

Received: October 2024 Accepted: December 2023

DOI: <https://doi.org/10.58262/ks.v12i1.208>

Using Maqasid Shariah to Utilize the Contemporary Waqf: Implementing Artificial Intelligence as an Example

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Abstract

This research seeks to utilise Waqf, which is a famous way of giving alms (Sadaqah) in order to serve Maqasid Shariah (purposes of Shariah). This research aims to explain the method of preserving the overall Maqasid Shariah of Waqf and to guide the founders of Waqf to the best ways to get the best, highest, and most lasting reward as well as to describe new areas of Waqf that should be prioritized over others. The main research problem is on how to employ Waqf to serve Maqasid Shariah in contemporary areas, and this includes Waqf on artificial intelligence. The researchers adopt an analytical and inductive approach to extrapolate the goals and purposes of Waqf and to apply them to the latest contemporary Waqf, which is Waqf on artificial intelligence. Then the researchers searched for a way to employ Waqf on artificial intelligence to serve the overall Maqasid Shariah. The researchers have reached to certain results, and the most important amongst them are: There are priority to the hierarchy of Maqasid Shariah and we can start with the most important ones, and that there are important smart applications which through them we can preserve religion, life, mind, offspring and money that must be taken into account in Waqf, and the return of Waqf on artificial intelligence applications may be much greater than Waqf in some other areas.

Keywords: *Maqasid Shariah (Purposes Of Shariah), Waqf, Artificial Intelligence, Preserving Religion, Preserving Life, Preserving Mind, Preserving Offspring, Preserving Wealth.*

Introduction

Maqasid Shariah (Purpose of Shariah) is the highest concern of the Lawgiver, whether in terms of existence or in terms of non-existence. Basically, giving importance to what the Lawgiver cared about is the establishment of the Shariah, and the preservation of the priorities of the Shariah is preservation of the Shariah. The Shariah provides various ways of good deeds to serve the religion and the Muslims. Among the most prominent things brought by the Shariah is Waqf, which is considered a sustainable charity and a continuous reward until the Day of Resurrection. Historically, we found that the companions of the Prophet (SAW) and other righteous people actively performed Waqf because of its great reward. Again, the follower of the history of Waqf finds that its fields have diversified, and served many purposes, including daruriyyat, hajjiyyat and tahsiniyyat, although the Ummah is silent regarding Waqf on these areas. The focus here is not on the legality of Waqf on tahsiniyyat, but rather on the priorities of contemporary Waqf in new fields that serve Maqasid Shariah including daruriyyat, hajjiyyat and tahsiniyyat. With the expansion of the fields of Waqf and the expansion of the purposes of Waqf, the researchers saw that it is necessary to organize priorities and consider them according to the needs

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of the community and the beneficiaries of Waqf, without contradiction and to strive for righteousness in all fields and destinations. The importance of the research is the realization of Maqasid Shariah, whether in terms of existence or non-existence, and then the development of contemporary life, and the entry of Waqf into new contemporary fields. Moreover, the researchers pointed out the great strides made by artificial intelligence, and the reduction of time, effort, and money in utilising it. But this did not neglect paying attention to Shariah priorities so that the overall objectives would not be lost in exchange for attention to tahsiniyyat, as well as the exploitation of everything that benefits the Shariah and achieves its purposes in an easier way and at a lower cost. The main aim of the study is preserving the legitimate priorities of the contemporary Waqf, clarifying the reality of Waqf on artificial intelligence applications, and how to clarify Waqf on artificial intelligence applications, so that it opens horizons for contemporary Waqf using artificial intelligence applications. The researchers then suggest areas to achieve Maqasid Shariah by Waqf on the applications of artificial intelligence. As for the research problem and its questions: The problem lies in how to activate the contemporary Waqf, and its example is Waqf on artificial intelligence applications to serve Maqasid Shariah and explain its priorities, according to the research questions arising from the aforementioned problem: How can legitimate priorities be preserved in the contemporary Waqf? What is the extent of Waqf effect on artificial intelligence applications? How can Waqf be implemented in the applications of artificial intelligence? What are the prospects that can be used to implement the contemporary Waqf, and to benefit from artificial intelligence applications? What are the proposed areas that can achieve Maqasid Shariah by Waqf on the applications of artificial intelligence? Regarding the research methodology of the study: the researchers will adopt the inductive analytical approach, as it will extrapolate the goals and purposes of Waqf, then these purposes would be implemented to the latest contemporary Waqf, which is Waqf on artificial intelligence applications, and then a way to employ Waqf on artificial intelligence applications would be sought to serve the overall Maqasid Shariah.

Literature Review

- 1- "Investing waqf income and Zakat funds in financing a project for mini establishment for each family", Bait Al-Mashura Journal, Volume One, Issue 1 2014, Dr. Shoaib Shanouf. The researcher was keen to highlight the role of waqf and Zakat funds in financing medium and small projects, and how to employ Waqf and Zakat funds, and seeks to highlight the importance of social investment through Waqf funds.
- 2- "The Role of Waqf in Funding Scientific Research," Bait Al-Mashura Journal, Issue (5), October 2016, Prof. Dr. Osama Abdul-Majid Al-Ani. The researcher discussed about the importance of Waqf in financing scientific research, the contemporary scarcity in this aspect, and how we must search for new sources of funding and showed the role of Waqf in supporting scientific research and explained this role throughout history.
- 3- "Requirements for establishing Waqf institutions in the light of some Arab laws compared to Islamic law," Bait Al-Mashura Magazine, Issue (8) April 2018, Prof. Dr. Osama Abdul-Majid Al-Ani. The researcher talked about the importance of searching for new forms of Waqf in the Islamic world to explore the tasks and responsibilities of Waqf so that Waqf institutions can be established through public subscription.
- 4- "The Role of Waqf in Education and the Service of Scientific Research" Al-Quds International Journal of Islamic Studies, Scopus, Abd al-Rahman Qasdi. After the introduction and discussion on the legitimacy of waqf, its history and types, the researcher talked about the role of waqf in education and the service of scientific research and how it had a positive role in the renaissance of education and scientific research.

- 5- "The Islamic Waqf: An Analytical Study of Waqf Management in the Kingdom of Jordan," Al-Quds International Journal of Islamic Studies, August 2014, Mortada Radwan, Scopus. In his paper, the researcher studied Waqf, its history, definition, legitimacy, types, and some other theoretical premises, then dealt with Waqf in the Kingdom of Jordan and its types and studied it from the legal and administrative perspectives.
- 6- "The Legislative Objectives of the Islamic Waqf System" Al-Quds International Journal of Islamic Studies, February 2015 AD, Muhammad Abdu. The researcher's goal is to activate Waqf by looking at its purposes and objectives and activate them in reality. He mentioned some applied branches to achieve the legislative goals of Waqf.
- 7- "Waqf for the Two Holy Mosques in the Islamic World: Reality, Problems and Solutions" Al-Quds International Journal of Islamic Studies, February 2017 AD, Scopus, Muhammad Sharif Bashir Al-Sharif. The research defines the reality of Waqf of the Two Holy Mosques and provides an analysis of the problems and challenges it faces and provides solutions to both the administrative and regulatory problems.
- 8- "Authorship in the Objectives of Shariah (Maqasid Shariah)" Malaysian Culture Journal, December 2016, Ahmed Arda Mukhtar and Jibril Ismail Al-Baraka. In his paper, he discussed about the publications on the objectives of Shariah (Maqasid Shariah) and explained the role of scholars in this science and their attempt to implement it, with their varying methods in the study.
- 9- "Digital Transformation of the Global Economy Through Artificial Intelligence: Ethical, Behavioral, and Shariah Issues" Bait Al-Mashura Journal, October 2021, Volker Nienhaus. The writer spoke about the applications of artificial intelligence and how they will shape the future of the global economy and positive dealing with them by regulatory and legislative bodies. The writer tries to draw attention to ethical issues embedded in data and independent decision models.
- 10- "The Reality of Temporary Waqf, Its Ruling and Benefits" Malaysian Culture Journal, June 2017 AD, Muhammad Firdous Abd al-Rahman, Muhammad Amanullah. The authors talked about the differences between jurists on the form of Waqf and its timing. They discussed it and decided on its permissibility and that it is for the interest of the waqf and the community to have a temporary Waqf.
- 11- "Activating Waqf in the sectors of the real economy," Bayt Al-Mashura Journal, April 2022, Issue (17), Muhammad Saeed Muhammad Al-Baghdadi. The researcher wants to activate the role of Waqf and its institutions in supporting and developing the economy through sectors of agriculture and industry and demonstrates how to activate the role of Waqf service sector to provide infrastructure, minds, and manpower, all of this through direct investment by Waqf administration, and indirect investment through lease contracts, farming, irrigation (*Musaqab*) etc.
- 12- "The role of the external environment in development: Malaysian societies as a model." Al-Mashura Journal, April 2020, Issue (12), Sami Al-Salahat. The researcher attempted to reveal the role of the external environment of Waqf sector in societies and countries and reached to the positive relationship obtained between the external environment of any institution and the growth of the institution.
- 13- Investing the income of Waqf and Zakat funds in financing a micro-establishment project for each family, Bait Al-Mashura Magazine, Volume (1), Issue (1), 2014 AD, Dr. Shoaib Shanouf. The paper aims to highlight the role of Waqf and Zakat funds in financing medium and small projects, and how to exploit them. The study shows the importance and necessity of using Waqf and Zakat funds in reducing unemployment and eliminating poverty in society.

All previous studies correspond with this paper on the importance of Waqf and the need to implement Waqf in accordance with the purposes of the Shariah, but they differ from this research in that this research presents

the priorities of implementation and presents a vision for activating Waqf through a contemporary way, which was not present in the past until today i.e., Waqf on artificial intelligence applications. The research presents sufficient models for this in each of the Shariah purposes, i.e., Waqf in applications of artificial intelligence to preserve religion, life, mind, offspring, money, or the rest of the purposes of Shariah.

First Topic: Definition of the Research Terms:

Under this topic, we will discuss the most prominent terms mentioned in the title of the research, which is the purposes of Shariah, Waqf, applications, and artificial intelligence, and the meaning of Waqf on applications of artificial intelligence.

First: Defining the Purposes of Shariah (Maqasid)

Maqasid: Is the plural of Maqсад (purpose), and it has many literal meanings, inter alia: straightening the path. Almighty Allah said: (And unto Allah leads straight the Way) ([Surah An-Nahl: 9], that is: it is on Allah to show the straight path and calling to Him with arguments and clear proofs. Straight way: means easy and straight for example the middle between the two extremes. Almighty Allah said: (and among them is he who wrongs himself, and among them is he who is moderate, and among them is he who is foremost in good deeds by permission of Allah) [Surah Fatir: 32]. It also means reliance and requesting something, for example to say: I intended something.⁵

Technically, Ibn Ashour defined it as: “The meanings and rulings observed by the Lawgiver in all or most of the cases of legislation”.⁶

It was also defined as: "the intended interests of the rulings, and the intended meanings of the discourse".⁷

Second: Defining Waqf

Literally, the origin of Waqf refers to ‘detention and prevention’. It is said: Waqf of the animal if it is detained and prevented from walking.⁸

Technically, it means ‘imprisonment of the original and utilising the benefit’.⁹ Al-Shawkani said: “The truth is that Waqf is one of the acts of worship that may not be revoked after it has been created, neither by the Waqif, nor by anyone else”.¹⁰

Third: Introducing the Applications

Applications literally refers to trying to apply rules, that is experimenting and transferring it to the field of implementation.¹¹

Technically, they are programs that run on computers depending on one of the advantages, as they provide a specific service to their users.¹²

Fourth: Defining Artificial Intelligence

Literally, intelligence refers to the speed of intelligence, the sharpness of the heart. Thus, the intelligent is one with quick and complete intelligence.¹³

⁵Lisan al-Arab, (3/353), Mukhtar al-Sihah, (2/24), al-Misbah al-Munir, (260).

⁶Purpose of Shariah, Ibn Aashur, (251).

⁷Nazarriyyat al-Maqasid inda Ibn Ashour, Ismail al-Hasani, (119).

⁸Al-magrib fi tartib al-mu'urib (2/366), Taaj al-arus (15/525).

⁹Mu'jam maqalid al-ulum fi al-hudud wa al-rusum (1/55), Atta'rifat (1/253).

¹⁰ Nail Al-Awtar, Al-Shawkani, (6/30).

¹¹Lisan al-Arab, (10/209), Atta'rifat (1/61).

¹²The interaction of electronic applications on smart phones, (19).

¹³Al-Ain (5/399), As-Sihah. Taj al-lugah (6/2346).

Others defined it as: “The speed of igniting results, and it was said: the light in the matter, and the speed of reaching the truth”.¹⁴

And literally, artificial is attributed to the artificial, from the verb to make (sanna’ah), which is what was made unnatural. It is said: artificial roses, and an artificial heart.¹⁵

As for the definition of artificial intelligence technically, it was defined by the American scientist John McCarthy, who is considered the author of the term artificial intelligence in 1956 AD, as: “the science and engineering of making smart machines, especially smart computer programs, or: it is the branch of computer science that aims to create smart machines”.¹⁶

Others define it as: “the study of how to make computers do things better than what humans normally do better in the present time”.¹⁷

Examples of current AI applications include email spam classification apps, Google Translate, Apple's Siri, Amazon's Alexa, Microsoft's Cortana, speech recognition apps, untargeted ad classification, and prediction apps like typing. So, it suggests to the user the texts that he can write in his messages.

Today, AI is entering into healthcare, aviation, transportation, media, energy, security, education, and entertainment.

Fifth: Meaning of Waqf on Artificial Intelligence Applications

From the above, it appears to us what is meant by Waqf on artificial intelligence applications, and it can be expressed as: allocating some amount of money by those who aim for good in the hereafter, and spending it in artificial intelligence applications that serve Islamic law and its purposes, so the application is treated as Waqf, and its financing is either from the application itself if it yields returns or financing it through Waqf, and its benefit would be for Waqf beneficiaries, based on the declaration of the Waqf founder (Waqif) and his wish.

Second Topic: the Importance of Implementing the Purposes of Shariah in the Fields of Life

In this topic, we will discuss the importance of implementing the purposes of Shariah in various fields, the development of the fields of worship in general, and the development of the fields of Waqf in particular.

First: The Importance of Implementing Purposes of Shariah In The Fields of Life

As we have previously defined the purposes of Shariah as “the meanings and rulings observed by the Legislator in all or most of the cases of legislation”.¹⁸ It is no secret to the Shariah student that the Shariah rulings came to achieve some purposes and complement them and ward off the corruptions and reduce them.

Paying attention to the texts without considering their purposes does not correspond to what the Lawgiver wants, and there is no conflict between the legitimate purposes and the peremptory principles.

Ibn al-Qayyim says: “The example of someone who only looks at the literal meaning, and does not take into account the purposes and meanings, is like the example of a man who was told: Do not greet an innovator, so he kissed his hand and foot and but not greet him, or he was told: Go and fill this jar, so he went and filled it and then left it on the basin, and he said: You did not say, Bring it to me. And like

¹⁴Mu’jam maqalid, (1/200).

¹⁵A Dictionary of Contemporary Arabic, (2/1323).

¹⁶Translated chapters on artificial intelligence, translated by Fahd Al-Qasim.

¹⁷Ibid.

¹⁸Purpose of Shariah, Ibn Aashur, (251).

someone said to his agent: Sell this commodity, so he sold it for a dirham, and it is worth a hundred. It is also like someone who was given a dress and he said: By Allah, I will not wear it because it is a favor, but when the dress was sold, and the money was offered to him he accepted it. And like someone who said: By Allah, I do not drink this drink, but when it was made a bread, he ate it. So, looking at the literal meaning won't serve the real purpose. The Prophet (SAW) mentions that among the nation there are those who drink the forbidden and call it without its name, and He said: People from my nation will drink wine, calling it by other names, playing on their heads with musicians and female singers. Allah (SWT) will cause the earth to swallow them up and turn them to monkeys and pigs."¹⁹

The importance of implementing the purposes of Shariah appears in the fields of worship. In knowing the ranks of actions, the necessity is given priority over the voluntary, the most correct over the correct, and the correct over the weak, and the good is given priority over the evil, and the last of the two good over the least, and the worst of the two evils over the weaker of them. So, the levels of deeds are not the same, and in this regard, Shaykh al-Islam Ibn Taymiyyah says: "The believer should know the evils that occur and their degrees in the Qur'an and the Sunnah, just as he knows the good deeds that occur and their degrees in the Qur'an and the Sunnah so as to differentiate between the rulings of the existing and existing matters that are intended to be set in the Qur'an and the Sunnah in order to give precedence to what is more good and less evil over what is lesser, and to repel the greater of the two evils, to take the greatest of good by leaving the lesser one. For he who does not know the reality in creation and the duty in religion does not know the rulings of Allah regarding His servants, and if he does not know that, then his words and deeds are based on ignorance, and he who worships Allah without knowledge, what he corrupts is more than what he reforms"²⁰

Al-Shatibi says: "The degree of ijthad is attained by those who are characterized by two characteristics: one is an understanding of the purposes of the Shariah in their perfection, and the second is the ability to deduce rulings based on his understanding"²¹

Second: The Development of the fields of Worship and the Flexibility of Legal Texts:

What makes us draw attention to the purposes of Shariah, especially in contemporary issues is the fact that the fields of worship have developed a lot, and the texts came with general rules, and therefore the scholars say: the texts are finite and the facts are infinite, and this is the advantage of the final religion (Islam), as its texts are suitable for the different situations until the Day of Judgment. When the fields developed, we took from the texts what is suitable for these fields, and applies to them, and include them without arbitrariness. Here we can take comfort with what was narrated on the authority of Imam Malik, may Allah have mercy on him: "Sahnoun asked Imam Abd al-Rahman bin Al-Qasim: What do you think if he is imprisoned for the sake of Allah, then what are the ways of Allah? He said: Malik said: The paths of Allah are many, but whoever withholds something for the sake of Allah is only in the war. Sahnun said: Ibn Wahb said: Yunus said: Rabia said: Everything that is made charitable is withheld, or withheld and is not called charitable, then it is all charitable, to be spent in charity in what brings benefit. If it is an animal, it is in jihad, and if it is a yield of money, then it depends on what the ruler sees as best way to spend the money in."²² The contemplator of the text finds that the legitimate truth of in (the path of Allah), if the word is uttered; it refers to invasion and jihad; But with this, other types may enter the way of Allah, for Allah's paths are many, as he said.

Imam Al-Juwayni says about the importance of ijthad because the texts are finite: "Most of the Shariah

¹⁹ I'lam al-muwaqqi'in, hadith collected by Ahmad in Musnad (5/342), No. (22951), Abu Dawud, (3/329), No. (3688), Sunan Ibn Maajah, (2/1333), (4020), in his words. Albany said: Sahih mishkat al-Masabih (2/ 1236), No. (4292).

²⁰ The Collector of Messages, Ibn Taymiyyah, (2/305).

²¹ Al-Muwafaqat, (5/42).

²² Al-Mudawwanah, (4/341).

rulings were issued based on *ijtihad*, and the texts do not fulfill the tenth of the Shariah. So, these are in the class of common people, and how can they be called the people of *ijtihad* while they are not, while they only look at the literal meaning of words.²³

Al-Khadimi says about the importance of the works of the purposes of Shariah: "The purposeful jurisprudence or the intentional thinking is the civilizational jurisprudence that embraces all the people of knowledge and extends to all horizons of life so that it accommodates revelation as a frame of reference and a methodological control and mobilizes the mind and sharpens its effectiveness as a means to understand revelation, society and reality".²⁴

And he says: "The door of *ijtihad al-maqasidi* remains required, open and important, as long as the movement of societies is in development, growth, extension and change in interests and the nature of problems".²⁵

Third: the Development of the Fields of Waqf Throughout History, and Its Treatment of Necessities (Daruriyyat), Needs (Hajjiyyat) And Improvements (Tahsiniyyat)

Whoever contemplates the history of Waqf finds that it has developed a lot in its historical applications, and it is no longer confined to the fields that were in the era of the Prophet (SAW). The reason is that the fields are based on *ijtihad*. The main aim of waqf is to serve the Shariah and its purposes. Thus, the scholars did *ijtihad* in many Waqf that included various aspects, and there was no evidence in the Shariah that the fields of Waqf were stipulated and could not be evaded, and the legal purpose could not be achieved without them. Rather, if it achieves the interest of Waqf and its purpose, it is permissible to do Waqf in it. To prove this, we find that the legal texts contained in the matter of Waqf are limited to wells and land for building mosques, or cultivated for the poor as alms, or shields and swords for jihad in the way of Allah, while we find that the companions of the Prophet (SAW) and followers after them from Muslims in every age have done Waqf in various fields, as would be explained in the examples in Islamic history.

This indicates that the companions, followers, and scholars understood that the fields of Waqf are based on *ijtihad*. Therefore, when Waqf on artificial intelligence applications brings benefits to the Muslims it is permissible to do Waqf in it.

As for the expansion of the fields of Waqf throughout history there are many examples that would be mentioned that indicate Waqf dealt with necessities, needs and improvements. So, if we go beyond the famous examples of Waqf such as Waqf for mosques, orphans, widows, jihad for the sake of Allah, hospitals, schools, universities, books, ligaments, corners, and for those in charge of Waqf, these examples are many and they continue from the era of the Prophet (SAW) to this day. The following are some examples of Waqf:

- (1) Waqf of houses to the wayfarer were provided as found in history. People used to do Waqf of houses and called them guest houses for strangers where food, cloth etc. were provided.²⁶
- (2) Some people used to do Waqf of houses for the elderly to be occupied by old and weak people who have no breadwinner. They were also provided with sufficient salaries and their names were mentioned in workers' newspapers.²⁷
- (3) Ibn Battuta narrated one of the niceties of Waqf, which is "Waqf for yogurt or utensils,". They were

²³ Al-Burhan, al-Juwayni (2/37).

²⁴ Al-Ijtihad al-Maqasidi, al-Khadimi (1/21).

²⁵ Ibid

²⁶ Journey of Ibn Batuta, (1/330).

²⁷ Al-Musnad Al-Sahih Al-Hassan in the exploits and virtues of Maulana Abi Al-Hassan\, (427).

Waqf for servants who break the utensils of their masters so that they would not be beaten by the masters. Ibn Battuta says: "One day I passed by some alleys of Damascus, and I saw a small slave who had a plate of Chinese pottery which fell from his hand, and it broke, and the people gathered around him, and some of them said to him:- Collect its sherds and carry them with you to the founder of the utensils Waqf, so he collected them and the man went with him to the founder, so he showed them to him, and the founder paid him the price of that plate, and this is one of the best deeds, because the master of the servant was going to beat him for breaking the plate or rebuke him. For this reason, this Waqf was a reparation for the hearts, may Allah reward those whose aspiration in goodness sublimates to such a thing."²⁸

- (4) Waqf to prepare the poor for Hajj, where the poor are given enough money for Hajj. And if he is not obligated to perform Hajj because he is unable, then this Waqf helps to redress his thoughts and helps him with one of the pillars of Islam. There is no doubt that Hajj is the desire of every Muslim, male and female.²⁹
- (5) Waqf to prepare girls for marriage, where girls whose parents have no ability to prepare them are prepared so that their hearts are not broken. So, the poor girl is prepared by the Waqf money, and she gets married, to make her equal to other daughters of the able ones.³⁰
- (6) Waqf of houses to spend a week from the beginning of the marriage (honey week), and houses to carry out wedding banquets for those whose homes were not big. The author of "Bugyat al-anfaas bi mahasin fas" narrated that in the city of Fas there were Waqf houses with beds and all necessary furniture for the newly married unable to get wedding banquets to have a feast to spend honey week. These houses were demolished in 1903 AD.³¹
- (7) Waqf for the blind to get married where they would be sponsored from the amount of Waqf.³²
- (8) Waqf for washing and burying unknown dead persons, as washing the dead is one of the duties of Muslims.³³
- (9) Waqf for benevolent loan (*Qard al-hassan*). Allamah al-Dasouki mentioned in hashiyat ad-dasuqi alaa al-Sharh al-Kabir al-Dardir that in the villages of Fez there were a thousand ounces of gold dedicated for Waqf which used to be returned as copper, but it later declined.³⁴
- (10) Waqf for constructing roads as mentioned by Ibn Battuta on his visit to Damascus. He said "in Damascus there were alleys with two sidewalks in each where pedestrians and riders pass between them."³⁵
- (11) Waqf for the circumcision of orphans. Ibn Marzouk talks about Abi Al-Hassan Al-Marini that he had ongoing alms and continuous good deeds and among them is that he gathers in every Ashura orphan who lack circumcision from all over the country, so each one is circumcised and clothed in a shirt and Ihram, and he is given ten dirhams and sufficient meat. Countless people from the country were gathered. It is a continuous work in his country that his children continued undertaken.³⁶

²⁸ Journey of Ibn Batuta, (1/331).

²⁹ Ibid

³⁰ Ibid

³¹ Waqf in Islamic Thought (1/134).

³² Waqf in Islamic Thought (1/134 - 135).

³³ Kitab as-Suluk li ma'arifat duwal al-muluk (628).

³⁴ Hashiyah Al-Dasouki fi sharh al-kabir (4/77).

³⁵ Journey of Ibn Batuta, (1/331).

³⁶ Al-Musnad Al-Sahih Al-Hassan in the exploits and virtues of Maulana Abi Al-Hassan, (420).

- (12) Waqf by Nouredine for the palace so that the poor could stroll in it because he saw that the rich had palaces. The palace had mosques, halls, dishes, and two pedestals bisected by the Barada River. And there were fishermen and others frying on the side of the river. And fifteen sheep were slaughtered everyday excluding meat brought from the city. There were people in charge of cooking and scooping in yogurt and dishes. Two ovens and three shops were provided. As for fruits, it was very cheap. Al-Badri said. I bought a pound of berries for a quarter of a dirham, and a similar pound of Damascene apricots and apples. He said: it has a unique bathroom because of abundance of water and cleanliness, and it has windows overlooking the rivers from above and below. It also has the Daylami Mosque which was renovated by Nur al-Din al-Shahid. And it had Waqf for Qur'an reciter, a Bukhari teacher, muezzin, doorman, curator, burner etc. Taj al-Kandi described it, saying:

When Nur al-Din saw *** in the orchards the palaces of the rich.
He prepared a huge palace*** As picnic for the poor.³⁷

- (13) Waqf for the writing of books: Among Waqf that existed in the year 878 was Waqf known as (Waqf al-aaradh), given to everyone who wrote a book based on Imam Ahmad School of law.³⁸
- (14) Waqf for quarantine. Ibn Hassoun Al-Mazjalawi mentioned while responding to a question he was asked: There were quarantine places specified far away from people for people affected by leprosy in order not to harm other people.³⁹
- (15) Waqf for what was known as comforting the patients, where two people will stand close to the patient but he does not see them. One of them will ask the other saying: What did the doctor say about the patient? And the other will answer by saying: The doctor said he is fine, and he will recover soon and there is nothing disturbing in his sickness. This statement helps the patient to recover due to psychological effect.

These examples indicate that the fields of Waqf have expanded throughout the Islamic history that included necessities, needs, and improvements.

Third Topic: Methods of Waqf in the Applications of Artificial Intelligence and its Priorities

In this section, we will discuss Waqf on the applications of artificial intelligence, and then the priorities of Waqf on the applications of artificial intelligence.

First: Methods of Waqf in Artificial Intelligence Applications

There is more than one imagined way to do Waqf on artificial intelligence applications and they are as follows:

First: the money spent on the application has been declared as Waqf by the founder of Waqf (Waqif).

Second: the application is bought by a rich person and declared it as Waqf for the sake of Allah (SWT) for Muslims to benefit from its services, or a specific group of them, according to his condition.

Third: the application is bought by a rich person, and the application generates money which is spent for the benefits of Muslims as determined by the founder of Waqf.

Fourth: Waqf is part of the application but not the whole of it. For example, the owner of the application makes a part of it as Waqf to a specific party, and its services to others in exchange for money that is spent for the benefits of Muslims that he determines, such as working on application to teach Shariah,

³⁷ Munadamat al-atlal wa musamarat al-khayal, (1/404).

³⁸ The Student in the History of Schools, al-Nuaimi, (2/126).

³⁹ Al-mi'iyar al-mu'urib, Al-Wanchrisi, (7/38 – 39).

and giving access to its services to the poor free of charge. Whoever wants to benefit from the application other than the designated party must purchase it, and the money is spent based on what the founder of Waqf determines.

The Waqf administrator may get his reward from managing the applications. If managing the application requires someone who explains, apply, answer questions, he may get paid from it if he does not do it on a voluntary basis.

These are forms of Waqf on applications of artificial intelligence:

Second: Waqf Priorities in Artificial Intelligence Applications

We presented that Waqf throughout history dealt with necessities, needs, and improvements. Our aim is not searching for the legitimacy of Waqf in these three mentioned interests, but we want to set priorities for Waqf in applications of artificial intelligence, so that Waqf is not spent for improvements or needs while there is an urgent need of spending it for necessities. And we need to use Waqf to serve the purposes of Shariah: Religion, soul, intellect, offspring, money, and what is below them as well. And serving these purposes can be from two aspects: either from the aspect of existence, by preserving what establishes its pillars and foundations, or from the aspect of non-existence, which is by repelling every expectation that may disturb or destabilize it. From this point of view, we hope Waqf on artificial intelligence applications will achieve the goals and defend them against what violates them. We will arrange priorities based on the ranks of the five major principles and others.⁴⁰

First Priority: Applications to Protect Religion

Applications of artificial intelligence can preserve religion from the point of view of existence and prevent what disturbs it. So, we consider it from the point of non-existence in many ways, including:

- A- Educational applications: such as applications to make the Holy Qur'an in writing, applications for the seven and ten Qira'at in writing, applications for interpreting the Holy Qur'an in writing, applications for recitations of the Qur'an for different reciters and different narrations by listening, and applications for recitation of the Noble Qur'an with a mechanism that asks the reader for correction, and it may have an interactive part, where the teacher hears from the student and corrects him. Likewise, interactive applications for teaching interpretation and Shariah sciences. Teaching Shariah sciences can be in sequence and care, as is the case with institutes, colleges, and universities, where the learner obtains proof that he studied sciences and excelled in them.
- B- Applications for calling to Allah (SWT): such as applications for inviting heedless Muslims to consolidate faith in souls, and protecting young people from negligence, applications for calling non-Muslims to Islam, and applications in different languages to invite non-Muslims in different parts of the world to enter the religion of Islam.
- C- Applications to respond to suspicions: This is to preserve religion from the aspect of non-existence, as Al-Shatibi called it. So, we need applications that monitor suspicions and respond to them, and applications to dialogue with those with suspicions and respond to them. If they are Muslims, then it is to make them firm on Islam, and if they are from the haters, then it will guide them or warn them and repel their plot.
- D- Applications that serve what serves religion: it is not possible to dispense with in-kind Waqf, or to disburse people entirely to Waqf on smart applications, and leave others as there are other areas in which religion is preserved such as Waqf for mosques, schools, institutes, etc., but it is possible to

⁴⁰ Al-Muwafaqat, Al-Shatibi, (1/255).

do Waqf on what serves these areas of Waqf, such as Waqf on applications serving mosques, schools, and institutes, and Waqf on applications to organize donors to serve these institutions, or to organize their employees, or donors to them, such as donors of the Qur'an, knowing the places of need, submitting requests, or arranging imams, muezzins, preachers, and mosque servants etc.

- E- Applications to protect the supremacy of Islam: Religion without a state is not strong enough. The state protection for a state, and preserving the state is provided by the prerequisites for preserving religion. Thus, we need applications that enhance in children and youth sense of belonging and instill in them the values of loyalty and rejection, and applications that respond to political and social suspicions, and applications that serve the security side with what this aspect needs, such as creating a fence on security information, training specialists in their specializations, and applications that detect, block, and respond to electronic interference. The loss of state security information leads to the stability of other countries and the demise of others.
- F- Computational applications: We also need applications that perform computational work related to Shariah, such as calculating statutory duties and Zakat, with algorithms, in which the beneficiary enters the information of the issue, and the result is given to him. The application must be tested so that those responsible for it are assured that the error rate is zero percent. Because these issues do not accept the margin of error as Zakat contains the rights of the poor, and the inheritance are the shares of the heirs.
- G- Translation applications: in which religion books are translated and published, which are different from the aforementioned call to Allah (*da'awah*) books. What is meant by translation here is the translation of scholarly books and publishing them for students of knowledge and non-Arabic speaking Muslims. With the encouragement to learn Arabic, some information may be better communicated in the learners' mother tongue, especially some principles and basics of what a Muslim should not be ignorant of.
- H- Applications to serve the Arabic language: serving the Arabic language is a service to religion, and preserving it is to preserve religion. The Arabic language can be used in applications of artificial intelligence, by making applications for grammatical correction, applications for spelling correction, applications for word formation, and applications for reading texts, to spread knowledge.

Second Priority: Applications to Protect Life

Artificial intelligence applications can preserve life from the point of view of existence, and prevent what disturbs it, so we take care of it from the point of non-existence, in many ways. Following are some examples:

- Cautionary applications: to show all the harms that threaten young people in order to be warned against wrong behaviors that harm oneself in the first place, such as warnings against suicide or what leads to it.
- Diagnostic applications: Artificial intelligence applications have a clear impact on medical care and provide a special quality service to the community. With the lack of specialists and infrastructure, and the lack of medical laboratories in low-income countries, by depending on artificial intelligence algorithms, it is possible to obtain first-class medical care in the remote regions, and in poor, low-income countries, such as diagnosing diseases, performing x-rays and necessary examinations in the medical field. They can be used to diagnose the patient and prescribe medicine; So, he goes to get it from the pharmacy.
- Applications to qualify and develop skills in the field of health care: the poor world is witnessing an extreme lack of skilled workers in the field of health care. The urgent need in this field can be developed and created through artificial intelligence applications. According to the British Medical

Journal, less than 3% of the global supply of trained medical professionals is found in sub-Saharan Africa, which accounts for 24% of the world's disease. In South Asia, there are seven trained doctors per ten thousand people, most of whom are in urban areas and major cities, according to the World Health Organization. There are 57 countries in the world that have an acute shortage of health workers, equivalent to a global shortage of two million and four hundred thousand doctors and nurses.⁴¹ Through smart applications, it is possible to expand the field of practitioners in the health sector, train more practitioners, such as nurses and specialists in radiology, pharmacy, etc., to ensure this huge deficit is filled.

- Health-preserving applications: such as medical applications that provide tips for taking care of health and protecting it from diseases. These applications can be interactive, under the supervision of doctors, as the beneficiary enters them and presents his physical or psychological problem and receives the care that the patient receives in the hospital, and the doctor guides him to the appropriate treatment. Such applications, if they are easy and convenient to use, will relieve the poor of financial burden, and reduce burden for those who live in the valleys and villages, and will reduce the pressure on hospitals, and the death rate will decrease, as doctors say: Many simple cases could have been treated easily if they had been presented to a specialist, which might lead to aggravation and lead to the death of the patient. Such applications reduce the burden of government hospitals and make them available for cases that require surgical intervention.
- Applications to confront pandemics: In times of pandemics, people need applications that guide them to the correct behavior. So, we need applications to protect oneself from pandemics if they occur, such as floods, earthquakes, volcanoes, health pandemics etc. The reader can imagine if there was an interactive application at the time of the Corona pandemic between people on one hand, and between specialized doctors on the other hand it would have brought a lot of benefits, by explaining the precautionary measures, diagnosing cases infected with the virus, what the affected person must do, what the healthy person must do, how to isolate, how to do the examination etc.⁴²
- Applications to monitor vital systems in the body: such as monitoring changes in the human body, such as high sugar, high blood pressure, heart rate, and other things that need to be constantly monitored to avoid the occurrence of strokes and health complications. An application can be made on a wristwatch or on a mobile phone that alerts a person to the occurrence of vital changes in his body, to know early.
- Sports applications: Sports have benefits for the body and protect it from diseases. If there is an application that shows physical exercises with legal etiquette that benefits children, young people, and the elderly, those that can be performed at home without going to gyms as not everyone is able to do that, either because of financial or time issue.
- Food applications: it shows to housewife the healthy foods that protect the body and the foods that harm it, ways to prepare food in a healthy way, and guide people to what the body needs of food and its amount... etc. It is useful if there is an interactive application to evaluate some cases that need nutritional follow-up for a healthy life.
- Applications for donors: Such applications are made for those wishing to donate what could save a

⁴¹ Artificial Intelligence for the Common Good, (22).

⁴² While fighting the Ebola virus in Sierra Leone in 2014, IBM Research Africa used a mass reporting platform for local people to communicate their experiences to government employees. The platform, through natural language processing, evoked cultural beliefs behind the population's willingness to take action for public health, and allowed governments to redesign campaigns more effective. See: Artificial Intelligence for the Common Good (22).

person's life, such as donating blood, so each person enters his information such as his blood type, place of residence, and the method of communication with him, and those in need submit their requests in another place, and coordination can be made. So, communication takes place with the donor to connect him with the person in need. Another example of donation that does not harm a person is donating part of the liver - as doctors say - does not harm a person; Because the liver could regenerate, and other things that can be donated and save the life of another person, without harming the donor.

- Applications to help people with special needs: The application helps people with special needs in terms of understanding. Some people with special needs have a method of communication and their own programs to develop their mind and behavior. These programs, in fact, require great efforts, while you will need less efforts if they are mediated by an application, either interactive or without interaction, such as applications to help deaf and dumb people with special needs, applications to write what is spoken, to pronounce what is written, or to explain some books through sign language. Among the applications that assist people with special needs are artificial intelligence applications that drive autonomous electric vehicles guided by artificial intelligence for mobility to serve them. In addition to preserving the environment, it reduces global warming affecting the environment.⁴³ And other applications that help people with special needs, which facilitate some of the difficulties they face.
- Artificial intelligence applications in 4D printing: These applications can be used to print what can be printed from organs, for those who have lost a limb or an organ, such as the ear and nose.

Third priority: Protection of Intellect Applications

Artificial intelligence applications can preserve the intellect in terms of existence, and prevent what disturbs it, so we consider it in terms of non-existence, in many ways, including:

- Educational applications: What is meant by education here is not religious education, as religious education is higher in rank than what is meant here, because it preserves religion, and that is why we made it the first priority. What is meant here is every useful science. Waqf on educational applications raises the value of society and the nation, for example: educational applications for teaching English, French, Spanish, Chinese, etc., and applications for teaching chemistry, physics, biology, plants, computers, astronomy, geography, history, logic, Philosophy...etc. Whether these sciences are systematic sciences students learn in schools, institutes and universities or it is public, so those interested in these sciences benefit from it, and whether it is interactive or not, or semi-interactive, the lessons may be recorded, then every week or month there is an interactive day to receive questions and answer them, and society needs all these sciences.
- Integrated scientific applications: In addition to educational applications, it is possible to establish integrated universities and institutes through smart applications, so that the curricula in them are based on artificial intelligence applications, in terms of study, teaching, testing, correction... etc., and the student graduates from them with a certificate like other universities. This will facilitate study for the low-income or the poor, and will reduce the burden on the state, because education takes a lot from its budget. It can be noted that some majors cannot rely 100% on application in education, but it can be relied upon to a large extent, and the applied aspects remain either interactive, or by attending the websites of universities and institutes.
- Cautionary applications: There are things that disturb the mind and there are those who encourage people to do things that disturb their minds. So, we need applications that are easy and accessible to show the harms of everything that disturbs and corrupts the mind, whether intoxicants such as

⁴³ Artificial Intelligence for the Common Good, (17).

alcohol and drugs, or other things that affect the thinking process, such as some electronic games that cause people to have distracted mind, difficulty concentrating and weak thinking, and in return it guides and indicates what develops the mind. There are some games that develop the mental ability in arithmetic, or logical thinking, or sequencing in thinking, and develop the ability to think. Such applications, if led by specialists, will serve large segments of society, and will make parents reassured about their children, so they guide them to it, instead of fear of leaving young people and children with applications of unknown goals and purposes.

- Applications that develop logical thinking: The science of logic is a science that develops logical and sequential thinking, as it leads through its premises to new results. The process of deduction and analysis is a process that requires special skills, and these skills are acquired by learning, and a healthy mind is the mind that performs the thinking process in a correct way, so the premises available to him lead to new results that he can use in a new thought process, and new results are drawn from it, and so on. Science is cumulative, and we need applications that develop these skills in a wide segment of Muslims; Because it is not possible for all Muslims to be capable of deduction, analysis, and obtaining results, but the expansion of the circle of thinkers in society indicates the awareness of the people.

It must be emphasized that this thinking is in a correct manner, and the way of thinking can be developed in more than one application, or with one application that is broad and has fields, so theoretical study must be done, then applied study, and even logical thinking can be developed through some games for children and adults as it was presented. It can also be made in the form of tests, questions, riddles, and all of this serves the mind in terms of existence. So, preserving the mind is by making it think in a correct and sound way.

Fourth priority: Protection of offspring Applications

Artificial intelligence applications can preserve offspring in terms of existence and prevent what disturbs it. So, we consider it in terms of non-existence in many ways, including:

- Warning applications: Today's world has become open, and no matter how conservative the society is, some behaviors and morals that harm offspring can infiltrate it, and we need applications that warn against everything that harms offspring, such as adultery and its causes. The wave in our time is great in facilitating all the introductions to immorality, as well as warning against committing the indecency of the people of Prophet Lot, peace be upon him, and the wave is strong in this era. This undoubtedly harms the purpose of preserving the offspring. There can be applications to prevent anything that harms this purpose, whether the application is general and sponsored by states and governments, or is specific to someone who wants to prevent such things from his device and the device of his dependents, and there can be applications that show the harm for those addicted to these abominations, and to show their worldly and religious danger, and applications that reveal such materials and others.
- Applications for reproductive counseling: To preserve offspring in terms of existence, we need educational applications, whether interactive or not, to urge people to reproduce, because the Prophet (SAW) said: "Marry the one who is kind and fertile, for I will be proud of you to the nations on the Day of Judgement".⁴⁴

And applications that answer the questions of married couples who want offspring, whether they are newly married, or the marriage has been long, as they need someone to guide them on the steps and the best way to obtain offspring, which does not require medical intervention, and when medical intervention is required, they go to the medical centers.

- Applications for family care: the fetus in its various months needs care, in order to be in good health, and this care is also needed by the mother. So, the application directs her to appropriate food,

⁴⁴ Sunan Abi Dawud, (2/220), No. (2050). Albany said: "Authentic." As-Silsala as-Sahihah, (1/578), No. (287).

supplementary vitamins, and appropriate sports according to the months, and to monitor the growth of the fetus continuously, all this is possible through some applications and appropriate rays.

We also need applications to care for the child in its early stages from specialists, in which the father or mother presents the child's problems, whether physical or psychological, and receives appropriate guidance, and applications for the breastfeeding mother, and other things that the family needs.

- Applications to facilitate marriage: These are supervised by trusted Muslims because the issue of dignity needs someone to preserve it and know its value. So, it will be applications in which those who wish to marry are registered, and then the two parties are connected. If the two parties are satisfied with the specifications of one another, a way to communicate with the bride's family to complete the marriage contract would be organized, and the information of the persons is confidential, and only a trustee in the application, or someone willing to contract the marriage, can see it.
- Applications to help those intending to get married with the ceremony equipment: Those intending to get married need equipment to hold the marriage ceremony, which is required by customs and traditions, and which does not contradict Shariah, such as headphones and a wedding platform, and things of the bride such as clothes, jewelry and adornments, and things of the groom such as clothes and adornments. It is possible to organize all of these through donors, and to make it a Waqf, but it can also be organized through some applications, so it arranges priorities and free time, so that the hearts of those who are about to get married are comfortable, in order not to feel that they are inferior to others, so a wedding party is held for them like their peers.

Fifth priority: Protection of wealth Applications

Applications of artificial intelligence can save wealth from the point of view of existence and prevent what is disturbed by it. Thus, we consider it from the point of non-existence in many ways, including:

- a. Applications to teach merchants about trade matters and their duties: Rich people need their transactions to be legitimate, so we need an application that shows them legitimate transactions and prohibited transactions, and collects for them the fatwas of major bodies in the Islamic world related to transactions, in an easy-to-search way, so it facilitates their access to the legal ruling in financial transactions especially the contemporary ones. It is better for the application to provide the option of interaction for issues that have no answer, or whose image differs from the image in the existing fatwa, so that a group of people who have fatwas work around the clock to answer questions, whether free or for a fee paid by Waqf founder (Waqif), or from the money of the application if the application is for a small fee, or has a return by any means, such as advertisements or others.
- b. Applications that help professionals: Society needs specialized applications, such as applications that help agricultural and livestock owners, and others for professionals. Even employees need insight into what is permissible and what is not permissible for them, and these applications are specific to each category, by developing the money in their hands without indulging into the forbidden, and explaining the duties on them, such as calculating Zakat and other provisions.

There are applications that farmers benefit from in early detection of agricultural crop diseases and problems, and in improving agricultural inputs and yields in general, by reducing the use of water, fertilizers and pesticides that harm crops, soil and the environment, and providing food to livestock at the specified time and in the appropriate amount, and applications to monitor fish farms and marine creatures.⁴⁵

- c. Applications to facilitate trade: The community also needs applications that go with beginners in every

⁴⁵ Artificial Intelligence for the Common Good, (17).

profession from scratch to the end, explaining to them how to start, how to maintain and develop what they have, what are the risks of trade, which doors of trade can start with, and how to get profits, and other basics. Some of these applications can be interactive. There are specialists who have advice that if the beginner follows, he gets benefits and develops his money. These applications are not only beneficial to the individual, but also to society, as every individual who can support himself and his family is considered a useful building block in society, and it decreases the number of needy.

- d. Cautionary applications: We also need applications that show what destroys money and warn against it, such as the types of tricks used by swindlers, and with the expansion of the areas and methods of life, the tricks and methods of fraudsters have expanded, as there are electronic thefts, and there are tricks that make the owner of a lot of money bankrupt in one moment. Therefore, warning against these tricks and methods is to save money from non-existence.
- e. Applications to monitor people's money: such as applications to protect the home and monitor the dangers it faces, such as theft, leaking gas, exposed electricity, and wasted water.

Sixth Priority: Applications to Preserve the Rest of the Purposes of Shariah

After the applications of the five advanced faculties, it is possible to consider what is below them, which serves other purposes, including:

1. Applications for purposeful entertainment: such as making applications for entertaining children's series, and targeted series for adults, which aim to inculcate values and morals.
2. Applications for organizing donations and Waqf: such as organizing and distributing clothes, organizing and distributing books, both academic and specialized, general or religious books, distributing furniture, or other things that a person can do without and benefit a class of the poor and needy.
3. Applications for early warning of fires in forests or other pandemics: In this way, many natural disasters can be avoided, in which tens or hundreds of lives may be claimed. The follower of international news finds how countries suffer from these disasters, so artificial intelligence can be used to solve some of these problems, by analyzing simulation data, time and action data related to weather events and disasters in a specific area, which makes disaster preparedness available in sufficient time, and aids early warning and response to expected damage.⁴⁶
4. Applications of analyzing information, questionnaires, numbers and statistics: In many areas workers need it, whether at the state level or at private institutions, to analyze large information, questionnaires, numbers and statistics that take a lot of time from the specialized human element, while all this can be done with some applications of artificial intelligence at the click of a button, after entering the information, and this can be used in the charitable sector in many fields.

These are some of the proposed priorities, and there is no doubt that there are many others, just as there are many areas that can be served by Waqf on artificial intelligence applications that alleviate or fill the needs of society. These are some of them, not all of them, and perfection belongs to Allah (SWT), and praise be to Allah, Lord of the worlds.

Conclusion: Results and Recommendations

Results

The results of the research can be concluded in the following points:

1. What is meant by Waqf on artificial intelligence applications is allocating specific money from those

⁴⁶ Artificial Intelligence for the Common Good, (17).

who hope for the good of the hereafter and spending it in artificial intelligence applications that serve Shariah and its purposes. So, the application is treated as Waqf, and its financing is either from the application itself if it has a return or from allocating money from Waqf for financing it for the benefit of the beneficiaries based on the conditions provided by Waqif.

2. In order to serve the Shariah and its purposes, we must preserve the Shariah's priorities in the case of Waqf, as necessities take precedence over needs, and needs take precedence over improvements.
3. The fields of Waqf are not permanent, and the development of the times has made us strive to implement the purposes of the Shariah in Waqf.
4. There are examples in Islamic history that show the importance of Waqf and the diversity of its fields, and the intelligence of those who do Waqf on what serves the purposes of the Shariah of necessities, needs and improvements.
5. There are priorities that must be taken into account in Waqf on artificial intelligence applications, represented in the importance of the Waqf and its purposes. The scholars must guide the founders of Waqf to what serves the major purposes of Shariah, such as smart applications to preserve religion, life, mind, offspring, money, and the rest of the universal purposes.
6. There are several formulas by which artificial intelligence applications can be utilised as Waqf, such as Waqf on the application, Waqf of money spent on the application, Waqf of the application and spending on it from money obtained from it or Waqf of part of the application.

Recommendations

The following are the recommendations:

- ❖ Work to open new horizons that serve Shariah in other areas through smart applications.
- ❖ Seeking coordination to do Waqf on smart applications so that efforts are not repeated.
- ❖ Urging authorities and governments to strive to guide spenders and benefactors to do Waqf on artificial intelligence applications for their great benefit.

Acknowledgement: "The authors extend their appreciation to the Deanship of Scientific Research at King Khalid University for funding this work through Small Groups project under grant number (RGP1/434/44)"

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