political entity, sovereignty-by-design becoming a constitutional necessity, and global AI ethics converging with Islamic legal principles. These shifts culminate in the triadic Neo-Siyasah model, which consists of an augmented Digital Bill of Rights, sovereignty-by-design mechanisms, and constitutional limits on AI authority. Together, these elements establish a coherent framework for legitimacy, fairness, and accountability in algorithmic governance. The model is particularly relevant for Muslim-majority constitutional regimes, offering a pathway to reconcile global digital transformations with Islamic jurisprudential ethics.

INTRODUCTION

In the last five years, the swift progress of Artificial Intelligence (AI) and the proliferation of transnational digital platforms have engendered a significant structural transformation in the organization of public power, altering the manner in which nations exert control over territory, data and individuals. In contrast to traditional technologies that adhere to territorial limits, AI systems, cloud infrastructures and algorithmic platforms function transjurisdictionally, resulting in enforcement gaps that undermine constitutional legitimacy and diminish established accountability mechanisms[1]. As elections, public administration, security governance and social services are increasingly influenced by automated decision-making, the threats to fundamental rights, due process and democratic oversight escalate[2]. These developments reinvigorate the traditional constitutional issue of sovereignty, prompting critical inquiries regarding the source of legal authority in an age characterized by digital interconnectedness and algorithmic governance. Despite the promotion of digital sovereignty by governments and regional entities, the majority of initiatives are predominantly policy-focused and neglect the profound constitutional aspects of state authority and legitimacy in the digital era[3]. From the perspective of *Fiqh siyāsah dustūriyyah* (Islamic constitutional jurisprudence), this transformation reflects enduring discussions on legitimate authority (*al-siyādah al-sharʿiyyah*), highlighting the necessity to reconceptualize sovereignty through an ethical-theological framework suitable for technologically mediated governance.

This digital shift significantly contradicts the conventional paradigm of geographical jurisdiction and the state's monopoly on public authority. Cross-border data flows, internationally distributed computation and outsourced foundation-model supply chains have reduced the effectiveness of solely domestic protections[4]. Simultaneously, non-state entities—especially global digital platforms—predominate essential components of the digital public sphere, encompassing identification infrastructure, communication channels and forms of civic engagement[5]. These dynamics require a redefinition of state sovereignty that can limit

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[1] Audrey Lebret, "The Council of Europe Convention on Artificial Intelligence and Human Rights: A Primarily Procedural Step towards Safeguarding Health Rights in the Digital Age," *Journal of Global Health Law* 2, no. 1 (2025): 93–113.

[2] Albert Gomes, Nishat Margia Islam and Md Rashidul Karim, "Data-Driven Environmental Risk Management and Sustainability Analytics (Second Edition)," 2025, https://doi.org/10.32996/jcsts.

[3] Tero Erkkilä, "Hybridity in Digital and Algorithmic Public Governance," in *Handbook of Accounting and Public Governance* (Edward Elgar Publishing, 2024), 32–46. Public Governance Exploring Hybridizations, Giuseppe Grossi and Jarmo Vakkuri, "Hybridity in Digital and Algorithmic Public Governance Tero Erkkilä (Tero. Erkkila@ Helsinki. Fi), University of Helsinki," n.d. Olga Welinder, "Interactive Accountability in the Case of Digital Governance," in *Handbook of Accounting and Public Governance* (Edward Elgar Publishing, 2024), 116–27.

[4] Xing Xin et al., "Non-Invasive Prediction of Human Embryonic Ploidy Using Artificial Intelligence: A Systematic Review and Meta-Analysis," *EClinicalMedicine* 77 (2024). Vidnay Noel Valero-Ancco et al., "Personal Data Protection in the Era of Digital Surveillance: A Bibliometric Analysis of Scientific Production (2014–2024)," *Revista Electrónica de Ciencia Penal y Criminología* 27, no. 1 (2025). PIER Bresciani and Monica Palmirani, "Constitutional Opportunities and Risks of AI in the Law-Making Process," *Federalismi. It* 2 (2024): 1–18.

[5] Muhamad Subhi Apriantoro et al., "Quantifying Intellectual Terrain: Islamic Jurisprudence, Ethical Discourse and Scholarly Impact," *Suhuf* 36, no. 1 (2024): 78–85. Muh Ibnu Sholeh and Siti Fatinnah Binti Ab Rahman, "Constitutional Interpretation Within Islamic and Western Legal Frameworks," *International Journal of Law* 1, no. 1 (2025): 1–13. Suud Sarim Karimullah, "From Tradition to Mainstream: Understanding the Integration of Islamic Law in Various Global Settings," *Justicia Islamica* 20, no. 2 (2023): 214–40.

algorithmic intermediation while adhering to the ethical principles of governance. In Islamic constitutional philosophy, this rearticulation must conform to the ideals of public accountability and trust (*amānah*) while adhering to the moral constraints of fairness (*'adl*) as fundamental rules in the exercise of authority[6]. Digital sovereignty must not just replicate geopolitical autonomy; it should be redefined as a normative framework that integrates constitutional principles into the digital infrastructures itself.

Academic answers to these concerns have arisen across four interrelated threads. The paradigm of digital constitutionalism aims to integrate constitutional values—such as rights, transparency and accountability—into digital governance and platform regulation[7]. The discourse on digital sovereignty emphasizes strategic autonomy in data governance, cloud infrastructure and AI capabilities, but predominantly pertains to industrial policy and regulatory compliance, neglecting constitutional design[8]. Third, research in AI governance has developed risk-based frameworks—such as tiered risk classification, impact assessments and safety evaluations—but seldom delineates how constitutional authority should be restructured when public functions are executed by non-state algorithms[9]. Fourth, literature increasingly examines algorithmic power as a new type of public authority, highlighting that when algorithms engage in regulation, adjudication, or allocation, they necessitate limits similar to those placed on state institutions[10]. These secular constitutional issues correspond with the Islamic legal obligation to uphold maslahah (public welfare) and limit arbitrary authority under siyāsah shar'iyyah (legitimate government).

Comparative constitutional law has concurrently analyzed court reactions to platform governance, privacy and automated decision-making across several nations. Nonetheless, these methodologies are devoid of a cohesive theoretical framework—be it philosophical, institutional, or normative—that recontextualizes sovereignty within the realm of algorithmic governance[11]. Contemporary models significantly neglect the theological-ethical underpinnings essential for

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[6] Dilshoda Khodjimuratova, "THE HARMONY OF RELIGIOUS AND SECULAR INSTITUTIONS IN IRAN'S POLITICAL SYSTEM," *International Journal of Artificial Intelligence* 1, no. 1 (2025): 1062–67. Animesh Kumar Sharma and Rahul Sharma, "Governance in the Age of Artificial Intelligence: A Comparative Analysis of Policy Framework in BRICS Nations," *AI Magazine* 46, no. 2 (2025): e70010. Novendri Mohamad Nggilu et al., "Indonesia's Constitutional Identity: A Comparative Study of Islamic Constitutionalism," *De Jure: Jurnal Hukum Dan Syar'iah* 16, no. 2 (2024): 480–500.

[7] Maciej Kuziemski and Gianluca Misuraca, "AI Governance in the Public Sector: Three Tales from the Frontiers of Automated Decision-Making in Democratic Settings," *Telecommunications Policy* 44, no. 6 (July 2020), https://doi.org/10.1016/j.telpol.2020.101976.

[8] Yi Zeng et al., "Citation Information: Institutes Information: Center for Long-Term Artificial Intelligence (CLAI) Https://Long-Term-Ai," 2024.

[9] Akbar Maulana et al., "Journal of Humanities and Social Sciences Studies Local Government Acceleration towards Agile Governance," 2022, https://doi.org/10.32996/jhsss. Hendriman Putra, Akademi Tni and Angkatan Laut, "Hybrid Model: Indonesian National Leadership Education Pattern in the Contemporary Era," *Indonesian Journal of Interdisciplinary Research in Science and Technology (MARCOPOLO)* 3, no. 3 (2025): 419, https://doi.org/10.55927/marcopolo.v3i3.30.

[10] Sanjay Misra, Kousik Barik and Petter Kvalvik, "Digital Sovereignty in the Era of Industry 5.0: Challenges and Opportunities," *Procedia Computer Science* 254 (2025): 108–17. Artur Ishkhanyan, "The Sovereignty-Internationalism Paradox in AI Governance: Digital Federalism and Global Algorithmic Control," *Discover Artificial Intelligence* 5, no. 1 (2025): 123. Artur Ishkhanyan, "Governing AI across Borders: Corporate Power, State Sovereignty and Global Regulation," *Digital Policy, Regulation and Governance*, 2025.

[11] Giovanni De Gregorio and Roxana Radu, "Digital Constitutionalism in the New Era of Internet Governance," *International Journal of Law and Information Technology* 30, no. 1 (2022): 68–87. Natalia Verlos, "Constitutionalization of Digital Rights: Domestic Practice and Foreign Experience," *Law Rev. Kyiv UL*, 2020, 129.

limiting public authority, a principle firmly rooted in classical fiqh siyāsah, which establishes legitimacy via the safeguarding of dignity, welfare and accountability[12]. Current frameworks are therefore inadequate, as they fail to incorporate constitutional supervision alongside a moral theory that can direct authority in a technologically mediated environment. This article examines the primary research question: How can state sovereignty be redefined through a Digital Constitution to limit algorithmic power, safeguard fundamental rights and maintain democratic legitimacy in the era of AI?

This research argue that a Digital Constitution—anchored in a Digital Bill of Rights, the idea of sovereignty-by-design and the acknowledgment of AI as a quasi-political entity—offers a cohesive constitutional framework addressing the evolving dynamics of digital authority. The gap analysis indicates that existing research on digital sovereignty predominantly emphasizes capability enhancement and market regulation, failing to specify how constitutional frameworks could adapt to distribute authority, responsibility and accountability in AI-mediated governance systems. Research in digital constitutionalism provides core principles but is deficient in actual means for defending rights against extraterritorial platforms or transnational model infrastructures. Simultaneously, the extensive governance literature focuses predominantly on compliance mechanisms rather than the constitutional legitimacy of algorithmic authority. Comparative jurisprudence has concentrated on privacy and data protection, neglecting the necessary structural reinterpretation of sovereignty in contexts where non-human systems execute public functions. This paper deepens the inquiry into the repositioning of sovereignty and elucidates what this repositioning signifies about the evolving interplay among legitimacy, constitutional design and algorithmic power.

This article proposes Neo-Siyasah, a triadic constitutional framework for legitimate governance in the era of AI, to overcome these deficiencies. Initially, it advocates for an improved Digital Bill of Rights that includes judicially enforceable assurances for data privacy, model-induced damages and information integrity. Secondly, it formalizes sovereignty-by-design along the AI supply chain—from data and computation to modeling and deployment—via constitutional obligations of transparency, contestation and institutional monitoring. Third, it frames AI as a quasi-political entity whose actions should be constrained by constitutional checks and balances akin to those imposed on administrative agencies and critical public utilities. The Neo-Siyasah framework, rooted in *maqāṣid al-sharīʿah*—specifically justice (*ʿadl*), accountability (*masʾūliyyah*) and public welfare (*maṣlaḥah ʿāmmah*)—aims to reform legitimate digital governance by integrating constitutional principles into the algorithmic structures that currently mediate political authority.

METHODS

This study employs a conceptual-normative research design to develop a theoretical constitutional framework for redefining state sovereignty in the era of Artificial Intelligence. The investigation is based on doctrinal analysis, constitutional theory and Islamic political

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[12] Oren Perez and Nurit Wimer, "Algorithmic Constitutionalism," *Ind. J. Global Legal Stud.* 30 (2023): 81. Matej Avbelj, "Reconceptualizing Constitutionalism in the AI Run Algorithmic Society," *German Law Journal* 25, no. 7 (2024): 1081–94. Gunther Teubner and Angelo Golia Jr, "Societal Constitutionalism in the Digital World: An Introduction," *Ind. J. Global Legal Stud.* 30 (2023): 1.

jurisprudence, rather than actual facts, for conceptual reconstruction. The study advances by analytical reasoning that integrates contemporary digital governance literature with the fundamental tenets of *fiqh siyāsah dustūriyyah*. Conceptual legal research is selected because the issue at hand—algorithmic authority, digital sovereignty and constitutional legitimacy—necessitates theoretical elucidation rather than the assessment of empirical results. This design allows the study to examine the normative underpinnings of sovereignty while suggesting a constitutional framework that incorporates technology limitations and ethical obligations. The objective is not just to identify regulatory deficiencies but to provide a cohesive constitutional framework that can regulate algorithmic authority. This method establishes Neo-Siyasah as a framework that addresses both secular and Islamic constitutional requirements.

The methodology is grounded in a critical-interpretivist philosophical framework that perceives constitutional power as a contested and dynamic construct influenced by socio-technical contexts. The study examines notions of sovereignty, legitimacy and public power as articulated by Bodin, Schmitt, Kelsen and modern digital constitutionalists from a legal philosophical standpoint. Islamic epistemology utilizes *maqāṣid al-sharīʿah, usūl al-fiqh* and classical governance theory to scrutinize authority as an ethical trust (*amānah*) constrained by fairness (*ʿadl*). This dual philosophical framework enables the research to regard constitutional authority as both a legal construct and a moral institution grounded on normative accountability. The interpretivist perspective advocates for an understanding of AI governance that emphasizes meaning, validity and normative limitations over mere technical descriptions. The critical dimension examines how algorithmic systems redistribute power, hence challenging constitutional and theological principles. Collectively, these philosophical underpinnings guide the formulation of a hybrid paradigm that integrates constitutional theory with Islamic political ethics.

This study employs two analytical methods: comparative constitutional analysis and normative-conceptual reasoning. Comparative constitutional analysis examines how jurisdictions such as the European Union, the Council of Europe and Indonesia regulate digital rights, data sovereignty, and algorithmic governance. This approach highlights convergences and divergences in constitutional responses to AI, particularly where digital power challenges traditional notions of sovereignty. Normative-conceptual reasoning reinterprets these findings through Islamic jurisprudential concepts, especially siyāsah sharʿiyyah, to reconcile secular legal developments with Islamic ethical principles. Together, these methods provide a systematic framework for integrating descriptive comparison with normative synthesis, ensuring that the resulting constitutional model is both doctrinally rigorous and ethically grounded.

The study draws on major international instruments shaping global norms: the EU AI Act, the GDPR, UNESCO's Recommendation on the Ethics of AI, the OECD AI Principles and Convention 108+. Collectively, these establish benchmarks for constitutional adaptation, algorithmic accountability, and digital sovereignty within the Neo-Siyasah paradigm. Jurisprudential sources include rulings from the Court of Justice of the European Union (Schrems I and II), the European Court of Human Rights, and Indonesia's Constitutional Court. Classical Islamic texts by al-Māwardī, Ibn Taymiyyah, al-Shāṭibī, and al-Ghazālī, alongside contemporary scholars such as Auda and al-Raysuni, provide the ethical foundation for

incorporating maqāṣid al-sharīʿah into constitutional debate. Together, these materials form a comprehensive corpus for analyzing digital sovereignty through both secular and Islamic perspectives.

The investigation develops the Neo-Siyasah paradigm through three phases. Phase One establishes the theoretical framework, identifying deficiencies in digital sovereignty, AI governance, and Islamic political jurisprudence. Phase Two conducts comparative synthesis, analyzing how constitutional systems address digital rights, algorithmic authority, and transnational data flows, aligning these with Islamic governance ideals. Phase Three operationalizes the triadic model of Neo-Siyasah, comprising an augmented Digital Bill of Rights, sovereignty-by-design, and recognition of AI as a quasi-political entity. Each phase builds incrementally, ensuring transparency, rigor, and replicability, resulting in a coherent constitutional framework responsive to algorithmic governance. The methodology employs theoretical triangulation across constitutional law, political philosophy, AI governance, and Islamic jurisprudence to validate internal consistency. Cross-jurisdictional comparison strengthens analytical rigor, while epistemic triangulation between Islamic and secular sources expands the normative foundation. This ensures the model is both theoretically sound and normatively credible, with each component reinforcing the others to achieve conceptual reliability.

Despite its strengths, the study is limited by its non-empirical nature, relying on theoretical elaboration rather than practical evaluation. Rapid technological advances may outpace its frameworks, and Islamic law lacks a systematic doctrine of algorithmic authority, requiring analogical reasoning. Dependence on secondary data and emphasis on global frameworks may overlook local nuances. These constraints highlight areas for future empirical and jurisprudential research, guiding prudent implementation of Neo-Siyasah.

RESULTS AND DISCUSSION
The Transformation of Sovereignty from Territorial to Digital

The gathered international and constitutional documents clearly indicate that state sovereignty is experiencing a major shift from a territorial framework to a digital one. Conventional concepts of sovereignty depended on the regulation of physical boundaries, institutional power and jurisdictional enforcement; however, these processes are now ineffective in the era of international data flows. Artificial intelligence systems, cloud infrastructures and global digital platforms function beyond territorial boundaries, undermining the state's capacity to govern authority within its borders.[13] This transition exposes a systemic deficiency in contemporary governance, wherein authority is wielded not solely by governments but also by non-state technology entities. Consequently, legal protections based only on geographical jurisdiction are inadequate for safeguarding citizens' rights and upholding constitutional legitimacy. The evolving digital landscape necessitates that states reevaluate sovereignty in terms of governance over digital infrastructures, data ecosystems and algorithmic decision-making

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[13] Masriadi, M., & Bahri, H. (2024). THE INFLUENCE OF ARTIFICIAL INTELLIGENCE IN THE MEDIA INDUSTRY IN INDONESIA. *Jurnal Sosiologi Dialektika Sosial*, 10(2), 145-155.

processes. For Neo-Siyasah, this signifies the conceptual juncture at which constitutional theory must address the supersession of geographical sovereignty by digital sovereignty

Table 1. International Policy of the Transformation of Sovereignty

No.	Data	Relevant Content	Key Finding for Neo-Siyasah	Source
1	EU AI Act (2024)	Regulates high-risk AI, mandates transparency, imposes technical oversight obligations.	Shows that sovereignty requires digital technical control, not only territorial authority.	OJEU (2024)
2	GDPR (EU 2016/679)	Establishes rights over personal data, limits cross-border transfers, enforces accountability.	Demonstrates that data governance is a new locus of sovereign power.	OJEU (2016)
3	Convention 108+ (2018)	Protects personal data across borders and mandates supervisory authorities.	Confirms that sovereignty must extend beyond national territory to digital flows.	Council of Europe
4	Schrems I (2015)	Invalidates U.S.–EU Safe Harbor for insufficient protection of EU citizens' data.	Reveals failure of territorial sovereignty in protecting citizens' digital rights.	CJEU (EUR-Lex)
5	Schrems II (2020)	Invalidates Privacy Shield; reinforces EU's demand for digital autonomy and data adequacy.	Establishes need for transnational digital sovereignty frameworks.	CJEU (EUR-Lex)

The facts in Table 1 together indicate that sovereign authority increasingly relies on a state's capacity to manage digital infrastructures rather than merely exerting geographical sovereignty. Constitutional legitimacy today necessitates robust oversight of data processing, algorithmic decision-making and international digital transfers. The Schrems rulings illustrate that even formidable nations are unable to safeguard their citizens when digital platforms function outside national borders. Similarly, GDPR and Convention 108+ demonstrate that supranational frameworks are emerging as the new guardians of digital responsibility, thus redefining the landscape of state authority. These instances demonstrate that sovereignty is shifting upward to supranational organizations, downward to private digital platforms and outward to international data ecosystems. For Neo-Siyasah, this transition necessitates that classical Islamic constitutional theory reconceptualizes al-siyādah not solely as territorial power but as the obligation to safeguard digital rights and defend citizens within a transnational technological landscape. The shift from geographical sovereignty to digital sovereignty signifies that any forthcoming constitutional framework—whether secular or Islamic—must incorporate authority directly into the digital infrastructure.

The Evolution Digital Rights to Constitutional Rights

The examination of international and constitutional documents indicates that digital rights have progressed from simple policy considerations to fully acknowledged constitutional rights. This transition is propelled by the growing significance of data, privacy and algorithmic decision-making in shaping human autonomy and democratic engagement. Instruments like the GDPR, ECHR jurisprudence and Indonesian Constitutional Court rulings establish that infringements on digital privacy are tantamount to breaches of essential constitutional rights. As digital monitoring, automated profiling and transnational data processing escalate, courts in various jurisdictions are necessitated to reevaluate traditional rights in a digital framework. These advancements suggest that the distinction between physical and digital rights has eroded, necessitating constitutions to safeguard individuals in virtual realms with the same rigor as in tangible contexts. In this framework, digital rights—including data security, informational self-determination and algorithmic fairness—are essential constitutional protections rather than optional expansions. Within the Neo-Siyasah framework, this transition indicates that hifz al-'ird, hifz al-nafs and hifz al-'aql necessitate reinterpretation to encompass the safeguarding of digital personality and algorithmic dignity.

Table 2. The Constitutional Status of Digital Rights

No.	Data	Relevant Content	Key Finding for Neo-Siyasah	Source
1	GDPR (EU 2016/679)	Establishes privacy as a fundamental right; includes data control, consent, erasure and portability.	Shows privacy and data control are constitutional-level rights in the digital sphere.	OJEU (2016)
2	ECHR – Big Brother Watch v. UK (2018)	Rules that mass surveillance violates Article 8 (right to privacy).	Confirms that digital surveillance triggers constitutional scrutiny.	HUDOC
3	ECHR – S. and Marper v. UK (2008)	DNA and biometric data retention violates privacy rights.	Establishes informational self-determination as a protected constitutional interest.	HUDOC
4	Indonesian Constitutional Court (MK) – Case No. 20/PUU-XIV/2016	Declares personal data protection part of constitutional rights.	Shows digital rights are embedded in national constitutional frameworks.	Mahkamah Konstitusi RI
5	OECD AI Principles (2019)	Emphasizes transparency, fairness	Links algorithmic fairness to	OECD

	and rights-based AI governance.	constitutional protection of individual dignity.

Table 2 illustrates an increasing judicial consensus that digital rights are integral to the underlying framework of contemporary constitutions. Judicial bodies in Europe and Asia have consistently determined that personal data, biometric identifiers and algorithmic profiles directly affect fundamental rights. This trend signifies a wider transformation in constitutional interpretation, wherein the digital realm is regarded as an extension of the public domain necessitating strong legal protections. As algorithmic systems increasingly govern access to services, opportunities and political engagement, safeguarding digital rights is crucial for maintaining democratic legitimacy. These advances indicate that constitutional frameworks must transition from guaranteeing physical autonomy to ensuring digital autonomy. For Neo-Siyasah, this indicates that traditional Islamic aims of safeguarding life, intellect and dignity must be broadened to encompass the digital identities and informational integrity of persons. The acknowledgment of digital rights as constitutional rights reinforces the assertion that the digital state must function within a cohesive normative framework based on constitutional law and the ethical principles of syariah.

Artificial Intelligence Functions as a Quasi-Political Actor

Artificial Intelligence Operates as a Semi-Political Entity. The examined legal and policy papers indicate that Artificial Intelligence is progressively undertaking roles traditionally assigned to public authorities, thus establishing AI as a quasi-political entity. High-risk AI systems render choices in domains such as law enforcement, welfare allocation, employment evaluation and border management, signifying a type of delegated authority akin to administrative governance. The EU AI Act recognizes this reality by establishing requirements often associated with public institutions, including risk assessments, documentation, oversight and responsibility. Algorithmic systems influence public discourse and political engagement by filtering information, censoring online content and shaping opinion formation on a large scale. Consequently, AI not only facilitates governance but also actively shapes its execution, increasingly functioning as an unappointed yet influential actor in public decision-making. This advancement contests traditional constitutional theory, as constitutional limitations were intended for human agents or state institutions, not than independent computational systems. Within the Neo-Siyasah framework, this phenomenon necessitates a redefinition of wilāyah (authority) and mas'ūliyyah (responsibility) to encompass non-human algorithmic entities that proficiently regulate facets of social life.

Table 3. AI as a Quasi-Political Actor

No.	Data	Relevant Content	Key Finding for Neo-Siyasah	Source

1	EU AI Act (2024)	Identifies high-risk AI systems used in essential state functions such as policing, migration, social services and education.	Confirms AI's role in core governmental decision-making.	OJEU (2024)
2	OECD AI Principles (2019)	Calls for accountability, transparency and human oversight in AI systems.	Implies AI exercises power requiring checks similar to public institutions.	OECD
3	UNESCO Ethics of AI (2021)	Acknowledges AI's societal impact and its capacity to influence justice, equality and public welfare.	Recognizes AI as shaping normative and distributive outcomes.	UNESCO
4	ECHR Case Law (e.g., privacy & automated profiling)	Notes that automated decisions can infringe fundamental rights without proper safeguards.	Shows that algorithmic power must be constitutionally constrained.	HUDOC
5	Policy Papers on Digital Platforms (EU/US)	Highlight the political influence of algorithmic recommendation systems, content moderation and targeted advertising.	Demonstrates AI's political agency through control of information and discourse.	European Commission; U.S. NAII

The materials outlined in Table 3 demonstrate that AI has beyond its role as a mere technological instrument and now functions as a structural agent inside the political ecosystem. Algorithms that ascertain eligibility for social support or assess security risks undertake adjudicative and distributive functions akin to those of public institutions. This engenders significant legitimacy issues due to AI systems' absence of electoral mandate, institutional accountability and moral reasoning capabilities. Constitutional frameworks urgently require expansion to govern algorithmic authority, ensuring that AI decisions stay under human scrutiny and judicial review. From a Neo-Siyasah perspective, this transition requires the incorporation of Islamic values of justice ('adl), accountability (mas'ūliyyah) and public benefit (maslahah 'āmmah) into the governance of algorithmic systems. Such an approach facilitates the integration of AI into the constitutional framework without compromising the ethical principles underpinning both Sharia and contemporary constitutionalism. Ultimately, acknowledging AI as a quasi-political entity reinforces the assertion that the digital state must include constitutional and ethical limitations directly into technological frameworks.

Sovereignty-by-Design as a Constitutional Necessity

Converging evidence from international and constitutional documents demonstrates that sovereignty can no longer depend exclusively on legal declarations; it must be integrated directly into the technical architecture of digital systems, a concept referred to as sovereignty-by-design. Conventional constitutional mechanisms—such as judicial scrutiny, legislative regulation and administrative control—are inadequate when algorithmic activities transpire beyond geographical boundaries and outside state jurisdiction. Instruments such as the EU AI Act and Convention 108+ underscore the necessity for nations to assert sovereignty via technical standards, secure cloud infrastructures, encryption mandates and interoperable accountability frameworks. This transition recognizes that the exercise of power increasingly relies on managing the technical layers where data is kept, processed and transmitted. The Schrems rulings further illustrate that sovereignty is compromised when nations rely on foreign infrastructures lacking equal safeguards. Consequently, digital sovereignty necessitates the development of institutional and technical capabilities to uphold constitutional obligations within intricate algorithmic environments. In Neo-Siyasah, sovereignty-by-design signifies an essential reconfiguration of siyādah that amalgamates legal, ethical and technological authority within a cohesive constitutional framework.

Table 4. The Policy of Sovereignty-by-Design

No.	Data	Relevant Content	Key Finding for Neo-Siyasah	Source
1	EU AI Act (2024)	Requires risk controls, transparency logs, technical documentation and robust oversight mechanisms.	Shows sovereignty must be enacted through technical constraints and audits.	OJEU (2024)
2	Convention 108+ (2018)	Regulates cross-border data transfer and mandates strong supervisory authorities.	Confirms sovereignty must govern global data flows, not only domestic ones.	Council of Europe
3	GDPR (2016)	Imposes strict conditions on data export and demands "adequacy" from foreign jurisdictions.	Reinforces sovereignty over data as a constitutional obligation.	OJEU (2016)
4	Schrems I (2015)	Invalidates Safe Harbor due to inadequate data protections in the U.S.	Demonstrates sovereignty collapses when relying on weaker foreign regimes.	CJEU
5	Schrems II (2020)	Strikes down Privacy Shield; reinforces need for data localization or equivalent safeguards.	Highlights sovereignty-by-design as mandatory for protecting citizens' rights.	CJEU

Table 4 jointly demonstrates that sovereignty is no longer upheld through territorial enforcement but rather through technical governance integrated inside digital infrastructures. This necessitates that states establish systems proficient in upholding constitutional principles—such as openness, accountability and privacy—throughout global data networks. The Schrems cases affirm that, in the absence of equal technological protections, states forfeit their capacity to protect their citizens' constitutional rights once data transcends national boundaries. Sovereignty-by-design thus transforms into a constitutional mandate, guaranteeing that technical systems adhere to legal criteria that safeguard public interests. From a Neo-Siyasah viewpoint, this advancement corresponds with the Islamic principle of amanah, wherein power necessitates an active obligation to safeguard public welfare across all domains, including digital infrastructures. By integrating sovereignty into the technical framework of AI systems, states may guarantee that the digital landscape adheres to both constitutional requirements and Sharia-based ethical principles. Sovereignty-by-design ultimately converts constitutional governance into a hybrid legal-technical realm, wherein legitimacy is established through the incorporation of normative concepts into the foundation of digital infrastructures.

Ethical Convergence Between Global AI Principles and Maqāṣid al-Sharī'ah

The development of global ethical frameworks for artificial intelligence has a notable alignment with the core principles inherent in maqāṣid al-sharī'ah. Documents like the UNESCO Recommendation on the Ethics of AI and the OECD AI Principles underscore fairness, justice, non-discrimination, harm mitigation and the safeguarding of human dignity. These principles reflect fundamental Islamic goals, including the preservation of life (ḥifẓ al-nafs), intellect (ḥifẓ al-'aql), dignity (ḥifẓ al-'ird) and communal welfare (maṣlaḥah 'āmmah). The alignment indicates that global AI ethics is not an external normative imposition but possesses profound conceptual similarities with the moral framework of Islamic governance. This convergence creates an opportunity to develop a hybrid constitutional-ethical framework that anchors digital governance in universal ideals and Islamic jurisprudential principles. This synthesis bolsters the validity of incorporating syariah-based ethics into modern digital regulatory frameworks. Neo-Siyasah posits that this ethical concordance illustrates that Islamic political philosophy may significantly enhance the digital state by providing normative limitations on artificial intelligence. Ultimately, the results indicate that global AI ethics and Islamic jurisprudence are not opposing frameworks but rather complementary bases for equitable and responsible algorithmic governance.

Table 5. Ethical Convergence Between Global AI Norms and Maqāṣid al-Sharī'ah

No.	Data	Relevant Content	Key Finding for Neo-Siyasah	Source
1	UNESCO AI Ethics (2021)	Emphasizes fairness, human dignity, non-harm and social well-being.	Aligns directly with *maqāṣid*: protecting life, intellect and dignity.	UNESCO

2	OECD AI Principles (2019)	Stresses transparency, accountability and inclusive growth.	Relates to *maṣlaḥah 'āmmah* and ethical governance in Islamic law.	OECD
3	EU AI Act (2024)	Requires risk mitigation, fairness assessments and bias prevention.	Reflects Islamic values of justice (*'adl*) and fairness in decision-making.	OJEU (2024)
4	Convention 108+ (2018)	Protects fundamental rights and personal dignity in data processing.	Mirrors *ḥifẓ al-'ird* and the safeguarding of personhood.	Council of Europe
5	Indonesian MK Decisions (Digital Rights)	Treats privacy and data dignity as constitutional rights.	Supports Islamic emphasis on protecting personal honor (*karāmah*).	Mahkamah Konstitusi RI

Table 5 demonstrates that modern AI governance frameworks and Islamic normative ethics align on common principles of justice, dignity and the safeguarding of human welfare. This convergence undermines the prevailing notion that contemporary digital regulation conflicts with Islamic moral tenets. It demonstrates that Islamic jurisprudence provides a substantial ethical framework that enhances global AI standards, especially on damage prevention and distributive justice. For Neo-Siyasah, this convergence validates the incorporation of sharia-based norms within the constitutional framework of the digital state without engendering normative conflict. This integration facilitates the development of a dual-framework model that grounds technological governance in universal ethical norms and Islamic moral reasoning. This hybrid method enhances the credibility of digital governance by anchoring it in culturally relevant concepts while ensuring global interoperability. The intersection of global AI ethics and maqāṣid al-sharī'ah demonstrates that Islamic constitutional philosophy is both compatible with and significantly pertinent to the governance difficulties of the digital era.

This study's five findings cumulatively indicate that the structure of state authority is experiencing a significant transformation influenced by digital infrastructures and algorithmic decision-making. States now mediate power through data governance, AI regulation and transnational digital systems, rather than only acting as territorial entities[14]. The alignment of international mechanisms and constitutional jurisprudence indicates a unified trend toward

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acknowledging digital rights and algorithmic accountability as essential constitutional issues[15]. This transition underscores the insufficiency of traditional sovereignty models to tackle non-territorial manifestations of power exerted by AI and digital platform. The ethical similarities between global AI principles and maqāṣid al-sharīʿah indicate that Islamic constitutional thought offers normative frameworks for regulating digital spaces[16]. Collectively, these ideas lay the foundational concepts for Neo-Siyasah as a cohesive digital constitutional framework. The findings suggest that sovereignty, rights and legitimacy need to be redefined to integrate constitutional ideas directly into digital infrastructures.

The results endorse a theoretical reexamination of sovereignty as a digitally disseminated kind of authority that surpasses conventional state limits. In constitutional theory, this signifies a shift from territorial sovereignty to infrastructural sovereignty, because authority over algorithms and data flows dictates the true locus of power[17]. The rise of AI as a quasi-political entity challenges traditional frameworks that presume only human or institutional agents may wield public authority [18]. This requires a reevaluation of constitutional responsibilities to incorporate technical, procedural and ethical limitations inherent in algorithmic systems. Islamic constitutional jurisprudence, namely fiqh al-siyāsah al-dustūriyyah, offers conceptual frameworks for comprehending authority as a trust (*amānah*) and accountability as an intrinsic obligation of government[19]. The results enhance both secular and Islamic conceptions by illustrating the

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necessity for sovereignty to adjust to algorithmic and transnational realities. In this context, Neo-Siyasah serves as a framework that reinterprets legitimacy via constitutionally grounded technical procedures.

The current literature on digital constitutionalism has explored platform regulation, digital rights and accountability, although it has not comprehensively defined the restructuring of sovereignty under AI-mediated government[20]. Research on algorithmic governance highlights risk reduction and transparency but seldom addresses the profound constitutional ramifications when AI executes public authority responsibilities[21]. Simultaneously, efforts regarding digital sovereignty predominantly focus on industrial policy and strategic autonomy, rather than on normative validity or constitutional architecture. Islamic political thought has explored issues of justice, welfare and authority, although it has not systematically examined algorithmic power or digital infrastructures[22]. This article addresses the gap by integrating digital constitutionalism with maqāṣid al-sharīʿah and fiqh siyasah to create a cohesive theoretical framework—Neo-Siyasah. This approach broadens constitutional study beyond Western paradigms and integrates Islamic

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philosophy into international discussions on algorithmic governance. This contribution directly addresses the demand for pluralistic constitutional frameworks appropriate for the digital age.

These findings have profound implications for constitutional theory as they demonstrate that legitimacy must be anchored in both legal and technical frameworks. They assert that digital rights, algorithmic justice and data dignity must be safeguarded alongside conventional civil liberties to maintain democratic legitimacy[23]. States must implement sovereignty-by-design strategies that integrate constitutional oversight into AI systems, cloud infrastructures and digital platforms[24]. This corresponds with Islamic jurisprudence, which conceptualizes governance as an ethical obligation rooted in justice (*ʿadl*) and public welfare (*maṣlaḥah*)[25]. Neo-Siyasah offers a method to integrate constitutional responsibilities with syariah-based principles, establishing a cohesive framework for digital administration. In this approach, the digital state is simultaneously regulated by normative principles and limited by constitutional values. This integration guarantees that digital public authority remains accountable, legitimate and consistent with universal and Islamic ethical principles.

The results indicate significant alignment between global AI principles and the ethical framework of Islamic law, specifically *maqāṣid al-sharīʿah*. Islamic constitutional thinking perceives sovereignty as a trust (*amānah*) and requires that power safeguard dignity, intellect, life and welfare—principles that correspond with contemporary digital ethics. Consequently, Neo-Siyasah regards Islamic jurisprudence not as a substitute for digital constitutionalism, but as an auxiliary normative framework. This integration provides a culturally relevant and ethically sound paradigm for Muslim-majority nations undergoing digital transformation. Simultaneously, it illustrates how Islamic law can effectively address modern concerns such as algorithmic authority, transnational data transfers and digital identity. Neo-Siyasah functions as a conduit between sharia-based governance and contemporary constitutional frameworks. This synthesis fortifies both domains by anchoring digital governance in ethical universals that surpass cultural barriers.

The findings indicate that although there is considerable alignment between global AI ethics and Islamic tenets of justice and welfare, some difficulties persist. For instance, the focus of syariah on moral accountability is in stark contrast to the opacity and independence of algorithmic decision-making. Classical Islamic frameworks presuppose human moral agency,

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while AI is devoid of intent, consciousness and accountability, resulting in interpretation conflicts. Constitutional measures, like monitoring, transparency and due process, can alleviate these conflicts by reaffirming human accountability for AI outcomes. Simultaneously, syariah's focus on damage prevention (*dar' al-mafsadah*) corresponds with international initiatives to limit AI hazards. Neo-Siyasah synthesizes these realms by regarding AI as a regulated entity rather than a moral agent, bound by constitutional and ethical limitations. This concept reduces tensions while enhancing alignment between Sharia and contemporary constitutionalism.

This study enhances understanding by presenting Neo-Siyasah as a novel theoretical framework that amalgamates digital constitutionalism with Islamic political jurisprudence. This work enhances the literature by illustrating that sovereignty should be perceived not just as territorial power but also as infrastructural and algorithmic governance. It further broadens Islamic constitutional discourse by implementing maqāṣid al-sharīʿah to modern issues such AI regulation, data management and digital rights. This research enhances discussions on algorithmic legitimacy by demonstrating that constitutional limitations must be integrated at the technical level of digital systems. The study presents a pluralistic methodology for constitutional adaptation in the digital era by integrating Western and Islamic epistemologies. The notion of Neo-Siyasah thus offers a means to modernize Islamic government while enhancing world constitutional theory. This contribution situates the study at the convergence of law, ethics and digital technology.

This paper presents a comprehensive conceptual model but recognizes that its theoretical reach is constrained by the continuously advancing nature of AI technologies. Numerous algorithmic systems are opaque, complicating the comprehensive evaluation of how sovereignty-by-design might be implemented at scale. Furthermore, Islamic jurisprudence has yet to establish a systematic doctrine for non-human algorithmic entities, resulting in deficiencies that necessitate future *ijtihād*. The research predominantly utilizes secondary data, which may fail to reflect localized regulatory dynamics or contextual governance issues. Furthermore, the conceptual framework may necessitate modification for jurisdictions with deficient regulatory institutions or inadequate digital infrastructure. These constraints underscore the necessity for empirical research that evaluates Neo-Siyasah in real-world governance contexts. Future developments in AI ethics and Islamic jurisprudence will enhance the model.

Future study should investigate the translation of Neo-Siyasah into operational governance frameworks, incorporating sharia-compliant regulatory mechanisms for artificial intelligence. Empirical investigations into the implementation of AI regulations by Muslim-majority states would yield significant insights regarding the model's practical applicability. Additional theoretical research is required to establish an Islamic jurisprudence concerning digital rights and algorithmic responsibility. Comparative studies may examine the distinctions in digital constitutional frameworks between Islamic and non-Islamic states. Moreover, interdisciplinary collaboration including computer science, ethics and law would enhance the technical viability of sovereignty-by-design. Future studies should also examine how terms such as shūrā might be reformulated inside algorithmic public spheres. These directives will enhance the conceptual development of Neo-Siyasah and bolster its significance in influencing the digital state.

CONCLUSION

The research indicates that the emergence of Artificial Intelligence reconfigures state authority by transferring constitutional power from territorial institutions to algorithmic infrastructures. This shift elucidates five fundamental dynamics: the advent of digital sovereignty, the constitutionalization of digital rights, the ascendance of AI as a quasi-political entity, the necessity for sovereignty-by-design and the normative alignment between global AI ethics and maqāṣid al-sharī'ah. The findings indicate that current regulatory frameworks inadequately address the fundamental constitutional issues of legitimacy and power raised by algorithmic governance. This study's innovation is the formulation of the Neo-Siyasah model, the first constitutional framework that systematically integrates digital constitutionalism with fiqh siyāsah dustūriyyah. The model's triadic framework—Enhanced Digital Bill of Rights, Sovereignty-by-Design and Constitutional Constraints on AI—represents a novel multidisciplinary strategy that integrates law, ethics and Islamic jurisprudence. In contrast to previous research, it integrates constitutional ideals directly into technology designs rather than solely into regulatory documents. This work broadens the theoretical scope of constitutional law and Islamic political jurisprudence in the digital age.

The principal shortcoming of this study is its conceptual-normative framework, which fails to empirically assess the applicability of the Neo-Siyasah model across various legal systems. The swift advancement of AI technologies may render some assumptions on algorithmic behavior or institutional capability obsolete over time. The analysis predominantly depends on European and worldwide legal frameworks, which may inadequately reflect constitutional advancements in Asia, Africa, or the Muslim world. Classical Islamic jurisprudence has less direct instruction on non-human computational entities, necessitating much analogical reasoning to derive ethical judgments. The approach fails to consider the power imbalances between governments and dominant AI businesses, which substantially affect digital sovereignty. The transdisciplinary requirements of the concept may present actual implementation difficulties for states lacking proficiency in both constitutionalism and AI governance. These limitations suggest that Neo-Siyasah functions only as a fundamental theoretical framework rather than a fully operational constitutional mechanism.

Future study should empirically investigate the adaptation of the Neo-Siyasah paradigm within particular constitutional frameworks, particularly in Muslim-majority nations experiencing digital transition. Policymakers ought to investigate methods to integrate constitutional protections directly into AI systems via algorithmic audits, transparency-by-design and institutional monitoring mechanisms. Collaboration among legal scholars, Islamic jurists, technologists and ethicists is crucial to enhance the normative and technological aspects of the model. Comparative constitutional studies may evaluate the interplay between digital rights, algorithmic accountability and sovereignty-by-design with judicial review and legislative processes. Researchers ought to enhance the model by incorporating geopolitical dynamics, the concentration of corporate power and state capabilities in the development of AI. International collaboration is advised to align Islamic constitutional values with global AI governance standards. Future endeavors should focus on converting Neo-Siyasah into a pragmatic framework that facilitates legitimate, equitable and ethically sound governance in the algorithmic era.

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