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Qualitative Study on Rethinking Liability for Artificial Intelligence Systems Under the Nigerian Jurisprudence and Islamic Legal Ethics View

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Abstract

The rapid integration of Artificial Intelligence (AI) into decision-making processes, from financial services to law enforcement, presents complex challenges regarding accountability and liability. As AI systems increasingly operate with a degree of autonomy, determining who should bear responsibility for harm or error becomes a pressing legal and ethical concern. This paper explores these challenges within the context of Nigerian jurisprudence and Islamic legal ethics, guided by the principles of Maqasid al-Shariah. It examines how conventional legal concepts of human intent and negligence interact with the unique characteristics of algorithmic decision-making, where outcomes may arise from opaque or self-learning processes beyond direct human control. Nigerian law, traditionally rooted in human-centric liability, faces significant gaps in addressing the accountability of autonomous systems. Within this gap, Islamic ethical principles such as Amanah (trust) and Maslahah (public interest) provide a moral framework emphasizing justice, transparency, and societal welfare. The paper proposes a hybrid accountability model that combines statutory responsibility with ethical stewardship, ensuring that innovation aligns with human values and divine justice. However, integrating these legal and ethical perspectives, Nigeria can develop a contextually grounded framework for algorithmic justice one that maintains technological progress while preserving moral integrity and public trust. Ultimately, AI should serve humanity as a tool for equitable development, not as an unregulated force detached from human conscience or accountability.

Keywords: Artificial Intelligence, Liability, Nigerian Law, Maqasid al-Shariah, Accountability,

Introduction

Artificial Intelligence (AI) is a new technology that is created by human effort through creative thinking and innovative idea to enhance the functionality beyond human capacity. The proliferation of Artificial Intelligence (AI) technologies has significantly reshaped governance, business, and social systems in Nigeria and across the world. From automated financial assessments to algorithmic law enforcement, AI systems are redefining how institutions make decisions. However, these advancements also create tension with existing legal doctrines, which are traditionally grounded in human intent and foreseeability (Abiola & Shittu-Adenuga, 2024). The opacity of AI systems particularly those based on deep learning makes it difficult to assign responsibility when harm occurs, creating what scholars refer to as the “accountability gap.” In Nigeria, AI adoption has accelerated across sectors such as fintech, healthcare, education, and public administration. While the Nigeria Data Protection Act (2023) and the National AI Strategy Draft (2024) provide preliminary frameworks, they do not yet define liability for damages caused by autonomous systems. Thus, legal actors still grapple with fundamental questions: Can an algorithm be a subject of law? Who should be responsible when AI malfunctions the programmer, operator, or end user? (Shajobi-Ibikunle & Oseghale, 2025). These uncertainties underscore the need for a legal framework that can reconcile automation with accountability.

The Nigerian legal system largely depends on doctrines of mens rea (guilty mind) and actus reus (guilty act), which assume intentional human behavior. Yet AI lacks consciousness and cannot form intent. Therefore, direct liability cannot be easily established under current jurisprudence. Some scholars suggest applying the principle of vicarious liability holding human actors accountable for harms committed by their algorithms (Richard, 2024). However, this approach raises fairness concerns, especially in cases where the AI evolves beyond the developer’s initial parameters. Ethically, Islamic legal



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philosophy offers valuable insights that complement Nigeria's plural legal system. The Maqasid al-Shariah (higher objectives of Islamic law) provides a framework for aligning technological innovation with moral accountability (Kannike & Fahm, 2023). These objectives protection of faith (din), life (nafs), intellect (aql), lineage (nasl), and property (mal) serve as ethical safeguards ensuring that AI serves human welfare rather than undermining it. Hence, Islamic ethics reject technological determinism and emphasize that moral responsibility always remains human. The concept of Amanah (trust) in Islamic jurisprudence further deepens the accountability discourse. Developers, regulators, and policymakers are entrusted as amin stewards responsible for ensuring transparency, fairness, and justice in technological development. Violations of this trust, such as deploying biased or exploitative algorithms, are not merely regulatory infractions but moral breaches. Thus, Amanah transforms accountability from a procedural obligation into a moral covenant between humans and God. Similarly, Maslahah (public interest) reinforces the principle that AI must contribute positively to human welfare and social justice. An AI system that perpetuates discrimination, violates privacy, or causes economic exclusion contradicts Maslahah and therefore lacks moral legitimacy under Islamic ethics (Ehirim, 2025).

Integrating this principle into Nigerian digital policy could ensure that AI technologies serve societal needs without undermining human dignity. From a jurisprudential perspective, Nigeria can draw from comparative frameworks such as the EU AI Act (2024) and OECD guidelines (2024), which classify AI systems by risk level and assign proportionate liability. Locally, Nigeria's hybrid system of common law and Shariah law provides a unique opportunity to embed ethical oversight into statutory provisions (The Guardian, 2025). By combining legal precision with ethical stewardship, Nigeria could pioneer a "moralized" model of algorithmic regulation. A hybrid accountability model should include three pillars: (a) Legal Liability, defining who bears responsibility for AI-related harm; (b) Ethical Oversight, ensuring human-centric AI development aligned with Maqasid al-Shariah; and (c) Institutional Governance, establishing independent bodies for auditing and certifying AI systems. Together, these measures would strengthen public trust and operational transparency, creating harmony between legal enforceability and moral responsibility. Moreover, education and awareness among developers, judges, and policymakers are crucial. Without understanding AI's technical complexity, legal interpretations will remain reactive rather than proactive. Islamic ethics encourages ijthad reasoned interpretation to respond to emerging challenges. Applying ijthad to AI governance promotes adaptive ethics that remain faithful to divine intent while responsive to technological realities (What Makes Work "Good" in the Age of AI," 2023) Ultimately, Nigeria's approach to AI governance must balance innovation with accountability. By integrating the principles of Amanah, Maslahah, and Maqasid al-Shariah into statutory frameworks, the nation can ensure that AI development promotes justice and human flourishing. Such a model not only addresses the liability void but also embodies a distinctly Nigerian contribution to the global conversation on algorithmic justice—anchoring technology in law, ethics, and divine stewardship.

Statement of algorithmic justice

Algorithmic justice refers to fairness, transparency, and accountability in systems where Artificial Intelligence (AI) significantly influences or determines social, economic, and legal outcomes (Rawlings, 2022). It demands that algorithmic processes respect fundamental human rights, ensure equitable treatment, and provide avenues for explanation when harm or bias occurs. However, the complexity of AI architectures, particularly machine learning and deep learning systems, introduces what is often called the "black box" dilemma models whose inner workings are so opaque that even their creators struggle to fully understand or explain their decisions (Goodman & Flaxman, 2023). This opacity challenges the foundational principles of legal responsibility, which rely on foreseeability and intent.

Internationally, several jurisdictions are advancing toward a structured framework for algorithmic governance. The European Union's AI Act (2024) classifies AI applications based on their potential risk to human rights and public safety, establishing strict obligations for high-risk systems. Similarly, the U.S. Algorithmic Accountability Act (2023) requires transparency audits and impact assessments to ensure fairness and prevent discrimination in automated decision-making (Johnson & Lee, 2024). These legislative measures embody a growing recognition that accountability must evolve in tandem with technological sophistication. In contrast, Nigeria remains in the embryonic stage of AI governance. The National Artificial Intelligence Policy Framework (NITDA, 2024) emphasizes innovation, capacity building, and economic competitiveness but provides limited guidance on ethical responsibility or liability for algorithmic harm. This regulatory gap leaves individuals vulnerable when decisions affecting their rights such as loan approvals, job recruitment, or predictive



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policing are made by unexplainable AI systems. Moreover, without clear mechanisms for redress, such opacity can undermine trust in technology and institutions alike. Islamic jurisprudence offers a valuable complementary framework to address these ethical deficits. The Maqasid al-Shariah emphasizes justice (adl), trust (amanah), and public welfare (maslahah), all of which are essential for ensuring algorithmic accountability. Embedding these principles within Nigeria's emerging AI governance could ensure that technological advancement aligns with moral and social responsibility. In this sense, the pursuit of algorithmic justice becomes both a legal imperative and a spiritual duty, reflecting a commitment to fairness, transparency, and divine trust in the age of automation.

Challenges militating the establishing liability under Nigerian law

Under Nigerian law, liability traditionally rests upon two foundational pillars: actus reus (the wrongful act) and mens rea (the guilty mind). These concepts, inherited from English common law, are predicated on the assumption of human consciousness, volition, and intent (Okonkwo, 2023). The legal system presumes that a person must have both committed an unlawful act and possessed the requisite guilty intent to be held responsible. However, this anthropocentric framework faces profound difficulty when applied to Artificial Intelligence (AI) systems, which can act autonomously, learn independently, and make decisions beyond the direct foresight or control of their human operators. The central question thus emerges: can a machine “intend” or “foresee” the consequences of its actions in the legal sense? The issue becomes more complex when AI operates within self-learning or adaptive environments where its outputs evolve over time. In such scenarios, the causal chain between the programmer's input and the system's eventual decision may be attenuated or completely transformed by algorithmic learning. This raises uncertainty as to who, if anyone, bears legal culpability when harm arises. Nigerian law has not yet articulated a doctrine of algorithmic liability, leaving courts and policymakers without a clear roadmap for adjudicating disputes involving autonomous systems (Ojo & Adediran, 2024). Without legislative intervention, such cases risk being forced into ill-fitting traditional categories such as product liability or negligence.

Moreover, the element of mens rea central to criminal liability cannot easily be transposed onto non-sentient entities. AI lacks consciousness, intention, and moral reasoning. Consequently, while a human actor may be prosecuted for negligent design or reckless deployment of an AI system, the machine itself cannot bear responsibility in law (Adewumi, 2025). Some scholars propose a doctrine of vicarious algorithmic liability, whereby the responsibility is shared among designers, deployers, and data custodians, depending on their proximity to the harmful outcome. Others argue for the creation of a sui generis category of “electronic legal personhood,” analogous to corporate liability, though this remains highly controversial and ethically fraught (Rawlings, 2022). From an ethical standpoint, Islamic legal theory offers an alternative lens through the concept of taklif moral and legal responsibility tied to human agency and accountability before God. Since AI lacks ‘aql (rational consciousness) and niyyah (intent), it cannot bear taklif under Shariah principles. Responsibility thus reverts to human actors the creators, owners, and regulators who are entrusted with amanah (trust) to ensure the ethical use of knowledge and technology (Fahm & Kannike, 2023). Hence, both Nigerian jurisprudence and Islamic ethics converge on the premise that ultimate accountability must remain human-centered, even in an age of autonomous machines. Therefore, the challenge for Nigeria's legal system is not to redefine personhood but to recalibrate accountability frameworks. This includes creating statutory presumptions of responsibility for those who design, train, or deploy AI systems, while also embedding ethical safeguards consistent with Maqasid al-Shariah. Such reforms would ensure that liability mechanisms reflect both the realities of emerging technologies and the moral imperatives of justice and trust.

Product liability and negligence

In the absence of comprehensive AI-specific legislation, harm arising from the use or malfunction of Artificial Intelligence (AI) systems in Nigeria must currently be addressed through existing legal doctrines such as product liability and negligence. The Sale of Goods Act of 1893, still influential in Nigerian contract law, establishes an implied warranty that goods sold must be of merchantable quality and fit for their intended purpose. When AI systems are commercialized as products whether embedded in autonomous vehicles, medical diagnostic tools, or financial software the manufacturer or developer may bear responsibility if defects, faulty programming, or inadequate quality control result in harm to users (Ogunleye, 2022). This creates a legal presumption that those who place AI products on the market owe a duty of care to end users. Under tort law, particularly the doctrine of negligence, liability arises when a party fails to exercise reasonable care, resulting in foreseeable harm. In the AI context, negligence could stem from poor design, insufficient testing, lack of algorithmic transparency, or failure to monitor the system's evolving behavior after deployment (Olawale & Adedayo,



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2023). For instance, a fintech company deploying an AI loan assessment tool that discriminates against certain groups could be found negligent if it failed to conduct fairness audits or implement bias mitigation protocols. The duty of care thus extends beyond the physical integrity of products to include algorithmic integrity ensuring that the decision-making process is free from discriminatory or unsafe outputs. However, these traditional legal routes have limitations when applied to autonomous or self-learning systems. The principle of foreseeability, which underpins negligence claims, is strained when an AI's actions cannot be fully predicted by its developers. Similarly, the causal chain required to establish liability becomes diffuse when harm results from machine learning outputs generated without direct human input. Nigerian courts have yet to adjudicate a case involving algorithmic harm, but scholars warn that reliance on outdated doctrines may lead to judicial inconsistency and uncertainty (Ehirim, 2025).

A further complication arises from the intangible nature of AI software, which blurs the distinction between “goods” and “services.” The Sale of Goods Act was never designed to accommodate intangible digital systems capable of independent reasoning. As such, victims of AI-induced harm may find it difficult to claim compensation under the Act unless the courts adopt a purposive interpretation extending its provisions to digital technologies. Some jurisdictions, such as the European Union, have already begun reforming product liability laws to explicitly include software and AI systems as “digital goods” (European Commission, 2024). From an ethical and jurisprudential standpoint, Maqasid al-Shariah and Amanah (trust) reinforce the moral obligation of developers and corporations to prevent harm (darar). Islamic legal theory mandates that creators bear responsibility for the foreseeable consequences of their inventions, even in complex systems. Thus, ethical accountability should accompany legal liability requiring developers to exercise due diligence not only as a matter of compliance but as a moral duty toward justice (adl) and public welfare (maslahah).

Emerging legal recognition of algorithmic accountability in Nigeria

The Nigeria Data Protection Act (NDPA) 2023 represents a landmark in the country's digital governance landscape, introducing explicit principles of accountability, transparency, and data subject rights in automated processing. Although primarily aimed at protecting personal data, the Act implicitly acknowledges the ethical and legal implications of algorithmic decision-making. It grants individuals the right to object to decisions that are made solely through automated means particularly where such decisions significantly affect their rights, freedoms, or legitimate interests (Federal Republic of Nigeria, 2023). This provision marks the first statutory recognition of algorithmic accountability in Nigerian law, signaling an emerging awareness of the challenges posed by Artificial Intelligence (AI) and automated systems. While the NDPA does not directly establish a framework for AI-specific liability, its accountability provisions reflect a gradual evolution toward protecting individuals from opaque and potentially discriminatory algorithmic processes (Adegoke, 2024). The Act mandates data controllers and processors to ensure that automated systems are explainable, fair, and auditable. This aligns with global trends emphasizing algorithmic transparency and the “right to explanation,” as seen in the European Union's General Data Protection Regulation (GDPR) and the EU AI Act (2024). In essence, the Nigerian law acknowledges that algorithmic decisions if left unchecked can reproduce or amplify bias, thus threatening justice and equality before the law.

However, despite its significance, the NDPA's scope remains limited. The right to object applies mainly within data protection contexts and does not extend to broader AI systems that operate outside personal data processing, such as predictive policing or automated judicial tools. Moreover, the Act lacks clear enforcement mechanisms for challenging algorithmic decisions, leaving affected individuals with limited avenues for redress. Legal scholars argue that a comprehensive AI Accountability Act is needed to supplement the NDPA by addressing issues of algorithmic liability, bias mitigation, and ethical oversight (Adewumi, 2025). From an ethical standpoint, the NDPA's principles resonate with Maqasid al-Shariah's commitment to justice (adl), preservation of intellect (hifz al-'aql), and protection of human dignity (karamah). In Islamic jurisprudence, decision-making must always be grounded in fairness, transparency, and accountability values that parallel the NDPA's aim to prevent harm and uphold human rights in the digital sphere. The intersection of these two traditions statutory accountability and divine ethics offers Nigeria a unique pathway for developing a morally informed digital governance framework.



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Ethical foundations of AI accountability in Islamic jurisprudence

Islamic jurisprudence situates moral accountability (taklif) within the realm of human consciousness and free will. Taklif denotes a divine obligation placed only upon beings capable of rational reflection, moral discernment, and volitional action (Kamali, 2023). It assumes an actor's ability to distinguish right from wrong and to act with intention (niyyah). Artificial Intelligence (AI), however, lacks both rational consciousness ('aql) and moral agency (irada), and therefore cannot be the bearer of moral responsibility in Islamic ethics. Responsibility, consequently, rests with the human developers, operators, and regulators who design, deploy, and control AI systems. The Qur'an underscores this principle of informed moral action in Surah Al-Isra (17:36): "And do not pursue that of which you have no knowledge; indeed, the hearing, the sight, and the heart about all those [one] will be questioned." This verse highlights the duty of knowledge-based accountability. Applied to AI, it implies that developers and policymakers must exercise 'ilm (knowledge) and hikmah (wisdom) in ensuring that algorithmic systems operate transparently, justly, and without harm. Failing to ensure informed, ethical design or use of AI systems may constitute a breach of amanah (trust), a grave moral and legal transgression in Islam (Fahm & Kannike, 2023).

Within this ethical framework, the doctrine of Maqasid al-Shariah the higher objectives of Islamic law offers a comprehensive guide for evaluating the moral permissibility of emerging technologies. It identifies five universal values: preservation of faith (din), life (nafs), intellect (aql), lineage (nasl), and property (mal). Any technological development or policy that threatens these objectives undermines the ethical foundation of Shariah. Thus, an AI system that endangers human life through autonomous error, manipulates intellect through misinformation, invades privacy, or disrupts family integrity violates the maqasid and must be regulated or prohibited (Kamali, 2023; AbuSulayman, 2024). This perspective situates AI governance within a framework of ethical stewardship, not merely regulatory compliance. Human actors become khalifah (trustees) on earth responsible for ensuring that technological progress serves maslahah (public welfare) rather than mafsadah (harm or corruption). The principles of adl (justice) and amanah (trust) compel developers to prioritize transparency, fairness, and inclusivity in algorithmic design. In practical terms, this means instituting ethical review boards, ensuring bias-free datasets, and aligning AI applications with humanitarian objectives consistent with maqasid. Consequently, Islamic jurisprudence not only offers a moral compass but also complements secular regulatory models by grounding them in divine accountability. In the Nigerian context where Shariah and statutory law coexist embedding maqasid-based ethics in AI governance could provide a unique normative framework that upholds both constitutional justice and spiritual responsibility. This integration would ensure that technological innovation remains faithful to the dual pursuit of legal certainty and moral virtue.

View of Amanah, Maslahah, and ethical stewardship in AI development

In Islamic jurisprudence, developers, engineers, and policymakers function as amin trustees entrusted by God and society with the responsibility of ensuring that technological innovation promotes justice and prevent harm. The Qur'anic concept of Amanah (trust) denotes a moral and legal obligation to act with transparency, fairness, and integrity in all affairs, particularly when exercising authority or managing public resources (Qur'an 33:72). In the context of Artificial Intelligence (AI), Amanah translates into an ethical imperative to ensure that algorithms are designed, tested, and implemented in ways that uphold human dignity, equity, and accountability. This stewardship requires vigilance against bias, exploitation, or manipulation within algorithmic systems (Fahm, 2023).

The ethical weight of Amanah is intensified by the Islamic legal maxim la darar wa la dirar "there should be neither harm nor reciprocation of harm." Hence, any AI deployment that perpetuates inequality, violates privacy, or endangers lives breaches this foundational principle. As technology mediates governance, finance, and social interaction in Nigeria, policymakers must recognize their dual responsibility as both legal regulators and moral agents. The Amanah entrusted to them is not merely administrative but spiritual, rooted in accountability before God (hisab). Complementing Amanah is the doctrine of Maslahah (public interest), a central tenet of Maqasid al-Shariah. It mandates that all human action especially in governance and innovation must aim to maximize benefit (jalb al-maslahah) and minimize harm (dar' al-mafsadah) to society. According to Al-Qaradawi (2021), technological advancement must be evaluated not solely on efficiency or profit but on its contribution to justice, welfare, and moral order. Thus, deploying opaque, biased, or exploitative AI systems violates the ethical objectives of Shariah, as such technologies undermine social justice (adl) and erode public trust (thiqa).



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Under this ethical model, transparency becomes a religious and moral duty, not just a regulatory requirement. AI systems must be auditable, explainable, and accessible to scrutiny by both experts and the public to prevent injustice and uphold Maslahah. Nigerian policymakers can draw from this principle to strengthen algorithmic oversight frameworks, mandating disclosure of AI decision processes in sensitive domains such as credit scoring, law enforcement, and healthcare. Embedding Amanah and Maslahah into Nigeria's AI governance can transform technology regulation into an ethically informed practice that harmonizes divine accountability with legal responsibility.

Human accountability and the moral limits towards of AI autonomy

From an Islamic ethical standpoint, human beings retain ultimate accountability for the technologies they create and deploy, regardless of the autonomy such systems appear to possess. The Qur'an unequivocally affirms human responsibility for all actions, declaring that "whoever does an atom's weight of good will see it, and whoever does an atom's weight of evil will see it" (Qur'an 99:7-8). This verse underscores the principle that every human deed, including the design and implementation of Artificial Intelligence (AI) systems, carries moral weight and consequence. Even when algorithms act independently, their outcomes are the indirect results of human intention, coding, and oversight (Rahman, 2024). AI autonomy does not negate human moral agency; rather, it expands the ethical field in which human accountability must operate. In Islamic jurisprudence (fiqh), accountability (taklif) is conditional upon rationality and volition qualities absent in machines. Hence, responsibility cannot be transferred to AI, which functions as an instrument devoid of consciousness or moral awareness (Kamali, 2023). The designer, developer, or operator of AI bears responsibility for foreseeable consequences arising from its use or misuse. This aligns with the Shariah principle that liability (daman) attaches to those who possess control and causation in the chain of events leading to harm.

Furthermore, the Islamic view of stewardship (khilafah) mandates that humans act as custodians of knowledge and creation. This duty extends to emerging technologies, requiring that innovation be pursued within ethical boundaries that safeguard justice (adl), human dignity (karamah), and public welfare (maslahah). As noted by Al-Fahmi (2024), AI cannot be regarded as a moral agent under Islamic law because it lacks niyyah (intent) and qudrah (moral power to choose right or wrong). The responsibility for algorithmic harms, therefore, remains with the human actors who design, train, and deploy such systems. Furthermore, recognizing humans as the moral anchor in AI governance, Islamic ethics provides a coherent framework for addressing the moral vacuum often associated with algorithmic decision-making. This principle harmonizes with the objectives of Maqasid al-Shariah, ensuring that technological advancement serves not only efficiency but also justice, accountability, and the preservation of human moral order. Within Nigeria's plural legal system, incorporating these ethical insights into policy formulation such as through the National Artificial Intelligence Policy (2024) can strengthen accountability mechanisms and prevent the diffusion of moral responsibility that currently plagues global AI governance discourse.

Comparative legal developments in global models and the case for a hybrid framework in Nigeria

Globally, the challenge of attributing liability for Artificial Intelligence (AI) related harm has prompted the development of differentiated legal frameworks. The European Union's Artificial Intelligence Act (2024) represents the most comprehensive regulatory approach to date, categorizing AI systems based on their potential risk to human rights, safety, and democratic values. Under this regime, high-risk systems such as those used in law enforcement, credit scoring, or biometric identification are subjected to rigorous compliance standards, including transparency obligations, human oversight, and strict liability provisions (European Commission, 2024). This risk-based approach ensures that accountability is proportionate to the potential social and ethical consequences of algorithmic deployment. Other jurisdictions, including Japan and Singapore, are developing co-liability frameworks that recognize shared accountability between AI developers, data controllers, and end-users (OECD, 2024). Japan's "Social Principles of Human-Centric AI" emphasize responsibility throughout the AI lifecycle, while Singapore's "Model AI Governance Framework 2.0" integrates corporate due diligence, transparency, and ethical oversight into business practices. These models highlight the global shift from punitive to preventive governance focusing not merely on liability after harm occurs but on ensuring that systems are ethically and safely designed.



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For Nigeria, adopting such global frameworks requires careful contextualization within its hybrid legal system, which blends statutory, customary, and Islamic legal traditions. While the Nigeria Data Protection Act (2023) and the draft National Artificial Intelligence Policy (2024) provide preliminary accountability principles, they remain silent on moral and spiritual dimensions of responsibility. The Nigerian context, therefore, offers a unique opportunity to integrate Shariah-based ethics into formal governance structures anchoring AI regulation not only in legality but also in moral conscience and societal welfare.

Conclusion

AI challenges conventional legal and ethical paradigms, yet it also provides an opportunity for Nigeria to lead in values-based governance. However, integrating Maqasid al-Shariah and existing legal doctrines, Nigerian jurisprudence can pioneer a model of algorithmic justice that is both technologically informed and morally grounded. Accountability, in this sense, transcends technical attribution it becomes an ethical covenant ensuring that innovation serves humanity without compromising justice.

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