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Evidence by non Tawkeef on the permissibility in Sharia transactions Al Waqf on artificial intelligence applications as a model

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Abstract

This research aims to confirm that it is not obligatory to single out each modern transaction with an independent evidence for its legality, and to subject what is below the fields of Tawkeef to legal permissibility, and to confirm that transactions are broad, so the principle is that they are permissible, provided that they are free from Tawkeef and worship, then move to the door of endowment and confirm that it is one of non-Tawkeef transactions, and the main research problem: Does the inference of non-Tawkeef in contemporary financial transactions lead to permissibility? The researcher followed the inductive and analytical approach, as he extrapolated the legal texts, and how scholars distinguished between Tanqijyat and conciliations (Ijtihadiyat), and analyzed their dealings with each type, then looked at the scholars' dealings with contemporary developments, and how they derived their rulings, and applied all this to the endowment on applications of artificial intelligence, and he reached several results, most notably: non-Tawkeef is one of the sections of transactions makes transactions legitimate if they are free from general defects in transactions such as usury, fraud, deception, etc., and that the fields of endowment in Islamic law are non-Tawkeef, and that the endowment on artificial intelligence applications is permissible if the applications servant of Sharia and its purposes.

Keywords: inference, Tawkeef, legal transactions, Waqf, applications, artificial intelligence.

Introduction

With the distance from the time of the message, the cessation of legal texts from the death of the Prophet, may God's prayers and peace be upon him, and the expansion of the fields of life every day, and with every incident that needs a legal ruling; Scholars search for the legal texts that comprehend them, but we find - as Sharia scholars said - that the texts are finite and the facts are infinite, and since this Sharia is the final Sharia, it was necessary that it comprehends all facts with its texts and rules, and therefore it came with general texts and comprehensive legislative rules.

Whatever the events of life, we find a ruling in the Sharia, and we do not find an incident devoid of a Sharia ruling, and to serve this, these papers came, in which it is a statement that the Sharia transactions are absorbed in the Islamic Sharia even if they do not have a special text, so if we know that they are not from the fields of Tawkeef with their emptiness from the legal impediments in transactions - such as usury, deceit, and fraud - we can judge them to be permissible. Then the researcher applied this research to a new field, which is the endowment on artificial intelligence applications and the extent of its legitimacy, so he studied that the field of waqf is non-Tawkeef, and in application of the rooting in the research, it is permissible to waqf in this field if it will achieve the purpose of the waqf, which is to serve the Sharia and achieve its purposes.

Research Importance

1. Demonstrating Sharia understanding of all developments in modern life

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2. Opening the door to scientific rooting by drawing directly from texts.
3. Urging the endowment to benefit people and achieve the purposes of Sharia.
4. Benefiting from artificial intelligence, and adapting it to serve Islamic law and its purposes.

Research aims

- ❖ Clarify what is meant by non- Tawkeef.
- ❖ Statement of the methodology of building judgment on the developments of contemporary financial Tawkeef and Taqfeek transactions.
- ❖ Clarifying the difference between the endowments and ijtihaad in Islamic law.
- ❖ Statement of the endowment on artificial intelligence applications.
- ❖ Evidence that the fields of Islamic endowment are non- Tawkeef.
- ❖ Presentation of historical citations that show that the fields of endowment are diligent.
- ❖ Eliciting the endowment ruling on artificial intelligence applications that serve Islamic law.

The research problem and its questions

The main research problem: Does the inference of non- Tawkeef in contemporary financial transactions lead to permissibility? Among them emerge the research questions, which are:

- A - What is meant by non- Tawkeef?
- B- What is the methodology of Sharia ruling regarding developments in contemporary financial transactions?
- C - What is the difference between Tawkeefiat and Ijtihadat ?
- D - What is meant by Waqf on the applications of artificial intelligence?
- E- Are the fields of endowments Tawkeef or Tawfeek?
- F- Is it permissible to infer to non- Tawkeef on the permissibility?
- G - What are the historical citations that the fields of Waqf are judgmental?
- H- What is the ruling of Waqf on artificial intelligence applications?

Research Methodology

In this paper, the researcher followed the analytical inductive approach, as he extrapolated the legal texts and read how scholars differentiated between Tawkeefat and Ijtihadat, and how they dealt with each of them, then he looked at the scholars' dealings with contemporary developments, and how they derived their rulings, and applied all this to Waqf on artificial intelligence applications and came out with the Sharia ruling for this type of transaction.

Structure Search

Topic one: defining the research vocabulary.

Topic two: non- Tawkeef leads to permissibility in non- Tawkeef legal rulings.

Topic three: non- Tawkeef in the fields of Waqf leads to the legalization of the Waqf on the

applications of artificial intelligence.

Conclusion: it contains the results and recommendations.

Topic One

The definition of research terms

In this topic, we will deal with the definition of research terms, namely: inference, Tawkeef, Al Waqf, applications, artificial intelligence, and finally what is meant by Al Waqf on applications of artificial intelligence.

First: Defining inference in language and terminology: inference in language: verbalization of a signifier, an indication, such as interrogation and companionship, and evidence comes in language with opening and breaking in the sense of guidance, and it is called understanding an order from a command, and inference on the part of the requester is a request for inference, and on the part of the inferred it is an establishment Guide².

As for terminology: inference has many definitions, perhaps the most correct of which is: what necessitates judgment and is judged by it, which is the existence of a special reason, or the existence of an impediment, or the absence of a specific condition³, and this is what we mean in the research.

Second: the definition of Al Tawkeef in language and terminology: Al Tawkeef in language: whoever stops in the matter if he waits and lingers, and we say that he stops it if he limits it to him, and in the terminology: “what the Sharia brought and no one had the right to add to it or subtract from it, and there is no room for opinion about it⁴, The number of rak’ahs of the prayer is Tawqeef, because there is no room for opinion about it, and Tawqeefi corresponds to Tawfeeqi, which is: “The matter that is reached through Ijtihad, and in the future it will be subject to another Ijtihad, modification, review, transgression and acceptance⁵.

Third: Defining of Al Waqf: Al Waqf in the language: imprisonment and prevention, it is said: stopping the animal, if it is imprisoned and prevented from walking⁶, and in the terminology: “imprisonment of the original and the way of benefit”⁷, Ibn Qudamah said: “And its meaning: Imprisonment of the origin, and the way of the fruit”⁸, Al Waqf and the imprisonment are synonymous with the jurists, some of them express with imprisonment, and some express with Al Waqf, and Al Waqf with them is stronger, and in the language they are also synonymous words, it is said: I stopped it, and I stopped it, and it is said: I imprisoned it⁹, and Al Waqf is from the door of donation and donations, it is a donation from the endower of the endowed eye in a specific capacity (Emerenini et al., 2021).

Fourth: Defining applications: Applications plural of application, the source of application, and application cover everything, and apply it: cover it and make it applicable, and match the two things: they are equal, and match the two things: make them on the same distance, and try to apply the rule, that is: experiment and transfer it to the field of implementation, including application i.e. corresponding the verb with the verb, and the noun with the noun¹⁰, and in a

² See: Lexicon of the Sciences in Limits and Drawings, by Al-Suyuti, (77), and definitions, by Al-Jurjani, (17).

³ See: Maqasid al-Sharia al-Islamiyyah by al-Taher Ibn Ashour (2/232).

⁴ Lexicon of Usul al-Fiqh Terms (151), and see: Lexicon of the Language of Jurisprudence (151).

⁵ Lexicon of Usul al-Fiqh terminology (151).

⁶ See: Al-Maghrib fi Tartib Al-Mu’arab (2/366), Taj Al-Arous (15/523).

⁷ Lexicon of the Sciences in Borders and Drawings (1/55), and see: Definitions (1/253)

⁸ Al-Mughni, by Ibn Qudamah (3/6).

⁹ Explanation of the limits of Ibn Arafah, (1/410).

¹⁰ Lisan Al Arab, (10/209), Definitions, (1/61).

convention: they are programs that run on computers depending on one of the advantages, as they provide a specific service to their users¹¹.

Fifth: Defining artificial intelligence: Intelligence in language: it is the speed of intelligence, the sharpness of the heart, so the intelligent one is the quick and complete of intelligence¹², and in the terminology it was defined as “the speed of prompting results, and it was said: going in the matter, and the speed of cutting with justice¹³”, and it was said: “severity the power of the soul is prepared to acquire opinions according to language”¹⁴

Artificial in language: attributed to artificial, from the verb to make, which was made is unnatural, it is said: artificial roses, and an artificial heart¹⁵.

As for the definition of artificial intelligence in terminology, stakeholders have defined it in several definitions, perhaps the most appropriate definition that shows what it is: “a technology of building machines that have the ability to simulate human thinking, forming opinions, issuing judgments, and the ability to develop and learn, and these methods are not limited to building machines and devices.”

Rather, it goes beyond that to the design and development of electronic systems and programs, as it gives these machines the characteristic of human simulation, so without linking these machines to computer systems and programs, they cannot perform intelligent operations¹⁶.

Examples of current applications of an artificial intelligence include email spam classification apps, Google Translate, Apple's Siri, Amazon's Alexa, Microsoft's Cortana, speech recognition applications, untargeted advertisement classification, and prediction applications like smart typing, it suggests to the user the texts that he can write in his messages, and today artificial intelligence enters the field of health care, aviation, transportation, media, energy, security, education, and entertainment (Giudice et al., 2021).

Sixth: What is meant by Al Waqf on artificial intelligence applications: After defining all these terms, it can be said that the meaning of Al Waqf on artificial intelligence applications: is to allocate imprisoned money from those who hope for the good of the hereafter, and make it to finance artificial intelligence applications that serve Islamic law and its purposes.

So the application is treated as Waqf of Al Waqfs, and our goal is achieved whether in financing the application or in application Waqf itself, and its benefit is for its beneficiaries, based on the endower's statement and desire.

Topic Two: Non- Tawkeef leads to permissibility in non- Tawkeef legal rulings:

In this topic, we will show the difference between Tawkeefat and Ijtihadiat, then the legitimacy of the ruling on the permissibility of new financial transactions if they are of Ijtihadiat, and accordingly this topic will be organized into two requirements:

Requirement one: the difference between Tawqifiyyat and Ijtihād: Sharia came with two types of rulings: devotional rulings and Ijtihād rulings, and as it passed with us in the definitions, the Tawqifi is what is not permissible for Mujtahid to strive for, but to stand on what the Sharia has brought in a chapter and not to add or subtract, and such rulings have no room for opinion

¹¹ See: the interaction of electronic applications in smart phones, (19).

¹² Al-Ain, (5/399), and Al-Sihah Taj Al-Lughah, (6/2346).

¹³ Lexicon of the Sciences, (1/200).

¹⁴ Al Kuliya, (1/456), and the Constitution of Scholars, (2/89).

¹⁵ See: Contemporary Arabic Language Lexicon, (2/1323).

¹⁶ Methods of artificial intelligence in accounting, Buhairi, (3).

about them, and their example is the number of rak'ahs of prayer, as they are Tawqifiyyat and there is no room for Mujtahid to strive for them, and the names of God Almighty.

Al-Qarafi said: "The origin in the names of God Almighty is prohibition except for what is mentioned in hearing about it"¹⁷, and the words of Dhikr, Ibn Hajar said: "The words of Dhikr are Tawqifiyyat, and they have characteristics and secrets that cannot be entered into by analogy, so it is necessary to preserve the utterance with which they were received"¹⁸, and the principles of Worship It is not permissible to draw closer to God Almighty through worship that he did not legislate,

Ibn Rajab said: "Whoever draws closer to God by doing something that God and his Messenger did not make him an act of closeness to God, then his work is invalid and rejected."¹⁹ The devotions (Al-Tawqafiyat) did not entrust God Almighty to Mujtahids to diligently in them. Al-Shatibi says: "By all of this, one who intends to know the street purpose is not anything from devotions to the opinions of the worships, there is nothing left but to stop at what is limited."²⁰.

As for Ijtihadat (Tawqifiyyat), they are, on the contrary, what the Shari'ah came to explain its principles and made Ijtihād in it acceptable to Mujtahids, so Mujtahid works on it his opinion, and therefore we expect that Mujtahids will differ in it and the views will differ in it, whether at the time of the occurrence of the calamity or after it, and such a type remains diligent, and the scholars are familiar with it and they do not deny each other in this type, but rather excuse each other, and this type is the most in the Shari'a rulings, and we can say: Everything that is not Tawqifiyyat) is Tawqifiy, in which Mujtahid may strive to reach the Shari'a ruling in it.

Requirement Two judging contemporary financial transactions to be permissible when they are Non- Tawkeef

In this requirement, we will address some of the evidence that shows that contemporary transactions, if they are **Non- Tawkeef** and are devoid of the defects of legal sales, such as usury, fraud, deceit, and others; The principle is that it is permissible, and that is through the following:

First: the contradiction between Tawqifiyat and Ijtihadiyyat

It is possible to infer what we are asking for by the principle of contradiction, as it has been established that the two opposites do not meet or separate, and this is a rational rule in which there is no opposition, it was also presented that the provisions of the Sharia are of two types: Tawqif and Tawfiqiyat, and there is no third for them, and no issue is devoid of being described as Tawqifiyat or Tawfiq, and accordingly Tawqifiyat and Tawfiqiyat are two opposites.

So if we prove that the issue is Tawqifiya, it is not Tawfiqia and the provisions of Tawqifiyat are taken, then there is no Ijtihad in it, nor is it an addition or a decrease, and whoever does that has crossed the limit and entered the circle of sin, whether he was Mujtahid or a layman, and on the other hand, if we prove that the matter is Tawfiqiya; It is not Tawqifiya and the provisions of **Tawqifiyat** have been taken, so it is permissible to diligently pursue it and consider it by the Mujtahids until they reach a legal ruling that is appropriate to the purposes and intent of the Sharia, and this is what we want to prove here, namely that the transaction is free from Tawqif, which is evidence that it is Tawfiqiya and diligent and may be considered.

¹⁷ Differences (3/788).

¹⁸ Fath Al-Bari (11/ 112).

¹⁹ Collector of Science and Wisdoms (1/178).

²⁰ Al-Tisam (2/135).

Second: The principle of permissive transactions

In their writings and inferences, scholars deliberated on a well-known rule, which is: “The principle in transactions is permissiveness.”²¹

Scholars accepted this rule, originated it, branched out on it, and built on it legal rulings, and the whole of this rule is that transactions - which are the equivalent of acts of worship - if the Sharia did not come with a special ruling for them and were free from the defects of legal sales such as usury, deceit, fraud, and others; The established principle is that it is permissible because the interests of people require the diversity of transactions and their development, and the restriction to one type of transactions leads people to distress and embarrassment, and the law came to lift the embarrassment and distress from those who are responsible (Yang et al 2017).

The reason for this difference in judgment between Tawqafiyat and Tawfiqiyyat is that the meaning of Tawqafiyat is incomprehensible. Hence, the Sharia did not make its matter for the Mujtahid, so whoever does not understand the meaning of a thing cannot deviate from it, nor measure against it, nor join it... etc. As for Tawfiqiyyat, they are reasonable in meaning; Hence, the Sharia allowed Mujtahid to derive its ruling based on the meaning he deduced from it.

Those who say that the principle is that things are permissible are based on several evidences, including the Almighty's saying: (It is He who created for you all of that which is on the earth. Then He directed Himself to the heaven, [His being above all creation], and made them seven heavens, and He is Knowing of all things. [Surah Al-Baqarah: 29] These verses and others indicate that God Almighty He has been grateful to us for what is on earth, and He has subjected Him to us. It is permissible and anything other than it is forbidden, and that is what has been stipulated and made clear in his law, glory be to him.

Topic three Non- Tawqif in the fields of Waqf leads to the legalization of Waqf on the applications of artificial intelligence:

When the Sharia guides us to Waqf as one of the doors of grants and donations; It did not make this section Tawqifi, but indicated its legitimacy and remained silent about its field, and this is what the honorable companions and scholars of Islam understood, so they expanded in the fields of research, in this topic, we will review the general texts that indicate the legitimacy of Waqf, and show that it is Tawfiqiyya, diligent, not Tawfiqiyya religious, and then we will mention some of the practical applications of Waqf, the diversity of its fields, and the statement of expansion and diligence., and then come up with a summary of the topic, which is the rule of Waqf on artificial intelligence applications (Mondal et al 2021).

First: The legality of Waqf

When scholars talk about the legality of Waqf; They derive it from some of the partial texts contained in Waqf, as well as from the general texts that urge doing good, or spending in general, such as Almighty's saying: (And whatever good they do - never will it be removed from them. And Allah is Knowing of the righteous.: (Al Imran;115) and Almighty's saying. (do good- that you may succeed [Al-Hajj: 77] and Almighty's saying (O you who have believed, spend from the good things which you have earned) (Surah Al-Baqarah:267)

Al Waqf is one of the aspects of spending, and spending is one of the aspects of goodness and righteousness in the Sharia, the previous general texts and others testify to the legitimacy of the

²¹ This rule is according to the majority of scholars of fundamentals, and only Ibn Hazm Al Dhaheri deviated from them.

Waqf in general, and as previously; there are partial texts that indicate the legitimacy of Waqfin particular, including:

- The words of the Prophet,) PBUH (, from the hadith of Abu Hurairah,) may God be pleased with him (“If a person dies, his deeds cease from him except from three: except from ongoing charity, or knowledge that benefits from it, or a righteous son who prays for him”²², and Al Waqf is what is meant by ongoing charity, Al Waqf and charity are between them in general and specific, as Al Waqf is applied to one of the aspects of charity.
- The first Hadeeth of Waqf, which is Waqf of Umar ibn al-Khattab, may God be pleased with him, who had acquired land in Khaybar, so he came to the Prophet,) PBUH (asking him to order it. He said: “If you wish, you can keep its original and give it in charity”²³.
- The words of the Prophet,) PBUH (from the hadeeth of Othman, may God be pleased with him: “Whoever buys the well of Rumah and makes his bucket with the buckets of Muslims, is better for him in Paradise? So I bought it with my money, but today you are preventing me from drinking from it until I drink from the sea water”²⁴, and the wording “so he makes his bucket with the buckets of Muslims” indicates that it left the ownership of its owner while imprisoning it, and this is ALWaqf.
- What Abu Talha did, may God be pleased with him, he made the most beloved of his wealth (Bayrahaa) a charity for God, hoping to honor it and store it with God, so the Messenger of God, (PBUH), said: “Congratulations! That is profitable money, that is profitable money, and I heard what you said, and I am I think that you should make it among the closest ones.”²⁵, so he made it among his relatives and cousins (Ruppenthal et al, 2021).
- It was reported that the Prophet, (PBUH), used to endow what exceeded the expenses of his house for the sake of God. It was reported of Omar, may God be pleased with him, that he said: “The wealth of Banu Nadir was from what God bestowed upon His Messenger, (PBUH) And no passengers, so it was for the Messenger of God, (PBUH, especially, and he used to spend on his family the expense of his year, then he made what remained in weapons and sheep as an equipment for the sake of God”²⁶.
- What was narrated from the Prophet, (PBUH), when he ordered the building of the mosque, so he sent a message to the chiefs of Banu al-Najjar and said: “O Banu al-Najjar! order the price of the wall to build a mosque on it, they said we need not any price only to the God”²⁷ so they made it Waqf to God to build mosque on it.
- The consensus that was transmitted by more than one, and al-Shafi’i referred to it, as it was reported in Mughni al-Muhtaaj: “And al-Shafi’i, may God Almighty be pleased with him, said in the past: I was informed that eighty companions of the Ansar gave alms in forbidden alms, and al-Shafi’i called the endowments the forbidden alms”²⁸, this is a large number of the honorable companions worked with Al Waqf, and there was no violator for them in their class, with the spread of their work, its spread and its fame, so it was a consensus²⁹.

²² Narrated by Muslim in his Sahih (3/1255), No. (1631).

²³ Al-Bukhari included it in his Sahih (3/198), No. (2737), and Muslim in his Sahih (3/1255), No. (1632).

²⁴ Sunan Al-Tirmidhi, (6/68), No. (3703).

²⁵ Al-Bukhari included it in his Sahih (2/119), No. (1461).

²⁶ Al-Bukhari included it in his Sahih, (4/38), No. (2904), and Muslim in his Sahih, (3/1376), No. (1757).

²⁷ Al-Bukhari included it in his Sahih, (1/93), No. (428), and Muslim in his Sahih, (1/373), No. (524).

²⁸ Mughni al-Muhtaaj to know meaning of al-Minhaj (3/523)

²⁹ And from those who refer to the Tirmidhi consensus, see: Sunan Al-Tirmidhi, (3/53), and Al-Qurtubi transmitted it as well, see: Al-Qurtubi’s

There are other general and specific evidences other than what was mentioned, and the legitimacy is proven by one text, and all of these evidences indicate the legitimacy of Al Waqf, and this legitimacy did not limit Al Waqf in its texts to one of the chapters of Al Waqf, so we make it Tawqafiyat, it urged to Al Waqf, goodness, righteousness, obedience, and favor in general, and did not limit it, for in it is an indication that the field of Al Waqf is diligence in a way that achieves the purposes of the Sharia and serves them, and God knows best.

Second: The diversity of the fields of Al Waqf throughout history indicates that it is Tawfiqiyyat Ijtihadia not Tawqifiyya devotional:

Whoever studies Al Waqf throughout history will find that it did not precede Al Waqf in the pre-Islamic legislation, but rather the Islamic law brought it to address the needs radically³⁰. What we seek in this topic ; Evidence that the honorable companions expanded in the fields of research, and did not stop at what was mentioned in Al Waqf in the Prophet's Sunnah, but rather they worked hard in many chapters, and the endowers followed them to this day, there is no Tawqef in Mawquf, but if it achieves the interest of Al Waqf and its purpose, it is permissible to endow it, and to prove this, we find that the legal texts contained in the matter of Waqf are limited to wells and land for building the mosque, or cultivated for the poor as alms, while we find that the companions, followers and Muslims have Waqf in various fields,:

- ❖ Al Waqf for the general needs of the community, such as digging wells and springs, establishing waterways and canals to transport water, building ablution houses, building bathrooms, and endowing land for cemeteries.
- ❖ Al Waqf was assigned to the wayfarer, as it was found in history that there are those who stand in a house, and some of them call it the guest house, and it is intended for strangers from the wayfarers, from which they are given what they eat, wear, and provide for their trips to their countries³¹.
- ❖ Al Waqf of homes for the elderly, so that those who have reached the stage of old age from among the weak and those who have no breadwinner will enter it, as homes are built for them in a way similar to ligaments, and salaries are paid to them sufficient for them, and they are drawn in the workers' newspapers³².
- ❖ What Ibn Battuta narrated about the kindness of Al Awqaf and Waqf of yogurt, Ibn Battuta says: "I passed one day in some of the alleys of Damascus, and I saw a small slave of him who had fallen from his hand a plate of Chinese pottery, and they called it the plate, so it broke and people gathered on it, and some of them said to him: Collect its pieces." And carry it with you to the owner of the endowments of the utensils, so he collected it and the man went with him to him, so he showed it to him, so he paid him what he bought like that plate, and this is one of the best deeds, because the master of the boy must hit him for breaking the plate or rebuke him, and he also breaks his heart and changes for that. This Waqf was a remedy for the hearts³³."
- ❖ Awqaf to equip the poor for Hajj, so the poor is given enough money for Hajj, although he is not obligated to perform Hajj because he is unable to do so. Al Waqf helps, to fill his mind, as Hajj is the desire of every Muslim, male and female³⁴.

interpretation, (6/339), and also Ibn Mawdood Al-Hanafi in Al-Ikhtiar, see: Al-Ikhtiyar Li'l-Talil Al-Mukhtar (3/40,41)

³⁰ Al-Shafi'i said in Al-Umm: "And the people of the Jahiliyyah did not imprison a house or land, justifying their confinement, but rather imprisoning the people of Islam." See 54/4

³¹ See: The Journey of Ibn Battuta, (1/330).

³² Al-Musnad Al-Sahih Al-Hassan in the works and virtues of Maulana Abi Al-Hassan, (427).

³³ The Journey of Ibn Battuta, (1/331).

³⁴ See: Ibid, (1/330).

- ❖ Awqaf to prepare girls for marriage, so the girls are equipped for those whose parents have no ability to prepare them, and so that their hearts are not broken, so the poor girl is prepared from Al Waqf money, and she gets married, and she is equal to other daughters of the able people³⁵.
- ❖ And among the gifts of Awqaf: Waqf of houses to spend a week from the beginning of the marriage, which they call (honey week), and houses to carry out wedding banquets for those whose homes were cramped or not suitable for this, as told by the author of “Bugait Al Anfas bi Mahasin Fez”³⁶.
- ❖ Special Awqaf for the blind to get married, and the money of this endowment is spent and given to the blind, and they get married with it³⁷.
- ❖ Special Awqaf for quarrels with their husbands who have no shelter, and provide them with food and drink, until what is resolved between them ³⁸.
- ❖ Special Awqaf for washing the dead and burying them for those who do not know, or who cannot wash their dead, and washing the dead is one of the duties of Muslims in terms of sufficiency, so it is washed, shrouded and buried from the money of Awqaf³⁹.
- ❖ Waqf for a good loan (without interest). Al-Dasouki mentioned: “In the footnote of Mr. Al-Blaidi: In the villages of Fez, there were a thousand ounces of gold endowed for advances, and they used to return it as copper, and it declined”⁴⁰.
- ❖ Awqaf for the prisoners, so it is released from the money of Waqf of the prisoners, and they return to their families⁴¹, and Judge Abd al-Rahim al-Bisani said that in Baghdad there were endowments for charity and the release of prisoners⁴².
- ❖ Awqaf for road construction and paving, Ibn Battuta mentioned in his visit to Damascus ⁴³.
- ❖ Waqf for the circumcision of orphans, as it was narrated of Abi Al-Hassan Al-Marini, that he had ongoing alms, among which he gathers on every Ashura orphans who lack circumcision from all over the country, so each one is circumcised and clothed in a shirt and an Ihram, and he is given ten dirhams, and what suffices him of meat, and countless gatherings from all over the country⁴⁴.
- ❖ And from the kindness of Al Awqaf: Waqf of Nur al-Din endowed the palace of the hill so that the poor could stroll in it, because he saw that the rich had palaces, so he made this hill a park for the poor, and it had a mosque, a sermon, a place for lessons, and several mosques, and it had halls and departments, and the frying pans on the side of the river are fried, and slaughtered in it every day fifteen heads of sheep, and that is in addition to what was brought to it of meat from the city, and everything that souls desire, and it had two ovens, and as for fruits, it has no value in it, and it has a bathroom that has no equal on the face of the earth; and so on⁴⁵.
- ❖ It is also funny: Awqaf for the treatment of some birds, as in some Awqafs there were place dedicated to “treatment of storks - a type of bird - if they are broken or injured, and grafts are given to those who bandage, heal and feed them” ()⁴⁶.

³⁵ See: Ibid.,

³⁶ By: Waqf in Islamic Thought (1/134). ³⁷

Waqf in Islamic Thought (135-134/1) ³⁸

Waqf in Islamic Thought (140/1) ³⁹

³⁹ The behavior book to know the states of kings (628).

⁴⁰ Al-Dasouki's footnote on the great explanation, (77/4).

⁴¹ Ibn Battuta's Journey, (330/1).

⁴² Al-Kamil fi al-Tareekh by Ibn al-Atheer (159/12), and see: The Beginning and the End by Ibn Katheer (23/13) and (252/14)

⁴³ See: The Journey of Ibn Battuta, (331/1).

⁴⁴ Al-Musnad Al-Sahih Al-Hassan in the works and virtues of Maulana Abi Al-Hassan (420).

⁴⁵ See: Munaadam al-Attal wa Masamra al-Ikhtal (404/1).

⁴⁶ Endowments of Meknes, (59/1).

- ❖ Al Waqf on the endowment building: The jurists decided that the expense of the endowment reconstruction is in terms of the endower's condition, If he did not specify a source, then it will be from his crops ⁴⁷.
- ❖ Waqf for the writing of books: it is given to everyone who authors a book on the doctrine of Imam Ahmad⁴⁸.
- ❖ Al Waqf on quarantine: It was mentioned that among the custodians is a spot whose purpose was to endow those affected by leprosy, if they multiplied; to be on the side of people; so that they do not harm people ⁴⁹.
- ❖ Among its strange and beautiful things: what was known as the patient's companion, which is Waqf to suggest healing to the patient, by assigning two nurses to stand close to the patient, so he hears them but does not see them, and one of them says to his friend: What did the doctor say about this patient? The other replies to him: The doctor says that he is fine, so he hopes for recovery, and there is nothing disturbing in his illness, and this is what helps the patient to get up from his bed due to the psychological effect

Third: The ruling of Al Waqf on artificial intelligence applications

After these simple papers, it became clear to the researcher that Al Waqf is legitimate and that its fields are Ijtihad, and it has diversified until it included many fields from the time of the honorable companions and after them until our current era, based on these premises, we can say that Al Waqf on artificial intelligence applications is permissible and legitimate, and it is true that this field is new. contemporary, but the fields of worship have developed, and it is necessary to keep up with this development in a way that suits the Sharia and achieves its purposes, we can be familiar with the development of the fields of Sharia with what was narrated from Imam Malik, may God have mercy on him: Sahnoun asked, Imam Abdul Rahman bin al -Qasim,: I saw if it is imprisoned for the sake of God, so what are the ways of God? Malik said: The paths of God are many, but whoever is imprisoned for the sake of God's something, but he is in the invasion. Sahnoun said: Ibn Wahb said, Yunus said. Rabia said

:All that made charity of imprisonment, or imprisonment and did not name charity, it is all charity that is carried out in the places of charity, and in the face of what benefits it in it, if it is animals, then it is in Jihad, And if it is a yield of money, then the status of what the governor sees in the faces of charity.⁵⁰ So the way of God, if he is launched, then what is meant by invasion and jihad; But with this, it may enter into the way of God other varieties, so God's ways are many as he said, and God knows best.

Conclusion: it contains the results and recommendations

Results

- ❖ What is meant by non-Tawqeef is the matter that is reached through Ijtihad, and in the future it will be subject to another Ijtihad, modification, review, transgression, and acceptance.
- ❖ That the legal methodology in Tawqeefyia worship matters; No Ijtihad for it, not expanding it from its place, and limiting it to what lawgiver limited.
- ❖ Twfteeqia and Ijtihad issues may be subject to diligence and expansion, and diligence may change from one mufti to another, and from time to time.

⁴⁷ Al-Mughni, (234/8).

⁴⁸ The lesson in the history of schools, by Al-Nuaimi, (126/2).

⁴⁹ Al Mi'ar Al Mu'raab, by Al-Lonchrisi, (39-38/7).

⁵⁰ Al Mudawaana (341/4)

- ❖ Tawqifat differs from Ijtihad in the field of Mujtahid's work. The first does not agree with Ijtihad in contrast to the second.
- ❖ What is meant by Waqf on artificial intelligence applications: allocating imprisoned money from those who hope for the good of the Hereafter, and making it to fund artificial intelligence applications that serve Islamic law and its purposes. Its benefit is for its beneficiaries, based on the endower's statement and desire.
- ❖ That the fields of Waqf are not Tawqefia, as the honorable companions, scholars and jurists expanded after them in new fields that were not stipulated in the legal texts.
- ❖ Throughout history, we have received several examples of many Awqaf that expanded in the fields Waqf and were not limited to Al Awqaf mentioned in the legal texts, and the expansion still exists to this day.
- ❖ Al Waqf on artificial intelligence applications is a legitimate permissible if they serve the Sharia and its purposes.

Recommendations

- ✓ Expanding the search for areas and fields of Waqf in the Sharia in order to expand the area of beneficiaries from it.
- ✓ Activating Al Waqf on artificial intelligence applications in the fields of education, health, defense, and others.
- ✓ Guiding donors and philanthropists to this field because it is one of the fields in which the beneficiaries are more, and perhaps the reward in it is greater.

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