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“Pitfalls of Fatwa Issuance Through Artificial Intelligence Technologies: Mufti-Related Concerns as a Case Study”

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Corresponding author*Abstract:**

The use of artificial intelligence and its applications in the process of issuing fatwas offers numerous opportunities, including providing vast and diverse information, facilitating access to religious rulings for those seeking them, and disseminating fatwas on a wide scale, among many other benefits. At the same time, however, it raises numerous questions, presents significant challenges, and is accompanied by various concerns and risks.

This study aims to examine the concerns and risks associated with the issuance of fatwas through artificial intelligence technologies and applications. It also seeks to develop solutions and propose recommendations to avoid these concerns and mitigate their risks.

The study reached several findings and recommendations, the most notable of which are: the existence of differing juristic characterizations (fiqh classifications) regarding the issuance of fatwas through artificial intelligence technologies and applications; the fact that issuing fatwas through these technologies involves a number of concerns and risks, which are discussed throughout the study; and the identification of a set of solutions and proposals to prevent these concerns or reduce their potential risks

Key Words: Artificial Intelligence, **Fatwa-Making Process**, Electronic Mufti, **Risks**, Technologies, Applications

INTRODUCTION

Praise be to Allah, Lord of the worlds, and may the most complete and perfect peace and blessings be upon the one sent as a mercy to all mankind. To proceed: Artificial Intelligence (AI), along with the issues, rulings, and subjects related to it, has become one of the most widely explored and researched topics today. AI, with the opportunities it offers, the challenges and concerns it raises, and the implications it presents, has become a central focus in scientific, academic, and research circles in particular. Among the topics associated with AI is the study of the possibility of employing it in the service of Islamic sciences in general, and Islamic jurisprudence (fiqh) in particular.

This study addresses an important and highly specialized issue within jurisprudential studies, namely the formulation of fatwas (Islamic legal opinions). Can AI be employed in the process of issuing fatwas in such a way that it may be relied upon in constructing and delivering Islamic legal rulings? Or is it not possible to depend upon it for that purpose, such that the utmost role AI can play in this field is to collect jurisprudential opinions, their legal reasoning, and evidences, and make them available to the human mufti efficiently, accurately, and rapidly—thereby saving considerable time and effort otherwise spent on surveying, examining, and understanding these opinions and their foundations, ultimately assisting the human scholar in formulating and issuing fatwas?

If this question is legitimate regarding traditional jurisprudential issues discussed in classical fiqh literature, can the same question also arise with respect to issuing fatwas through AI technologies concerning contemporary incidents and unprecedented cases for which neither classical nor perhaps even contemporary scholars have provided rulings?

This study therefore examines an important dimension of fatwa formulation through the employment of AI, namely the religious, psychological, educational, and other potential concerns associated with using AI technologies in the process of issuing fatwas. The study dedicates one section to presenting and analyzing these concerns, and another section to proposing solutions and recommendations to overcome them, while also benefiting from the opportunities and broad prospects that AI technologies offer in the field of fatwa formulation. This study was limited to examining the concerns and risks associated with the electronic mufti.

Objectives of the Study

This study seeks to achieve several objectives, the most important of which are:

1. To examine how AI can be employed in the process of fatwa formulation and to provide the jurisprudential characterization of such employment.
2. To identify the religious, educational, psychological, and other concerns associated with employing AI technologies in fatwa formulation.
3. To clarify the areas in which AI technologies can be most beneficially utilized in the process of issuing fatwas.
4. To propose solutions for addressing the challenges, problems, and concerns surrounding fatwa formulation through AI technologies.

Research Problem

1. To what extent can Artificial Intelligence be employed in the process of fatwa formulation, and what is the appropriate jurisprudential characterization (fiqh adaptation) of such employment?
2. What are the religious, educational, and psychological concerns associated with employing AI technologies in fatwa formulation?
3. What are the fields in which AI technologies can be most beneficially utilized in the process of fatwa formulation?
4. What are the proposed solutions for addressing the challenges, problems, and concerns surrounding fatwa formulation through AI technologies?

Research Methodology

This study, God willing, adopts a combination of the following two research methodologies:

1. **The Inductive Methodology:**
This will be applied through surveying and collecting the scholarly material related to the topic of the study from its relevant sources in various scientific and Islamic references.
2. **The Analytical Methodology:**
This will be employed through examining, processing, and analyzing the collected material, with the aim of studying each of the concerns

surrounding the employment of AI technologies in constructing and issuing fatwas, while also developing appropriate solutions and recommendations to avoid or mitigate such concerns.

Previous Studies

A number of studies have examined the employment of Artificial Intelligence in various Islamic sciences, including the Qur'an and its sciences, Hadith and its sciences, fiqh and its principles, as well as Islamic creed and its sciences. In addition, several studies have addressed the ruling concerning reliance on AI in constructing and issuing fatwas.

However, this category of studies has not devoted an independent and comprehensive investigation specifically to the concerns and risks surrounding fatwa formulation through AI technologies. Rather, some of these concerns have merely been mentioned within broader studies related to the use of AI in the field of fatwa. Among these studies are:

1. Omar bin Ibrahim bin Mohammed Al-Muhamid, *Artificial Intelligence and Its Impact on Fatwa Formulation*, published in the Saudi Fiqh Society Journal, Issue 57, 2022.
2. Amina Madoukhi Ben Obeid, *Regulations of Digital Fatwa in Light of Artificial Intelligence*, published in the Al-Zaytoonah International University Journal, Issue 19, 2024.
3. Mohamed Ali Ahmed Al-Farouq, *The Use of Artificial Intelligence in Ijtihad and Fatwa Issuance: Jurisprudential Financial Transactions as a Model*, published in the Journal of Fiqh and Law, Issue 156, 2025.
4. Maryam Ahmed Ali Al-Kandari, *The Ruling on Using the ChatGPT Program in Fatwa Issuance*, published in the Journal of Sharia Sciences, Issue 72, 1445 AH.

What distinguishes my study from this study and others in the same field are several matters, the most important of which are:

1. Conducting a separate inductive study dedicated to the concerns and risks associated with the electronic mufti.
2. Explaining each concern in a comprehensive and detailed manner, instead of merely referring to it briefly in a few lines as done in previous studies.
3. Proposing appropriate solutions for addressing each concern, along with practical recommendations to avoid or reduce its risks.

Study Plan

Chapter One: A Brief Overview of Artificial Intelligence

Chapter Two: Fatwa Production through Artificial Intelligence Technology and Its Jurisprudential Characterization

Chapter Three: Inability to Exercise Independent Juristic Reasoning (Ijtihād) in Accordance with the Principles of Uṣūl al-Fiqh and to Consider the Objectives and Consequences of Fatwas

Chapter Four: Failure to Take the Questioner's Circumstances into Consideration

Chapter Five: Failure to Consider Custom ('Urf) in Fatwa Issuance

Chapter Six: Deficiency in Deep Understanding and Precise Juristic Insight

Chapter Seven: Absence of the Requirements of Piety (Wara') and Moral Integrity ('Adālah) in the Mufti

Conclusion

THE FIRST SECTION: A Brief Overview of Artificial Intelligence

Before discussing the employment of artificial intelligence in the production of fatwas, the concerns surrounding such employment, and the appropriate solutions and recommendations to avoid these concerns and mitigate their risks to the fatwa-making process, it is necessary to provide an introduction in which the researcher presents the concept of artificial intelligence.

Artificial intelligence is the counterpart of natural intelligence, namely human intelligence. Most researchers have commonly referred to it as "artificial intelligence," although this is technically a widespread linguistic inaccuracy in Arabic usage. The counterpart of "natural" should linguistically be "industrial/man-made" rather than a term implying fabrication or pretension. For example, one speaks of natural respiration and artificial respiration, natural fertilization and artificial fertilization, and so forth. The Arabic term translated here as "artificial" may also carry meanings of affectation, exaggeration, or even imitation and pretense. One may say: "he feigned anger" or "she pretended to cry," meaning that the action was simulated rather than genuine.

Artificial intelligence has been defined through numerous definitions that may generally be reduced to two major approaches:

The First Approach:

Defining artificial intelligence as possessing limited capabilities and skills; that is, as a system characterized primarily by the rapid processing of data. Such systems may provide suggestions, recommendations, or solutions, yet they are not capable of independent thinking or autonomous decision-making apart from the human being who inputs the data or designs the software. Among the common definitions of artificial intelligence from this perspective is the following:

1. *The ability of a system to correctly interpret external data, learn from such data, and use that knowledge to achieve specific goals and tasks through flexible adaptation¹*
2. *The use of a computer or robot controlled by intelligent software to perform precise and complex tasks, utilizing multiple layers of information, including algorithms².*

The Second Approach:

Defining artificial intelligence as a system of intelligent technologies that resemble human intelligence in terms of independent thinking and the ability to make decisions autonomously, apart from the programmer, designer, or manufacturer. Among the common definitions according to this approach are the following:

1. *Certain characteristics possessed by computer programs that enable them to simulate human mental abilities and patterns of operation, such as the ability to learn, infer, and predict reactions*³.
2. *A field of science aimed at enabling computers and other machines to acquire the attribute of intelligence and the ability to perform tasks that, until recently, were exclusive to humans, such as thinking, learning, creativity, and communication*⁴.
3. *Transforming the machine from a state of rigidity into a state in which it becomes capable of understanding, perception, learning, and acting in a manner similar to human nature, based on the concepts, experiences, and knowledge available to it*⁵.

The Second Section: Issuing Fatwas through Artificial Intelligence Technology and Its Juristic Characterization

In this section, the researcher will address the following two topics:

The First Topic: Definition of Fatwa Issuance Linguistically and Terminologically

First: Fatwa Linguistically

The linguistic root of the word *fatwa* (f-t-y) revolves around several principal meanings, the most notable of which are:

1. **Clarification** and **Explanation**⁶
It is said: *aftāhu fī al-amr* (he gave him a fatwa regarding the matter), meaning he clarified and explained it to him. Among its usages is the Qur'anic verse:
“*Say, Allah gives you a ruling concerning kalālah*” (Qur'an, al-Nisā': 176), meaning: He clarifies its ruling for you⁷.
2. **Offering Advice** or **Consultation**⁸
It is said: *aftinī fī al-amr* (give me your opinion regarding the matter), meaning: advise me concerning it. An example is the statement of the Queen of Sheba in the Qur'an:
“*O eminent ones, advise me in my affair*” (Qur'an, al-Naml: 32), meaning: give me counsel regarding it⁹.
3. **Youth** or **Young** **Age**¹⁰
It is said: *hādhā al-fatā* (this is a young man). An example is the Qur'anic verse concerning the People of the Cave:
“*Indeed, they were youths who believed in their Lord, and We increased them in guidance*” (Qur'an, al-Kahf: 13), meaning: young men¹¹.
4. **Litigation** or **Seeking Judgment**¹²
It is said: *tafātā al-qawm ladā al-hākim*, meaning the people brought their dispute before the judge or litigated before him.

Second: Fatwa Terminologically

There are numerous definitions of *fatwa* in juristic and legal theory literature. Although their wording differs, their meanings are generally close. Among these definitions are:

1. Informing about the ruling of the Sharī‘ah in a non-binding manner for the one who asks about it¹³.
2. Manifesting the ruling of the Sharī‘ah regarding a particular case by one who is not authorized to enforce it¹⁴.
3. A statement issued by the mufti clarifying the legal ruling concerning a specific case for the person who inquired about it¹⁵.
4. Informing about the Sharī‘ah ruling along with knowledge of its evidence¹⁶.

It is evident from the previous definitions, and others of similar meaning that cannot all be mentioned in this brief discussion, that these definitions are closely related in meaning. The following points clarify this:

- The definitions share a common understanding of the essence of fatwa, namely informing about a Sharī‘ah ruling.
- They differ in the inclusion or omission of certain qualifications, including:
 - (a) **Binding force:** A fatwa is generally not considered binding in the process of issuing legal opinions, whereas judicial rulings are binding. This restriction is explicitly mentioned in the first and second definitions.

(b) The requirement of a prior question:

This is stated in the third definition, which indicates that the fatwa comes in response to an inquiry.

(c) Mentioning the evidence of the fatwa:

This appears in the fourth definition, which emphasizes that the ruling should be accompanied by knowledge of its supporting evidence.

Third: Fatwa-Making Industry (Ṣinā‘at al-Fatwā)

The term “fatwa-making industry” is a modern expression that was not commonly used by classical jurists in their legal writings. They were generally satisfied with defining the term “fatwa” itself. Nevertheless, the substance of this concept has long been present in juristic literature, particularly in discussions on issuing fatwas in general, the conditions and etiquette of the mufti and the questioner (mustafti), and other topics related to fatwas.

However, contemporary terminological developments have produced a number of modern expressions that are new in form but old in essence and content, such as “Islamic banking,” “Islamic financial industry,” and “Islamic financial engineering.” Among these modern expressions is the term “fatwa-making industry.” With the passage of time, another term may emerge that is not yet in circulation, such as “fatwa engineering.”

There are several definitions of this term in contemporary fatwa literature, including:

1. A scholarly aptitude characterized by comprehensive mastery of the principles and rules of Islamic law, awareness of its issues, and understanding of the methodology for deriving subsidiary rulings from foundational principles, enabling the mufti to clarify and communicate the legal ruling together with its evidence¹⁷.
2. That firmly established aptitude and that methodological, objective, and conscious knowledge by which one is capable of informing the questioner of the ruling of the Shariah, along with its evidence, concerning a particular

issue, in a manner that enables the questioner to comprehend and apply the ruling within the context of the reality in which they live¹⁸.

THE SECOND TOPIC: Defining Fatwa through the Use of Artificial Intelligence and Its Juristic Classification

There are several definitions circulating in contemporary literature regarding fatwas issued through artificial intelligence technologies. Among the most prominent are:

1. Employing inventions, discoveries, and systems that simulate human capabilities in issuing fatwas and informing people of juristic rulings through computer programs, whereby the questioner follows specified procedural steps¹⁹.
2. The acquisition by the questioner of an answer to a religious issue through communication with software or digital applications that possess advanced reasoning capabilities, data analysis functions, and the ability to provide a specific result either directly or through a specialized intermediary responsible for conveying the legal ruling²⁰.

As for the juristic classification (*takīf fiqhī*) of fatwas through the use of artificial intelligence technologies, there are several approaches discussed in modern scholarly literature on this topic. The most prominent include:

1. Considering artificial intelligence as an assistant in the fatwa process. According to this classification, AI technologies—whether in the form of robots, applications, or platforms such as ChatGPT—serve to collect the preliminary material for a fatwa with remarkable speed and precision by presenting the opinions of jurists. They may also alert the mufti to aspects that should be taken into consideration and that the mufti might otherwise overlook when issuing a fatwa after receiving an actual inquiry. Under this approach, AI technologies provide opportunities and facilitation for issuing fatwas by saving the time and effort that the mufti would otherwise spend researching the primary data and information necessary for formulating the fatwa²¹.
2. Considering artificial intelligence as a transmitter and informer. According to this approach, fatwas issued by scholars may be stored in the memory of a robot or application and retrieved when needed by those seeking fatwas. This saves the questioner the time and effort that might otherwise be spent searching for the required fatwa²².
3. Considering artificial intelligence analogous to an ignorant or unethical mufti. This classification addresses situations in which AI technology generates a fatwa rather than merely transmitting one. It assumes that robots are incapable of independently producing fatwas in a reliable manner and therefore may embody the same risks associated with fatwas issued by an ignorant or morally compromised mufti. Such risks include errors that may accompany these fatwas or deviation from the proper principles of Islamic legal reasoning when the machine relies on certain cultural frameworks. In addition, AI systems may display bias and lack of objectivity when dealing

with intellectual or juristic matters that conflict with the orientations upon which the machine was programmed.

These classifications generally reject total reliance on artificial intelligence technologies in issuing fatwas independently at all stages. This is the prevailing view among most researchers. Even those scholars who permit AI technologies to issue fatwas usually condition such permissibility upon numerous controls and restrictions, making the position of permissibility very close, in practice, to prohibition²³.

THE THIRD SECTION: Inability to Exercise Independent Juristic Reasoning (Ijtihād) in Accordance with the Principles of Uṣūl al-Fiqh and to Consider the Objectives and Consequences of Fatwas

There are foundational legal principles (qawā'id uṣūliyyah) that regulate ijtihād and govern its mechanisms. Among these principles are: "There is no ijtihād where there is a clear textual ruling,"²⁴ and "One ijtihād is not invalidated by another ijtihād."²⁵ Furthermore, there are higher objectives (maqāṣid) and consequences (ma'ālāt) that must be considered and observed when formulating and issuing a fatwa. Al-Shāṭibī stated: "Consideration of the consequences of actions is a legally intended objective, whether the actions are in agreement or disagreement [with the law]."²⁶ This concern will be studied through the following two topics:

First topic: Clarifying and Explaining the Concern

Since artificial intelligence technologies are essentially tools that process information and data mechanically, without being based on a precise, profound, and comprehensive understanding of the mechanisms, methods, and requirements of jurisprudential and foundational ijtihād and fatwa-giving, their ability to issue fatwas correctly and soundly appears limited or questionable. This is due to several reasons, the most important of which are²⁷:

A/ Failure to observe the foundational principles of fatwa-giving and the legal hierarchy governing those principles. An AI system may prioritize a proof or principle that should come later within that hierarchy. For example, it may begin with the Prophetic Sunnah before the Qur'an, or rely on analogical reasoning and rational considerations before consensus (ijmā'). Such shortcomings may lead to violating the proper hierarchy and consequently result in erroneous fatwas.

B/ AI technology may confuse the foundational principles of different legal schools (madhāhib), failing to observe the subtle distinctions between them or the conditions set by some schools for applying those principles, which may consequently lead to errors in fatwas based upon them.

C/ AI technology lacks the ability to derive rulings and perform proper ijtihād, instead relying merely on the data and information fed into the system. It may also misunderstand the jurisprudential texts stored within its software.

D/ Absence of a maqāṣid-oriented understanding of legislative texts or legal principles, which negatively affects the software's ability to formulate a sound and coherent fatwa consistent with legal principles and consequential objectives. AI technologies rely on pre-programmed texts and rules that may lack the capacity to comprehend their meanings or their role in constructing fatwas.

E/ Weakness in AI technology's ability to assess necessity (darūrah), need (hājah), and the recognized jurisprudential controls governing their consideration.

F/ Lack of comprehensive awareness of the conditions required for applying certain legal principles such as istiḥsān (juristic preference), sadd al-dharā'i' (blocking the means), and maṣlaḥah (public interest), as well as the proper extent to which such principles may be applied or limited.

G/ Inability to properly determine the effective legal cause (taḥqīq al-manāṭ) upon which a fatwa is based.

H/ AI technologies' lack of awareness or understanding of the requirements of fiqh al-wāqī' (jurisprudence of reality) and the application-oriented ijtihād based upon that understanding.

I/ The inadequacy of AI technologies in comprehending fiqh al-awlawiyyāt (jurisprudence of priorities) and fiqh al-muwāzanāt (jurisprudence of balancing interests and harms), together with the conditions, rules, hierarchies, and controls required for these disciplines, as well as the principles governing preference between conflicting benefits or harms and the rules of weighing benefits against harms.

Second topic: Solutions and Proposals

To avoid some of the previously mentioned concerns, a number of proposals may be suggested, the most important of which are:

1/ Linking artificial intelligence technologies, applications, and software to specialized scholarly fatwa institutions whose responsibilities would include:

- Regulating and defining the foundational legal methodologies (uṣūlī methodologies) used in fatwa-giving, clarifying the differences between those methodologies, and explaining the extent to which such differences affect the formulation and issuance of fatwas.
- Incorporating into the software precise algorithms that include rules of preference (tarjīḥ), the hierarchical structure of those rules, and the circumstances in which they should be applied.
- Conducting continuous review of AI-generated fatwas by taking samples of such fatwas, studying them, identifying recurring methodological errors in their formulation, and continuously correcting those errors through software modifications developed collaboratively between the technical committees supervising the application and distinguished Sharī'ah scholarly committees specializing in fatwa issuance.

2/ Ensuring the incorporation of foundational legal and maqāṣid-based principles into the software design according to the hierarchical method recognized in uṣūl and maqāṣid literature, such as the principles of the general and specific ('āmm and khāṣṣ), unrestricted and restricted (muṭlaq and muqayyad), ambiguous and clarified (mujmal and mufassar), and other foundational and maqāṣid-based principles, together with the hierarchical systems governing the use of these principles in formulating and producing fatwas.

3/ Enabling AI technologies to issue fatwas in accordance with fiqh al-wāqī' (jurisprudence of reality) through:

- Linking fatwas to the customs and norms prevailing in the country of the questioner, since this has a decisive effect on producing a correct fatwa that is consistent with local custom and reality.
- Connecting fatwas to considerations of benefits and harms (maṣāliḥ and mafāsid), while inputting and updating the data required for formulating fatwas according to this consideration.
- Linking fatwas to political and social realities.

4/ Formulating human-produced fatwas for hypothetical or actual cases that take into account the content of the previous points, and incorporating them into fatwa software so that these scholarly human fatwas may serve as guiding references from which AI programs can draw in constructing and formulating fatwas. The fatwas entered into such software should be diverse and should address the fields of greatest concern and interest to those seeking fatwas.

5/ Limiting the use of AI technologies in issuing fatwas regarding contemporary unprecedented issues (nawāzil) that require specialized scholarly bodies, or restricting the role of AI in such issues to merely transmitting the decisions of fatwa institutions—such as official fatwa councils and boards—and the resolutions of various fiqh academies.

6/ Displaying continuous disclaimers on fatwa platforms stating that fatwas issued by artificial intelligence are merely advisory and do not replace fatwas issued by official fatwa institutions and qualified distinguished scholars.

THE FOURTH SECTION: Failure to Take the Questioner's Circumstances into Consideration

Failure to consider the circumstances of the questioner is one of the pitfalls associated with fatwa applications, which are unable to take into account the individual condition of the person seeking a ruling. Knowledge of the questioner's situation is among the important matters upon which the formulation and issuance of a fatwa depends. This section will be studied through the following two topics:

First topic: Explaining and Clarifying the Pitfall

Considering the condition of the questioner is among the matters discussed by scholars in the classical works on fatwa, as well as in the etiquettes of the mufti and the seeker of fatwa²⁸. They explained the importance of taking the questioner's circumstances into account and what should be done within that framework²⁹. Thus, the mufti should consider the condition of the person seeking the fatwa. For example, he should clarify and simplify the answer and support it with examples if the questioner has difficulty understanding. He may issue a ruling that prevents the person from committing a sin if he senses that the person is only asking in order to engage in that sin. Conversely, if the person has already committed the sin and regrets it, he should answer in a way that does not cause despair regarding repentance. He may also add clarification concerning matters not directly asked about if they are related to the question³⁰. There are texts from the purified Prophetic Sunnah and reports from the Companions that indicate the necessity of considering the state of the questioner. Among them are:

- The hadith of Abu Hurairah (may Allah be pleased with him), in which a man asked the Prophet ﷺ whether one could perform ablution with

seawater. The Prophet ﷺ replied: “Its water is pure and its dead animals are lawful.”³¹ The man had only asked about the ruling of purification with seawater, yet the Prophet ﷺ did not suffice with answering that question alone; rather, he added clarification regarding another related ruling that had not been asked about, namely the permissibility of eating dead sea creatures such as fish and the like.

- It is narrated from Ibn Abbas (may Allah be pleased with them both) that he was asked about the repentance of a murderer. To one person he said: “There is no repentance for him.” Another asked the same question, and he answered: “He has repentance.” Then Ibn Abbas explained: “As for the first, I saw in his eyes the intention to kill, so I sought to deter him. As for the second, he came humbled after having already killed, so I did not want to cause him despair.”³² Thus, the scholar of the Ummah considered the condition of each questioner. When he perceived anger and an intention to commit the crime in the first man, he gave a severe answer to prevent him from carrying out the sin. When he saw remorse and brokenness in the second, he answered with hope for repentance so as not to drive him to despair and to encourage repentance.
- The hadith of Abdullah ibn Amr ibn al-As, who said: “We were with the Prophet ﷺ when a young man came and asked: ‘O Messenger of Allah, may I kiss while fasting?’ He replied: ‘No.’ Then an old man came and asked the same question, and he replied: ‘Yes.’ Some of us looked at one another, so the Messenger of Allah ﷺ said: ‘I know why you looked at one another; indeed, the old man can control himself.’”³³ The Prophet ﷺ thus took into account the condition of each questioner. Since the older man was capable of restraining himself from falling into what is prohibited during the daytime of Ramadan, namely intercourse, he was permitted to kiss his wife while fasting. But because the Prophet ﷺ feared that the younger man’s desires might lead him into prohibited intercourse, he forbade him from doing so³⁴.
- Among the statements of scholars indicating this meaning is what Imam Al-Nawawi said: “Al-Saymari said: If the mufti sees that the public interest requires giving a layperson a stricter answer, even though its apparent meaning is not intended and it admits interpretation, then that is permissible as a means of deterring him.”³⁵

Artificial intelligence technologies are incapable of considering the state of the questioner, because they have not been granted the faculties and skills possessed by scholars who are firmly grounded in knowledge. Through such abilities, scholars are able to assess and study the condition of the questioner and take the necessary measures to issue a sound and correct fatwa that observes the principles and objectives of the sacred law and takes into account the consequences of rulings. This includes consideration of the intentions of those seeking fatwas, as well as their behavioral and educational dimensions³⁶, the legal school followed by the questioner, and the prevailing customs of his country. Fatwas produced by such technologies are generally unable to account for the questioner’s specific

circumstances, social reality, educational level, and temporal and spatial contexts, which may lead to the application of a ruling in an inappropriate context or may cause harm to the questioner despite the correctness of the ruling in itself³⁷.

Second topic: Solutions and Recommendations

In order to avoid the aforementioned pitfall, a number of measures may be undertaken, the most important of which are:

1. Restricting the role of artificial intelligence technologies to that of an assistant rather than an independent mufti.
2. Entrusting the assessment of the questioner's circumstances and the application of rulings to his or her reality to a qualified mufti who is capable of asking questions, seeking clarification, and weighing benefits and harms.
3. Clearly and prominently stating, when issuing fatwas through artificial intelligence platforms and fatwa-related applications, that the fatwas generated by AI technologies are merely general advisory rulings and cannot replace personalized fatwas issued by specialized scholars who possess extensive expertise and study in matters of fatwa and those seeking them.
4. Linking artificial intelligence systems and algorithms to specialized scholars or accredited fatwa councils and institutions.
5. Requiring the questioner to refer to a human mufti when the inquiry concerns matters related to personal and private circumstances.

THE FIFTH SECTION: Failure to Consider Custom ('Urf) in Fatwa Issuance

Taking the questioner's local custom into account is one of the important matters necessary for formulating and issuing a fatwa. This issue may be examined through the following two topics:

topic One: Clarifying the Issue

Among the matters a mufti should observe is the social custom ('urf) of the person seeking the fatwa³⁸. Such custom may sometimes be a *madhhab-based custom*, as when a particular juristic school is widely followed in the questioner's country. In such cases, a fatwa generated through artificial intelligence technologies may conflict with that prevailing custom.

A number of jurists have explicitly stated the necessity for the mufti to take the questioner's custom into consideration. Among them is Ibn al-Qayyim, who said: "...It is not permissible for him to issue fatwas regarding acknowledgements, oaths, wills, and similar matters related to wording, based merely on his own accustomed understanding of such expressions, without knowing the custom of the people and those who use such language. Rather, he must interpret their words according to what they commonly understand and recognize, even if this differs from the original literal meanings of those expressions."³⁹

topic Two: Solutions and Recommendations

To avoid the aforementioned problem, the following measures may be proposed:

1. Training AI systems on general juristic principles that emphasize the necessity of respecting prevailing societal customs when issuing fatwas, provided that such customs are not corrupt or contrary to Islamic law.

2. Enabling artificial intelligence technologies to ask the questioner about the customs and traditions prevailing in their country or society, so that the fatwa may be adjusted in light of those customs and practices.
3. Informing users that fatwas generated through AI technologies are based on specific scholarly data and juristic references derived from classical legal texts, and may not necessarily take into account the custom of the user's country or society.
4. Equipping AI technologies with the capability to identify the questioner's country and store information regarding prevalent customs in Muslim societies on issues where custom has legal relevance, thereby enabling the AI system to respond while taking the customs of the user's society or country into consideration.

THE SIXTH SECTION: Deficiency in Deep Understanding and Precise Juristic Insight

Among the scholarly and juristic qualifications that a mufti should possess are deep understanding and precise legal insight. These are qualities that artificial intelligence technologies are unable to fully attain, which constitutes one of the concerns associated with the application of fatwa issuance through AI technologies. This issue may be examined through the following two topics:

topic One: Clarifying the Issue

One of the concerns surrounding reliance on artificial intelligence technologies in the field of fatwas is their limited ability to perceive subtle meanings⁴⁰, fine distinctions, and hidden circumstances that may have significant impact on the legal ruling. These technologies rely on formal processing of texts and data without genuine awareness of the objectives of speech, the contextual implications of expressions, or the differences in customs and practices. This may lead to the generalization of rulings where they do not properly apply, or to the misapplication of fatwas in an incorrect manner.

For example, fatwas related to divorce require dialogue with both spouses in order to determine the exact expressions uttered by the husband issuing the divorce and to assess the degree of anger he experienced at the time of pronouncing it. The absence of such dialogue may result in incorrect fatwas due to the lack of certain information upon which the ruling should be based. The mufti may also need to ask about the questioner's intention if the divorce was expressed through indirect or metaphorical wording (*kināyah*).

The same applies to matters beyond divorce and to many other juristic issues. Formulating and issuing a fatwa often requires information that the questioner may have neglected to mention in the inquiry, and the mufti completes this missing information by asking further questions. Such interactive clarification is generally unavailable in artificial intelligence technologies⁴¹.

topic Two: Solutions and Recommendations

To avoid the concern explained above, several measures may be adopted, the most important of which are:

1. Limiting the role of artificial intelligence in fatwa issuance to clear and general matters, as well as well-defined legal texts, while excluding it from

issues that depend on discerning intentions or observing subtle distinctions between circumstances and individuals.

2. Subjecting fatwas that may result in significant consequences to review by qualified scholars and specialists, since perceiving subtle meanings is among the distinctive qualities of human understanding and expertise.
3. Enabling AI systems to ask clarifying questions that help identify the intended meaning and reduce misunderstanding resulting from ambiguity or lack of detail in the inquiry.

THE SEVENTH SECTION: Absence of the Requirements of Piety (Wara') and Moral Integrity ('Adālah) in the Mufti

The qualities of piety (*wara'*) and integrity (*'adālah*) are among the most important characteristics required for the formulation and issuance of fatwas. This issue may be explained through the following two topics:

topic One: Clarifying the Issue

The conditions of integrity and piety are among the qualities that a mufti is required to possess⁴². Jurists have explicitly stated that piety and integrity are essential characteristics for a mufti⁴³. Among such statements is the assertion that: "The mufti should be upright and just."⁴⁴

The significance of requiring piety and integrity appears in the mufti's restraint from issuing fatwas on matters about which he lacks sufficient knowledge. The Companions, may Allah be pleased with them, would often defer fatwas to one another. If one of them was asked about an issue whose ruling he was uncertain of, he would say: "Ask someone else about it," and they would not hasten to issue fatwas⁴⁵.

It is also narrated that Malik ibn Anas was asked about forty questions, and regarding thirty-six of them he replied: "I do not know."⁴⁶

Artificial intelligence technology lacks the qualities of piety and integrity because it is merely a machine that is not influenced by religious consciousness or fear of God—qualities that restrain a mufti from recklessly issuing fatwas or speaking on matters in which he possesses insufficient knowledge or only limited understanding that does not qualify him to issue rulings on such issues.

topic Two: Solutions and Recommendations

To avoid the concern mentioned above, the following measures may be proposed:

1. Informing the questioner that a fatwa generated by artificial intelligence technology is merely advisory in nature and cannot replace the fatwa of a qualified scholar characterized by piety and integrity.
2. Avoiding reliance on AI-generated fatwas independently and subjecting them to review by qualified scholars in order to ensure their reliability and their conformity with the conditions of piety and integrity required in fatwa issuance.

Conclusion

This study has arrived at a number of findings and recommendations, the most significant of which are as follows:

(A) Findings

1. The production of fatwas through the use of artificial intelligence technologies and applications provides numerous opportunities; however, at the same time, it raises many issues and involves various caveats and challenges.
2. There are several juristic characterizations (fiqh adaptations) concerning the production of fatwas using AI technologies, the most important of which are:
A/ Considering artificial intelligence as an assistant in the fatwa process.
B/ Considering artificial intelligence as a transmitter and informant.
C/ Considering artificial intelligence analogous to an unqualified or ignorant mufti.
3. There are several caveats surrounding fatwa production using AI technologies and applications that relate to the mufti (the application), the most prominent of which are:
 - Inability to perform ijtihad according to the principles of usul al-fiqh and to take into account objectives (maqasid) and consequences (ma'alat).
 - Failure to consider the condition and circumstances of the questioner.
 - Failure to take customary practice ('urf) into account in issuing fatwas.
 - Deficiency in deep understanding and precise juristic comprehension.
 - Absence of the qualities of piety (wara') and integrity ('adalah) required in a mufti.

(B) Recommendations

1. A number of solutions and proposals should be adopted to address the caveats involved in the use of AI technologies in fatwa production and to reduce their risks. This study has included a variety of such solutions and proposals for addressing each caveat individually. These solutions and proposals were presented under the heading: "topic Two: Solutions and Proposals" following the explanation and clarification of each caveat.
2. Conducting an independent, comprehensive, and exhaustive study dedicated specifically to the opportunities made available through the use of AI technologies in fatwa production.
3. Including within such a study scientific and practical proposals aimed at increasing the effectiveness of benefiting from these opportunities.

¹ Al-Sinani, *Liability for Harm and Damage Caused by Artificial Intelligence Technologies*: Vol. 55, No. 100, P245.

² Hassan, *Criminal Liability Arising from the Harms of Using Artificial Intelligence in the Medical Field*, P8.

³ Al-Sinani, *Liability for Harm and Damage Caused by Artificial Intelligence Technologies: Jurisprudential Rules and Applications*, Vol. 55, No. 100, P246

⁴ Abdel Nour, *An Introduction to the World of Artificial Intelligence*, p7

⁵ Abdel Rahim, *Artificial Intelligence and Its Impact on Liability in Islamic Jurisprudence*, P8

⁶ Ibn Faris, *Maqayis al-Lugha*, 4/474

⁷ Al-Qurtubi, *Al-Jami' li Ahkam al-Qur'an*, 6/28

⁸ Ibn Manzur, *Lisan al-Arab*, 15/148

⁹ Al-Tabari, *Jāmi' al-Bayān 'an Ta'wīl Āy al-Qur'ān*, 10/453

¹⁰ Ibn Manzur, *Lisan al-Arab*, 15/148

¹¹ Al-Qurtubi, *Al-Jami' li Ahkam al-Qur'an*, 10/364

¹² Ibn Manzur, *Lisan al-Arab*, 15/148

- ¹³ Al-Shāṭibī, *Al-Muwāfaqāt*, P68
- ¹⁴ Al-Shirbīnī, *Mughnī al-Muhtāj ilā Ma'rifat Ma'ānī Alfāz al-Minhāj*, 6/257
- ¹⁵ Ibn Hamdan, *The Characteristics of Fatwa, Mufti and Questioner*, P4
- ¹⁶ Al-Khunein, *Fatwa in Islamic Law*, P31
- ¹⁷ Justina, *Annual Journal of Islamic and Arabic Studies for Girls – Mansoura*, No. 27, Part 2, P1256
- ¹⁸ Ghargout, "AI Fatwa Industry: The 'Robot Mufti' Model and Future Prospects, p377
- ¹⁹ Al-Muhimid, "Artificial Intelligence and Its Impact on Fatwa Production," No. 57, P550
- ²⁰ Zadi, "Artificial Intelligence in Sharia Fatwa: Assistant Tool or Substitute for the Mufti," Vol. 14, No. 1, p217
- ²¹ Al-'Abadiysh, "Legitimacy of Artificial Intelligence and Its Jurisprudential Applications (Robotics, Fatwa, Pricing)," No. 8, Issue 1, p308. Aliwa, "Digital Fatwa via AI Applications in Light of Legal Maxims," p55
- ²² Al-'Abadiysh, "Legitimacy of Artificial Intelligence and Its Jurisprudential Applications (Robotics, Fatwa, Pricing)," No. 8, Issue 1, p607.
- ²³ Aliwa, "Digital Fatwa via AI Applications in Light of Legal Maxims," p2010.
- ²⁴ Al-Zuhayli, *Legal Maxims and Their Applications in the Four Islamic Schools*, 1/499.
- ²⁵ Al-Borno, *Encyclopedia of Jurisprudential (Legal Maxims)*, 1235/11
- ²⁶ Al-Shāṭibī, *Al-Muwāfaqāt* (The Reconciliations), P68.
- ²⁷ Imam, "Artificial Intelligence and Fatwa-Making: A Study of Controls and Implications." P24. Zadi, & Zaidi, "Artificial Intelligence in Sharia Fatwa: Assistant Tool or Substitute for the Mufti," Vol. 14, No. 1, P308 Al-Qabbani, "Jurisprudential Rulings of Artificial Intelligence in Judiciary, Fatwa and Personal Status," No. 34, p466
- ²⁸ Ibn al-Salah, *Etiquette of the Mufti and the Questioner*, 1st ed.
- ²⁹ https://ebook.univeyes.com/127295?utm_source=chatgpt.com
- ³⁰ Al-Qabbani, "Jurisprudential Rulings of Artificial Intelligence in Judiciary, Fatwa and Personal Status," No. 34, P1255, Al-Mansour, "Fatwa via Artificial Intelligence: Between Acceptance and Rejection," No. 9, Issue 2, p467
- ³¹ Al-Tirmidhi, *Sunan al-Tirmidhi*, .87/1
- ³² Al-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab*, P1/50.
- ³³ Ahmad ibn Hanbal, *Musnad of Imam Ahmad ibn Hanbal*, P11/351
- ³⁴ Al-Iraqi, *Tarh al-Tathrib fi Sharh al-Taqrīb*, p4/139
- ³⁵ Al-Nawawi, *Al-Majmu' Sharh al-Muhadhdhab*, P1/50
- ³⁶ Al-Ghamdi, "Electronic Fatwas and Sharia Position: A Theoretical Analytical Study," No. 27, Part 2, P1333, Al-Muhimid, "Artificial Intelligence and Its Impact on Fatwa Production," No. 57, P625.
- ³⁷ https://ebook.univeyes.com/127295?utm_source=chatgpt.com
- ³⁸ Tammah, "Artificial Intelligence from a Sharia Perspective: Contemporary Issues and Future Challenges," P88.
- ³⁹ Ibn Qayyim al-Jawziyyah, *I'lam al-Muwaqqi'in 'an Rabb al-'Alamin*, P5/123.
- ⁴⁰ Al-Qabbani, "Jurisprudential Rulings of Artificial Intelligence in Judiciary, Fatwa and Personal Status," No. 34, P1255, Al-Mansour, "Fatwa via Artificial Intelligence: Between Acceptance and Rejection," p466, Al-Kandari, "The Ruling on Using ChatGPT in Fatwa Issuance," No. 72, p295.
- ⁴¹ Ahmad, "Employing Artificial Intelligence in the Service of Jurisprudence," Vol. 32, P55, Ibn Ubaid, "Regulations of Digital Fatwa in the Age of Artificial Intelligence," No. 19, P88.
- ⁴² Abdul Hafiz, "Contemporary Applications of Robots from an Islamic Jurisprudential Perspective," No. 29, Issue 2, p606.
- ⁴³ Imam, "Artificial Intelligence and Fatwa-Making: A Study of Controls and Implications," p9, Al-Qabbani, "Jurisprudential Rulings of Artificial Intelligence in Judiciary, Fatwa and Personal Status," No. 34, p 1251

⁴⁴ Ibn Mazah, *Al-Muhit al-Burhani fi al-Fiqh al-Nu'mani*, Dar al-Kutub al-Ilmiyyah, 1st ed, p6/8.

⁴⁵ Al-Masri, *Guidelines for Students of Knowledge*, p92.

⁴⁶ Ibn Kathir, *Tuhfat al-Talib bi Ma'rifat Ahadith Mukhtasar Ibn al-Hajib*, p392.