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A Study of the Legal and Fiqhi Impact of AI on Issuing Fatwas

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Abstract

The present study aims to investigate the impact of AI involvement on distorting, manipulating, and altering fatwas. The Artificial Intelligence utilizes Textual Case-Based Reasoning to compile a repository of previous instances within the Islamic Fatwa field. The study employs an interdisciplinary approach, utilizing an analytical and deductive methodology to evaluate and examine various religious texts and fatwas in conjunction with scientific literature that discuss artificial intelligence (AI) and its influence on the realm of Fatwa within Muslim communities. The compilation of fatwas within the Islamic Fatwa online platform serves as a valuable resource for anyone worldwide seeking religious rulings on various religious matters. The study has reached a finding that the individuals seeking online fatwas may encounter numerous obstacles when utilizing artificial intelligence to seek guidance. These issues encompass a wide spectrum of difficulties, including both language syntax and semantics.

Keywords: *Artificial Intelligence, fatwa, fiqh, religious text.*

Introduction

The integration of Artificial Intelligence and Internet of Things has a beneficial influence on various global matters, including the formulation of legal Fatwas. The intervention of Artificial Intelligence has resulted in changes to fatwas in some circumstances and matters. Due to their limited understanding of Islamic sharia, several Muslims have sought guidance from scholars in various aspects of their lives. However, instead of directly approaching reliable religious scholars for fatwas, they have increasingly relied on artificial intelligence platforms for advice. Furthermore, a significant number of Muslims are compelled to rely on internet platforms to access their fatwas. This is a consequence of the exponential growth in the volume of religious inquiries posed by millions of Muslims worldwide on a daily basis. In Islam, anything is considered lawful unless explicitly stated differently. This criterion can be extended to the utilization of artificial intelligence in the realm of fatwa. AI can be regarded as an extension of human intelligence. Technologies created by humans are the property of mankind and are an integral component of our cultural legacy and historical development. Undoubtedly, Muslim scholars unanimously agree that artificial intelligence should not be employed in the production of fatwas. This implies that the correct decision is to opt for permissibility. Consequently, individuals are compelled to seek their fatwa online utilizing artificial intelligence (Elhalwany, 2015). However, the notion of seeking guidance from artificial intelligence channels for both acceptable and unacceptable situations necessitates a thorough religious inquiry. In other words, AI utilizes Question Answering to develop software systems that provide answers to

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the queries posed by individuals seeking fatwas. Individuals seeking fatwas submit their inquiries, and the online system provides responses to their queries. The AI use Case-Based Reasoning to categorize data and information in a coherent manner, providing semantic responses to user queries. Engaging in a conversation with AI would raise numerous challenges related to language, cognition, and knowledge. Hence, the primary focus of this study is to investigate the impact of AI intervention on distorting, manipulating, and altering fatwas. The Artificial Intelligence utilizes Textual Case-Based Reasoning to compile a repository of previous instances within the Islamic Fatwa field. The compilation of fatwas within the Islamic Fatwa online platform serves as a valuable resource for individuals seeking religious rulings on various religious matters globally. Nevertheless, individuals seeking online fatwas may encounter numerous obstacles when utilizing artificial intelligence to inquire about religious rulings. These obstacles encompass a wide range of difficulties, spanning from the structure and rules of a language to the meaning and interpretation of its components.

The fatwa process can be defined as a human endeavor that involves a mufti, whose responsibility is to deliver accurate, lucid, and meticulous fatwas. These fatwas are derived from a meticulous comprehension and interpretation of religious principles pertaining to a particular instance. Furthermore, the Mufti must diligently employ all available resources and intellectual faculties to thoroughly research various sources and existing knowledge in order to deliver a well-founded fatwa. Hence, the concept of acquiring fatwa by AI is a contentious matter and a highly intricate procedure. Artificial intelligence (AI) has significantly influenced the global dissemination of fatwas by facilitating their accessibility and playing a crucial role in legal verdicts. While AI has made fatwa more easily accessible, it has had a detrimental impact on its interpretation and comprehension among individuals in various regions of the world. Samoili et al. (2020) suggest that a universally accepted definition of AI is currently lacking. It has been characterized as a replication of human intelligence. AI is the field of study focused on developing machines that possess the ability to think and behave like humans, utilizing human-like brain functions and intellect. The concept of characterizing human intelligence is abstract, which poses challenges in formulating a clear and simple description (Ng, 2021). According to McCarthy (2007, p.2), it was also described as the technical skill of creating intelligent machines. Recently, this technological development has been implemented in the context of Fatwa. It has greatly aided in the efficient and prompt issuance of accurate fatwas.

Review of Literature

There are only a limited number of research that have examined the impact of AI on Fatwa creation, as the entrance of AI to the arena of fatwas is considered a recent occurrence. The concept of employing AI to provide religious rulings worldwide, which commenced in the mid-1980s, has faced numerous setbacks. According to Polat et al. (2022), the utilization of AI in issuing religious rulings (fatwa) in 1990 was deemed ineffective, as it appeared to function only when the legal regulations were straightforward and devoid of any ambiguity. Bues and Matthaei (2017) contended that AI was incapable of tackling the linguistic complexities inherent in the religious metaphorical language employed in Fatwa. This is because its initial design was intended to decipher straightforward and unambiguous structures, devoid of any kind of ambiguity or vagueness. In their study, Muhammad and Muhammad (2003) contended that this occurred towards the conclusion of the 1990s. The AI was equipped with software that enhanced its legal reasoning capabilities, enabling it to generate accurate, appropriate, and logical interpretations and classifications of fatwa in a precise manner. Ashley (2017) asserted

that the introduction of AI to Fatwa is accomplished through the implementation of a novel computer application that generates legal arguments and facilitates legal disputes. The computational model is utilized for the interpretation and analysis of individuals' inquiries. The system is endowed with an advanced form of artificial intelligence that enables it to understand situations, context, and societal realities pertaining to fatwas. Nevertheless, the average user may struggle to effectively utilize such an application for acquiring their fatwas. Hence, it is imperative to provide comprehensive training to users, muftis, and sharia scholars in the proficient utilization of AI-tools. The utilization of artificial intelligence (AI) in issuing religious rulings (fatwa) has predominantly evolved into a system that relies on case-based reasoning (CBR). This AI operates by retrieving and presenting fatwas that are related to previous and similar fatwas stored in the system. Thus, it possesses the cognitive abilities of problem-solving, data analysis, and data interpretation. Nouaouria et al. (2006) asserted that CBR yields comparable responses to identical inquiries. In 2021, Ahmed conducted significant research on the correlation between AI and the concept of Ijtihad. The study focused on enhancing AI to possess human-like qualities, such as reasoning, comparing, analyzing, and generating wise and accurate fatwas that align with the current realities of Muslim societies. Munshi(2021) initiated the development of an artificial intelligence system utilizing a deep learning approach in the field of natural language processing (NLP). The primary objective of this system was to construct an online fatwa system. The technology is specifically developed to categorize subjects and facilitate the retrieval of question-answer pairs. While the system demonstrated proficiency in automatically extracting answers for numerous questions, it faced significant linguistic and interpretative challenges that the AI system was unable to effectively resolve. The application of NPL to the Arabic language for data and information extraction encountered a significant difficulty. According to Farghly (2009), the ambiguity rate of a token in the Arabic language is 19.2, while in other languages it is just 2.3. This significant difference poses a major problem for NPL (Natural Language Processing) when applied to Arabic. Consequently, researchers endeavored to construct an ontology-driven question-answering system for fatwa. Sheker et al. (2016) constructed a model that had an approximate success rate of 90%. In order to extract information, it is crucial to conduct a thorough examination of the interconnected Quranic principles in the field of AI. Rusli et al. (2020) asserted that the argument extraction system necessitates the collection of all accessible ontologies. In the absence of a sophisticated internet infrastructure for categorizing, gathering, and rectifying data, as well as constructing arguments, the amassed collection of information will become an extra burden. The categorization and classification of Arabic data online, especially those related to traditional Islamic sources, face a significant problem. This problem leads to the misinterpretation of data and makes it challenging to classify and organize them. Consequently, numerous research works have been carried out to tackle the problem of automatically categorizing and classifying religious information on the internet using deep learning methods.

The Muslim population comprises approximately 30% of the total population. The Muslim population approaches 1.5 billion. Consequently, there is a conspicuous shortage of muftis worldwide who are capable of fulfilling the growing requests for fatwas from Muslims. The incorporation of AI into the realm of fatwa has transitioned from being a luxury to becoming an essential requirement. There is a noticeable disparity between supply and demand, which necessitates the prompt implementation of automation technologies, including artificial intelligence (AI). Several new internet channels have emerged, such as automated Q&A systems, chatbots, and question topic classification. The primary issue addressed in this study is the lack of sufficient debate and research on the status of AI from the standpoint of Islamic

sharia. Specifically, the study focuses on the challenges that arise when employing AI in the context of fatwa and how to effectively solve these challenges.

Various Islamic writings and evidence affirm the mandatory nature of inquiry and the importance of fatwa for every Muslim. There are multiple indications that Allah has emphasized the significance of fatwa, as He assumes the responsibility of providing fatwa, as stated in the following passages of the Quran:

"When they seek your legal guidance regarding women, inform them that Allah provides instructions regarding them."

"They request a legal verdict from you." Allah provides guidance regarding Al-Kalalah, which refers to individuals who have no direct descendants or ascendants to inherit from them. Allah has sent messengers with clear signs and scriptures, and has also revealed the Quran to you, O Muhammad, as a reminder and guidance. This is so that you may explain to people in a clear manner what has been revealed to them, and so that they may ponder upon it.

'Abdullah bin 'Amr bin Al-'As (May Allah be pleased with them) conveyed:

The Prophet Muhammad (peace be upon him) stated that Allah does not deprive people of knowledge by forcibly removing it, but rather by causing the death of religious experts until none remain. Subsequently, individuals will select uninformed individuals as their leaders, who, when prompted to provide religious rulings, will do so without possessing understanding. Consequently, this will result in their own deviation from the right path and the misguidance of others.

According to Alhafiz bin Hajar, the Hadith above emphasizes the importance of safeguarding Islamic knowledge and advises against seeking fatwas from uneducated individuals. Fatwa is a fundamental aspect of Islam, and anyone who offers a fatwa without proper understanding is considered a sinner.

Abu Huraira said that the messenger of God stated, "If someone receives a legal decision without knowledge, the responsibility for the sin lies with the one who gave it. And if someone advises their brother, knowing that the correct guidance lies in a different direction, they have misled him." This was narrated by Abu Dawud.

Methodology

The study employs an interdisciplinary approach, utilizing an analytical and deductive methodology to evaluate and examine various religious texts and fatwas in conjunction with scientific literature that discuss artificial intelligence (AI) and its influence on the realm of Fatwa within Muslim communities. The methodology employed in this study is that of lived religion, which specifically investigates the influence of global technology on the lives of numerous Muslims worldwide. The study utilizes a comparative analysis to examine the similarities and variations between the form and content of fatwas following the introduction of AI into human life.

Muslim Scholars' Perception of Using AI in Issuing Fatwa

Many Muslim academics perceive AI as a tragedy that has pervaded every Muslim household worldwide. Aldhuhili (2008) defines the spread of calamity as the individuals' inability to exert control over it or prevent themselves from being ensnared by it. (125p.) From an Islamic

religious standpoint, the widespread availability of AI has recently become comparable to an unavoidable disaster. The recent advancements in AI have significantly influenced the issuance of religious rulings (fatwa) and many religious matters, making it difficult to exclude AI from fatwa-related concerns. Consequently, it is imperative for muftis to acquire proficiency in its usage and exploit its benefits. Artificial intelligence significantly accelerates the rapid dissemination of fatwas. In this particular situation, the issue at hand could stem from the indiscriminate utilization of AI techniques for disseminating fatwas online. As these fatwas gain widespread attention, their intended interpretations, linguistic nuances, and even the practical circumstances they address may become twisted, altered, or potentially manipulated. Hence, it is imperative for muftis and fatwa claimants to possess extensive knowledge and proficiency in utilizing artificial intelligence algorithms. Moreover, the issuance of fatwas is regarded as a significant concern for Muslim communities, as fatwas play a crucial role in regulating the social, spiritual, and familial aspects of the lives of countless Muslims worldwide. Consequently, the Saudi government has implemented multiple regulations to regulate and oversee the utilization of artificial intelligence in delivering religious rulings (fatwas). The Saudi government has enacted legislation, known as the Personal Data Protection Law, aimed at safeguarding individuals' personal information. Document M/148 is dated 5/9/1444. The Supreme Court in the Kingdom of Saudi Arabia has issued an agreement regarding the Telecommunication system and IT, in accordance with royal decree No. 106, dated 2/11/1443. This agreement consists of forty-one items, which replace the previous telecommunication system established by royal decree no. The document is dated M/12, which corresponds to the 12th day of the 3rd month in the year 1422 AH.

The objective of these rules is to enforce the ethical constraints of AI, which encompass a collection of concepts, values, and protocols essential for regulating and guiding human intervention in the advancement and utilization of AI technology. Furthermore, these rules are enacted to safeguard the privacy of information, the regulations pertaining to individuals' personal status and situations, which are considered a religious duty prior to being a legal framework. Within the parameters of Saudi legislation, the service provider is obligated to implement all required precautions and procedures to ensure the safeguarding of user data and personal documents. These laws are designed to prohibit any access, viewing, or disposal of personal data. They also criminalize activities such as creating policies to safeguard the confidentiality of such information and submitting them for approval by the Authority, as required by the applicable legal provisions. According to Imam Al-Nawawi, may God have mercy on him, it is obligatory for a person of faith to maintain confidentiality, whether it pertains to personal matters within their own household or the secrets entrusted to them by others. If one becomes aware of a secret or is entrusted with one, it is impermissible to disclose or reveal it.

Adhering to honesty and refraining from lying are crucial while transferring data through artificial intelligence technology, particularly in relation to Sharia rulings and the transmission of data and Sharia texts. Distorting or twisting religious scriptures is considered a form of deception towards God and His creation. Hence, it is imperative to ensure transparency and honesty when transmitting data through AI, as information can rapidly spread throughout AI platforms. Should the communicated data become distorted, manipulative, or delusive, it would result in penalizing the persons responsible for transmitting the data. Article 26 of the mentioned document specifies that the following actions are deemed to be legal infractions: providing false information to the public or relevant authorities in relation to telecommunications or information technology services. Additionally, Article 27 outlines the

penalties for transmitting misleading data and information, which include the possibility of suspending the service in question, either partially or entirely, as well as blocking the digital content platform, either partially or entirely.

The Influence of Artificial Intelligence on the Issuance of Religious Rulings

AI can efficiently process and evaluate the vast amount of religious data found online, including articles, books, and fatwas. By leveraging machine learning technology, AI can deliver precise and expedient fatwas to all users. Nevertheless, within the realm of fatwa, artificial intelligence (AI) possesses both its merits and drawbacks. One of the benefits of utilizing AI in fatwa administration is the cost-effectiveness achieved through task automation and a reduction in the number of employed muftis. AI possesses a distinctive capability to categorize and organize fatwas and sharia rulings based on subjects, opinions of jurists, and references. Consequently, it allows individuals seeking fatwas to not only locate certain fatwas and sharia rulings, but also to efficiently explore reliable sources. Furthermore, it grants them immediate entry to renowned professors and esteemed jurists, either via chat channels or automated systems. Consequently, individuals inquire and promptly obtain responses without intermediaries. Another significant benefit is its capacity for translation and Arabization, enabling the translation of fatwas expressed in many languages and facilitating a thorough comprehension of sharia material. AI has the ability to translate and adapt fatwas and sharia decisions into other languages, including the language used by the users. The accessibility of fatwas can be enhanced through the use of websites and internet applications, allowing users to easily access several sources of fatwas. Consequently, fatwas will be readily accessible and easily obtainable.

Artificial intelligence exhibits limitations, particularly in the areas of giving fatwas and interpreting Sharia texts, as it lacks the comprehensive understanding possessed by humans. The ability to comprehend the context and intricate nuances in Sharia inquiries, as well as conducting thorough examination of religious literature, are aptitudes possessed by scholars and eminent religious jurists. In other words, issuing fatwas of divorce necessitates engaging in a discourse with the individuals involved in the divorce decision, carefully examining the circumstances surrounding the words being spoken, and understanding the levels of rage present. While divorce may indeed occur, the findings from study on artificial intelligence indicate that it does not transpire.

Relying excessively on AI in the fatwa process may result in the exclusion of human involvement, since all matters pertaining to fatwas would be entrusted solely to AI. Relying solely on AI disregards the intellectual and interpretative abilities of scholars and specialists, particularly in financial disputes. It is important to consider the perspectives of the opposing party, as their opinions may lead to a completely different conclusion than what is generated by artificial intelligence.

There are certain websites that are considered reliable and others that are questionable, which publish religious decrees (fatwas) that go against the agreed-upon teachings of the four major schools of Islamic jurisprudence (madhab). Moreover, artificial intelligence lacks the capability to identify anomalous or dubious fatwas, leading to disorder within the fatwa system. Dispensing fatwa and Sharia advise necessitates expertise and profound comprehension of the sharia sciences, as well as a thorough grasp of the cultural and socioeconomic circumstances of those seeking advice. Nevertheless, artificial intelligence may be devoid of the essence of humanity and individual life encounters. AI lacks the ability to take into account the subjective factors that are involved in direct human connection.

AI is unable to consider the essential sharia principles when issuing a fatwa, as this might potentially disrupt the core teachings of the four Islamic theological schools, leading to a state of disorder in fatwas. It lacks both deductive reasoning abilities and critical thinking skills while issuing fatwas. The primary function of the AI is to collect facts related to the fatwa being searched for from many sources in order to formulate a response to the given query, without considering the correctness of the answer from an Islamic sharia standpoint.

While there are various adverse ramifications associated with employing AI in fatwas, it is important to note that AI relies on human input to acquire information. Consequently, the role of human participation is restricted to providing data and references. Thus, the primary objective of AI is to furnish people with a comprehensive understanding of a certain topic. This vision cannot be regarded as an irrevocable judgment under any circumstances. Hence, it is imperative to ensure the security of AI fatwas and have them authenticated and confirmed by reputable scholars. It is important to assert that AI can serve as a tool for expressing both accurate and deceptive fatwas. Extra care must be exercised when utilizing AI for issuing fatwas to account for the imperative involvement of humans, as well as the cultural and ethical factors that are essential for delivering well-rounded and thorough fatwas.

Several fiqhi norms have been developed to support the concept of utilizing artificial intelligence. In Islam, the fiqhi rule states that the default status of things is permissible unless they include forbidden characteristics. Various Islamic sources affirm the concept that approval of things is the prevailing norm in Islam, whereas prohibition is the exceptional case. Ibn Taymmia (2004) contended that I possessed no prior awareness of the former scholars' prohibition of something unless there was already explicit evidence of its prohibition. This assertion has been upheld by numerous scholars who specialize in the study of the origins of fiqh. In their study, Abdalziz & Alwydah (2023) contended that fiqhi norms ought to take into account the benefits and drawbacks arising from a fatwa. They emphasized that the important aspect in granting any fatwa is the notion of considering the welfare of individuals or preventing complications. In other words, experts have the authority to endorse a fatwa that may cause personal harm in order to prevent harm to the public. Furthermore, academics advocate for the cessation of damage in order to achieve desired outcomes. Hence, when religiously assessing the implementation of AI in issuing fatwas, we must contemplate the degree to which its utilization might effectively mitigate damage and promote benefit. Put simply, if the negative consequences of anything outweigh its benefits, Muslims are prohibited from selling, buying, or possessing it. Muslims should not be misled by its apparent benevolence. Hence, if the negative consequences or detrimental outcomes of employing AI in issuing fatwas outweigh its advantages and principles, it should be forbidden. Furthermore, if something may be seen permissible from a legal standpoint, although it results in the commission of a sinful or banned conduct, it is considered forbidden according to Islamic sharia.

Conclusion

While AI can be useful in issuing fatwas, it should not be exclusively relied upon because to its lack of human soul and mind, which are necessary for incorporating contextual, textual, and cultural considerations when providing a fatwa. AI possesses a literal interpretation of texts and lacks the capability to decipher and comprehend their underlying connotations. Furthermore, it lacks the capacity to establish connections between meaning and its surrounding context. The Arabic language is highly intricate and challenging, however it can be readily deciphered by artificial intelligence. The primary challenge is in the AI's inability to

interpret the syntactic ambiguities present in the Arabic language, as well as its limited understanding of the diverse linguistic phenomena that might alter the meaning and therefore impact the formulation of fatwas. Hence, artificial intelligence cannot be relied upon as a credible source for acquiring fatwas.

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