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# Judicial Decisions in the Context of Artificial Intelligence Technologies – A Jurisprudential and Legal Study

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## Abstract:

The advancement of artificial intelligence technologies has brought about a fundamental transformation in the judiciary. AI is now employed to analyze submitted cases, predict verdicts, and support judges with data-driven recommendations. This evolution has accelerated litigation procedures, enhanced the precision of rulings, and reduced the scope of human bias.

Despite these benefits, AI's use raises legal and ethical challenges concerning the transparency of deployed algorithms and the potential for bias arising from their programming or input data. Additional concerns include risks to the privacy of litigation parties.

Consequently, it is imperative to establish religious and legal safeguards that ensure AI remains an auxiliary tool for judges, preserving their advisory role without supplanting judicial authority. Full responsibility must remain with the judge, who is obliged to verify the accuracy of the data provided by the intelligent system and to rely on it with due caution.

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## Introduction:

Recent decades have witnessed unprecedented technological developments, particularly in the field of Artificial Intelligence (AI), which has evolved from a theoretical concept into a practical reality influencing various aspects of modern life, AI technologies are increasingly employed across multiple sectors, including healthcare, education, finance, public administration, and legal services, Their growing capacity to process vast amounts of data, identify patterns, and generate predictive outcomes has positioned them as valuable tools for enhancing efficiency and decision-making processes.

Among the sectors experiencing significant transformation through AI is the judiciary, Judicial institutions around the world have begun integrating AI-based applications into legal and judicial procedures, such as legal research, case management, document analysis, dispute resolution, and the prediction of judicial outcomes, These developments aim to improve the speed, accuracy, and consistency of judicial work while reducing procedural burdens and administrative costs.

Despite these potential benefits, the increasing reliance on AI within judicial systems raises complex legal, ethical, and jurisprudential concerns. Judicial decision-making is traditionally founded upon human reasoning, judicial discretion, moral judgment, and the careful assessment of facts and circumstances, Consequently, questions emerge regarding the extent to which AI systems can adequately replicate these human capacities, particularly when dealing with complex legal disputes that require interpretation, contextual understanding, and the balancing of competing interests.

Furthermore, the integration of AI into judicial processes generates concerns related to transparency, accountability, fairness, privacy protection, algorithmic bias, and the preservation of fundamental rights and procedural guarantees, These challenges become even more significant when considering the possibility of AI contributing directly or indirectly to the issuance of judicial decisions, Such developments necessitate a careful examination of the legal legitimacy and jurisprudential acceptability of employing AI technologies within the administration of justice.

The importance of this study stems from the increasing global trend toward digital transformation in judicial institutions and the urgent need to establish a clear legal and jurisprudential framework governing the use of AI in judicial decision-making, The study also contributes to contemporary scholarly discussions concerning the relationship between technological innovation and the principles of justice, while exploring the opportunities and risks associated with the adoption of AI in courts and legal systems.

In light of these considerations, this article examines judicial decisions in the context of AI technologies from both jurisprudential and legal perspectives. It seeks to analyze the nature of AI applications within the judiciary, assess their compatibility with established legal and jurisprudential principles, and identify the safeguards necessary to ensure that technological advancement serves the objectives of justice rather than undermining them. Accordingly, the study is entitled: "Judicial Decisions in Light of Artificial Intelligence Technologies: A Jurisprudential and Legal Study."

**Research Problem:**

The rapid expansion of AI technologies in the judicial field gives rise to a fundamental question:

1. **Can artificial intelligence be relied upon in issuing judicial decisions?**

From this central question emerge several subsidiary questions:

1- To what extent can AI systems comprehend and interpret legal contexts and the complex factual circumstances involved in judicial disputes?
2- What are the jurisprudential and legal classifications applicable to AI technologies used within the judiciary?
3- To what extent is the use of AI in judicial decision-making consistent with the principles of justice, judicial independence, and due process?
4- What legal safeguards and ethical standards are necessary to regulate the integration of AI into judicial systems and ensure accountability for its outcomes?
5- What are the potential benefits and risks associated with AI-assisted judicial decision-making?

**Research Objectives:**

This study aims to:

1. Define the concept of a judicial decision and identify its legal foundations and governing principles.
2. Clarify the concept of artificial intelligence and determine the scope of its application within judicial activities.
3. Examine the jurisprudential and legal classification of AI technologies employed in the judiciary.
4. Analyze the opportunities and challenges arising from the use of AI in judicial decision-making.
5. Identify the legal and ethical safeguards required to ensure the responsible use of AI within judicial systems.
6. Contribute to the development of a balanced framework that reconciles technological innovation with the principles and objectives of justice.

**Methodology**:

This study adopts two complementary research methods that are consistent with its objectives and the nature of the issues under investigation:

1. **The Inductive Method:**

The inductive method is employed through a comprehensive review of the relevant classical and contemporary literature addressing artificial intelligence and its applications in the judicial field, This includes scholarly writings, jurisprudential studies, legal research, legislative texts, judicial reports, and international guidelines concerning the use of AI in legal systems, Through this method, the study identifies the principal concepts, characteristics, and functions of artificial intelligence technologies, as well as the various forms of their utilization within judicial processes, Furthermore, the inductive approach enables the collection and examination of the jurisprudential and legal principles governing judicial decision-making and technical expertise, thereby establishing a theoretical foundation for the study.

2. **The Analytical Method**

The analytical method is utilized to examine and interpret the jurisprudential and legal texts relevant to the subject matter, The study analyzes the legal nature of artificial intelligence applications in the judiciary by comparing their functions with established concepts in Islamic jurisprudence and positive law, particularly those relating to judicial authority, technical expertise, evidence, and

decision-making processes. In addition, the study evaluates the extent to which AI technologies can be integrated into judicial work without compromising the principles of justice, judicial independence, transparency, and accountability.

The analytical approach also facilitates the assessment of the opportunities and challenges associated with AI-assisted judicial decisions and the identification of the legal and ethical safeguards required for their regulation.

By combining the inductive and analytical methods, the study seeks to provide a comprehensive understanding of artificial intelligence technologies in the judicial field and to determine their jurisprudential and legal status in light of contemporary developments in both technology and law.

**Research Plan:** I divided the study into an introduction and two sections.

**Introduction:** It addressed the topic's background, its problematic, objectives, the methodology adopted, and, finally, the research plan.

## Section One: Preliminary Concepts of the Terms "Judicial Rulings" and "Artificial Intelligence"

- **First Requirement:** The nature of judicial rulings and their foundations
- **Second Requirement:** The concept of artificial intelligence and the scope of its use in the judicial field

## Section Two: Jurisprudential and Legal Characterization of Artificial Intelligence Applications in the Judicial Field

- **First Requirement:** The jurisprudential characterization of artificial intelligence applications in the judicial field
- **Second Requirement:** The legal characterization of artificial intelligence applications in the judicial field

**Conclusion:** It included the most significant findings and recommendations.

## Section One: Preliminary Concepts on the Terms "Judicial Decisions" and "Artificial Intelligence"

In light of the rapid acceleration of technological development, it has become essential to master certain foundational concepts relating to judicial decisions

and artificial intelligence, especially with the advent of AI's use in analyzing legal data and contributing to judicial decision-making. Accordingly, this section is divided into two subsections: the first addresses the essence and foundations of judicial decisions, and the second examines the concept of artificial intelligence and its application in the judicial field.

## First Subsection: The Essence of Judicial Decisions and Their Foundations

### Branch One: The Concept of Judicial Decisions

To define the term "judicial decisions," one must first clarify the meanings of its component words. Accordingly, this branch is divided into two elements: the first considers the concept of judicial decisions by examining each constituent word, and the second treats "judicial decisions" as a technical compound term.

#### First Element: The Concept of Judicial Decisions by Its Constituents

1. **The Concept of "Aḥkām" (Decisions/Judgments)**
   - **Linguistically**, "ḥukm" (plural "aḥkām") derives from the verb ḥakama, whose root letters (ḥ–k–m) denote the notion of restraint or prevention. One says "aḥkāmta fulān" (I restrained so-and-so), hence the judge is called "ḥākim" because he restrains the oppressor. Likewise, one says of a judicial ruling, "ḥakama baynahum," meaning he adjudicated between them(1).
   - **Terminologically**, a "ḥukm" is the affirmation or negation of a predicate regarding a subject: for example, "Zayd is standing" affirms standing, whereas "ʿAmr is not standing" negates it. By inductive reasoning, judgments divide into three categories: rational (intellectual) judgments, ordinary (empirical) judgments, and legal (scriptural) judgments(2)—the latter being the focus of this study.
   - Accordingly, a **legal judgment** is the directive utterance of the Wise Legislator concerning the acts of those addressed, whether of obligation, choice, or enactment (3). This encompasses both **deontic rulings**—such as obligation (wujūb), recommendation (istiḥbāb), prohibition (taḥrīm), dislike (karāha), and permissibility (ibāḥa)—and **constitutive rulings**—such as cause (ʿilla), condition (sharṭ), impediment (māniʿ), invalidity (faṣād), nullity (baṭṭalān), dispensation (rukṣa), and determination (ʿazīma).
2. **The Concept of "Qaḍā" (Adjudication/Court)**

- **Linguistically**, "qaḍā" (from the verb qaḍiya) carries several meanings, including the thorough and precise execution or completion of an act. For example: "He perfected their creation in seven heavens in two days" (fussilat12), meaning He rendered their creation perfect.

**Completion**; as in: I have fulfilled my need, meaning I have finished it.

**Killing**; as in: He struck him and thereby killed him, meaning he killed him.

**Performance and Discharge**; as in: I have discharged my debt, meaning I have performed and settled it.

**Adjudication and Ruling**; as in: The judge adjudicated, meaning he ruled and decided [(4)].

Terminologically, the concept of adjudication (*al-Qada'*) has been presented by Islamic jurists with numerous definitions, which, in essence, concur in meaning despite variations in their wording. The Hanafis and Shafi'is defined adjudication as the just resolution of disputes between litigants, achieved by ruling in accordance with what Allah has revealed[(5)].

The Malikis, however, defined it as the pronouncement of a Shari'ah ruling in a conclusive and binding manner[(6)].

Meanwhile, the Hanbalis defined adjudication as the examination of [the dispute between] litigants before the judge in a binding manner, and the resolution of the conflict arising between them[(7)].

Hence, it is evident that adjudication consists of resolving contention and settling disputes between two or more litigants through the ruling of Allah Almighty in a binding manner.

According to legal scholars, the judiciary is defined as: the authority competent to resolve and decide upon disputes, in accordance with the law, whether these disputes arise between individuals, or between individuals and the government[(8)].

**Secondly: The Concept of Judicial Decisions as a Legal Discipline**

1- **The concept of judicial decisions in Islamic Jurisprudence:** It is any pronouncement issued by a judge in the adjudication of a dispute, compelling the adjudged party to perform a specific act or refrain therefrom, or resulting in the imposition of a penalty upon the party liable thereto, or the determination of a specific fact(9).

2- **The concept of judicial decisions in Positive Law:** It is any written decision issued by a competent court in a dispute brought before it in accordance with the rules of procedure, whether such decision is rendered on the merits of the dispute, or a part thereof, or on an ancillary matter arising therefrom(10). Referring to the Algerian Code of Civil and Administrative Procedure, Article 8 thereof, in its final paragraph, it clarifies that judicial decisions encompass orders, judgments, and judicial rulings(11).

By examining the jurisprudential and legal definitions, it becomes clear to the researcher that a judicial decision is: The decision rendered by a judge based on the rules of Islamic Sharia or the laws and legislations in force.

To resolve disputes among litigating parties, whether these disputes involve civil, criminal, administrative, or commercial cases.

## Second Section: Foundations and Principles of Judicial Rulings

First: Justice and Impartiality: The judge must be just and equitable towards the litigants in judgment. This is only achieved by treating them equally in terms of access to him, seating before him, giving due attention to them, listening to them, heeding their statements, and adjudicating between them, and he must not judge while angry; as per the saying of the Messenger of Allah, peace and blessings be upon him: «No judge should adjudicate between two people while he is angry»(12). This is because anger distorts his judgment. This includes anything that causes alteration and impairment of thought, such as hunger and thirst, and similar conditions, as they share the cause leading to the distortion of thought. Furthermore, he must not accept gifts from those who have a case before him; as per the saying of the Messenger of Allah, peace and blessings be upon him: «Gifts to officials are ill-gotten gains (ghulūl)»(13), and because it raises suspicion of deviation from truth and righteousness. He should also consult scholars in his judicial council, as this

facilitates the paths of *Ijtihad* and the understanding of reasoning methodologies(14).

Second: Judicial Independence in AdjudicationThe meaning of judicial independence is realized through three fundamental pillars: the specialization of the judge, his freedom of opinion and *Ijtihad*, and finally, the principle of impartiality(15).

1- Specialization of the Judge: This is achieved by the judge being academically and morally qualified. Jurists have stipulated conditions for appointing a judge to the judiciary, which can be summarized as follows: Islam, sanity, maturity, and male gender. Abu Hanifa differed on this, permitting the appointment of women as judges in financial matters by analogy (*Qiyas*) to their testimony therein. Other conditions include freedom, and probity; thus, the appointment of an unrighteous person (fãsiq) is not permissible. The judge must also possess *Ijtihad*, astuteness, and perspicacity, meaning he understands what the litigant implies. He must also be of sound constitution and possess sound senses. There are other qualities that a judge should possess: strength without violence, leniency without weakness, astuteness and vigilance, chastity, piety, and insight(16).

2- Impartiality: The judge's impartiality lies in ensuring equality among the parties to the litigation in the judicial forum. This does not conflict with his role in guiding the course of litigation towards justice. This requires him to maintain uniformity in regarding the parties to the litigation and in their treatment, without discriminating against any of them by offering special treatment or otherwise. Accordingly, the principle of judicial impartiality is realized according to the system of proof adopted by that state(17). The free system of proof grants the judge discretionary authority in admitting the litigants' evidence, based on the conviction he reaches from examining the dispute presented before him. This approach significantly bridges the gap between judicial truth and factual truth in the interest of justice. It is still applied in the Anglo-Saxon, German, Swiss, English, and American legal systems(18). Many Islamic jurists, such as Ibn Taymiyyah and his student Ibn al-Qayyim – may Allah have mercy on them – adopted this system of proof(19). As for the restrictive system of proof, it does not authorize the judge to accept any

evidence not stipulated by law. It thus limits the judge's absolute authority in adjudicating the dispute presented before him except through restricted methods of proof. This system of proof creates a divergence between factual truth and judicial truth, as factual truth may be more compelling in terms of argument, leading to injustice and the failure to achieve justice(20). This system was adopted by the majority of jurists from the Hanafi, Maliki, Shafi'i, and Zahiri schools(21). As for the mixed system of proof, it grants the judge absolute authority to accept any evidence that establishes the right in cases presented before him, but only in criminal matters. In civil matters, however, the judge is restricted in accepting evidentiary proof. This system thereby brings judicial truth closer to factual truth, affording the judge freedom in his discretionary authority. This approach has been adopted by the French, Italian, and Belgian Latin legal systems, as well as by Arab laws, such as Egyptian, Iraqi, Jordanian, and Algerian law(22).

**Freedom of Opinion and *Ijtihad***: Islam encouraged the judge to engage in *Ijtihad*, granting him scope for thought and not restricting his freedom, provided he does not contravene the rules of legislation, such as engaging in *Ijtihad* in the presence of a clear text, for there is no *Ijtihad* where a text exists. Furthermore, he is not bound by adherence to a specific *Madhhab* in deriving his judicial rulings; rather, he rules according to what his *Ijtihad* leads him to through consideration and contemplation of the cases presented before him(23). Referring to Algerian law, Article 163 of the Constitution stipulates that the judiciary is an independent authority, and the judge is independent, subject only to the law(24).

## Section Two: The Concept of Artificial Intelligence and the Scope of its Application in the Judicial Field

### Subsection One: The Concept of Artificial Intelligence

To define the term Artificial Intelligence, it is necessary to address the definition of the individual components of this compound term. Accordingly, this subsection is divided into two parts: one in which I address the concept of Artificial Intelligence by considering its two components, and another in which I address the concept of Artificial Intelligence as a proper noun, i.e., a genitive construction.

## First: The Concept of Artificial Intelligence Considering its Two Components.

### 1- The Concept of Intelligence:

Linguistically, intelligence is derived from the verb "dhakaa'". The letters Dāl, Kāf, and Alif form a single root indicating sharpness and penetration in something; it signifies quick-wittedness and is also applied to speed of perception and acuity of understanding(25).

Terminologically, among psychologists, the term intelligence has been given numerous definitions. However, it is difficult to precisely determine its connotation. Nevertheless, the concept of intelligence can be defined through:

The ability for mental adaptation to life's problems and new circumstances.

The ability to learn to adapt to the environment.

The ability to utilize past experiences in solving new problems.

The ability for abstract thought(26).

### 2- The Linguistic Concept of 'Artificial':

Derived from the verb "ṣanaʿa". The letters Ṣād, Nūn, and ʿAyn form a single sound root, which is the act of making something, "ṣanʿan". The noun is "al-ṣināʿah" (craft, industry), which is the craftsman's profession. "Al-iṣṭināʿ" is derived from the verb "iṣṭanaʿa", meaning: if he orders something to be made for him, just as it is said "iktataba", meaning: if he orders something to be written for him. In this context, Allah, Blessed and Exalted, addressed His prophet Moses, saying: ﴿And I have chosen you for Myself﴾[Ṭāhā: 41]; meaning, I have selected you to establish My proof(27).

Terminologically: It is any knowledge practiced by an individual, whether deductive or otherwise, until it becomes like a craft to him; it is then called "ṣināʿah" (craft/art). "Al-ṣināʿah" may also refer to a faculty by which one is enabled to use manufactured objects with insight to achieve a purpose, as far as possible(28).

## Second: The Concept of Artificial Intelligence as a Proper Noun

From my reading of research addressing the concept of the term Artificial Intelligence, it is evident that definitions vary according to the researchers' perspectives on the services it provides in diverse fields. Some of these include:
1- It is the ability of a computer or a computer-supported robotic system to process information and derive results in a manner resembling human thought processes in learning, decision-making, and problem-solving. Consequently, the objective of Artificial Intelligence systems is to develop systems capable of addressing complex problems in ways that mimic human logic and reasoning(29).
2- It is a branch of computer science through which programs can be created and designed that simulate the human mode of intelligence in performing certain tasks requiring human thought, understanding, as well as hearing, speech, and movement(30).

- It is the science concerned with the innovation and development of useful algorithms that contribute to the automated simulation of human cognitive abilities, such as perception of the surrounding environment and response to its stimuli, learning, planning, devising solutions to novel problems, linguistic communication, and knowledge management(31).

-4- It is the capacity of computer hardware or software to operate in ways considered to emulate human thought processes, such as reasoning and learning(32).
5- It is the utilization of computer programs that possess certain attributes of the human mind, such as the capacity for language comprehension, image recognition, and learning from experience(33).

## Second Branch: The Scope of Artificial Intelligence Application in the Judicial Domain

Artificial Intelligence is employed within the justice system across various domains, including Legal Artificial Intelligence and Natural Language Processing to assist in legal procedures. The criminal justice system increasingly relies on big data analytics, machine learning, and artificial intelligence systems. However, this also poses significant risks to the preservation and protection of fundamental human rights. For instance, Artificial Intelligence can lead to biased decisions, as well as deficient accountability. Additionally, decision-

makers face challenges when attempting to question the recommendations provided by advanced technological tools(34). The scope of Artificial Intelligence application can be summarized in judgment prediction, where predictive analytics technology is used to analyze social media content—such as Telegram, Facebook, Twitter, and others—as well as Global Positioning System (GPS) devices, street-mounted cameras, insurance cards, media outlets, and more. This is for the purpose of collecting and analyzing opinions and information using Artificial Intelligence technology, and identifying correlations among them, particularly in relation to malicious files or suspicious identifiers. All of this may take perhaps mere seconds or minutes, as it possesses specialized analytical capabilities that enable it to augment human intelligence and improve efficiency in judicial practice. This is pertinent when intractable cases are presented to a judge, as it alleviates their burden in critical tasks(35). The American criminal justice system has increasingly resorted to algorithmic tools in the sentencing and parole phases(36). Artificial Intelligence can also be leveraged in legal research by providing comprehensive databases of analogous legal cases and issues, whether on compact discs (CDs) or online. This contributes to facilitating the work of lawyers, researchers, judges, and others in the field of legal research. It is well-established that legal research involves the compilation of statutes and legal opinions directly pertinent to the case(37). Despite its importance, its practical application in Arab countries remains limited when compared to other nations. This is attributed to the recent adoption of e-litigation by Arab countries, which is still in its initial stages in some of these nations(38).

## Second Chapter: Fiqhi and Legal Characterization of Artificial Intelligence Applications in the Judicial Domain

With the rapid advancements in Artificial Intelligence technologies, there has been an increasing need to employ these technologies in the judicial domain to achieve greater accuracy, speed, and justice in the issuance of judicial rulings and decisions. Nevertheless, the introduction of Artificial Intelligence into the judiciary presents new Fiqhi and legal challenges, necessitating a Fiqhi and legal characterization of Artificial Intelligence applications in the judicial domain. Accordingly, I have divided this chapter into two themes;

First Theme: In which I addressed the Fiqhi characterization of Artificial Intelligence applications in the judicial domain, And a Second Theme: In which I addressed the legal characterization of Artificial Intelligence applications in the judicial domain.

## First Theme: Fiqhi Characterization of Artificial Intelligence Applications in the Judicial Domain

The Fiqhi characterization of using Artificial Intelligence in issuing judicial rulings relates to the matter of seeking technical expertise. It is incumbent upon the judge to diligently endeavor to understand the facts of the case before him, so as to have an accurate perception thereof before rendering his final judgment, because judgment upon a matter is contingent upon its perception. Thus, when the perception of the issue is accurate, the ruling on that reality will be sound. This is affirmed by the statement of Omar ibn al-Khattab in his letter to Abu Musa al-Ash'ari, in which he said: «Seek profound understanding, seek profound understanding, in matters that stir within your heart for which you find no guidance in the Book or the Sunnah»(39). In this regard, Ibn Qayyim al-Jawziyya (may Allah have mercy on him) states: The Mufti or the judge does not attain truth in his fatwa or judgment except by understanding two matters: a profound understanding of the reality, scrutinizing its intricacies through its signs and indicators; and an understanding of God's ruling therein from His Book or the Sunnah of His Prophet, then integrating them. Whoever strives diligently and sincerely in that will receive one reward or two. Thus, the true scholar is one who penetrates with his insight to discern God's ruling through his jurisprudential understanding of the reality, just as Joseph's witness was guided to his innocence by the tearing of the shirt from the back(40). Artificial Intelligence is merely an analytical tool that relies on vast databases and complex algorithms. Jurists have stipulated that a judge must be just, knowledgeable, and sagacious, qualities which are not found in Artificial Intelligence because it lacks intent and volition, human ijtihad, and an understanding of the objectives of Shari'ah. However, it is permissible to seek its assistance as a judicial advisor, i.e., an ancillary tool for the judge and not a substitute for him. From a Fiqhi perspective, it falls under the category of seeking technical expertise. Jurists have permitted the principle of seeking expert assistance in technical cases that require a specialized opinion.

Accordingly, I shall endeavor—seeking assistance from God Almighty—to derive the Fiqhi characterization of Artificial Intelligence applications in judicial rulings by analogy (Qiyas) to the evidence that permits seeking technical expertise.

## First: The Qur'an

1. Allah the Almighty says: *"So ask the people of remembrance, if you do not know"* [An-Nahl: 43]. The people of remembrance are the people of knowledge(41). Artificial intelligence may be considered a technical expert in this era, as it falls within the scope of seeking expert assistance. It is a means by which the judge may be aided in issuing judicial rulings, akin to technical reports. For anything that serves as a means to achieve justice is permissible, as means are judged by their ends(42). Undoubtedly, if artificial intelligence demonstrates expertise, precision, and impartiality, reliance upon it is permissible.

2. Allah the Almighty says: *"And none can inform you like a well-acquainted one"* [Fatir: 14]. Ibn Kathir (may Allah have mercy on him) said: "And none can inform you of the consequences of matters, their outcomes, and what they will lead to, like one who is well-acquainted with them"(43). Artificial intelligence falls under this general principle, as it informs the judge about the judicial ruling through data analysis, relying on algorithms that contribute to the automated simulation of the human brain.

3. Allah the Almighty says: *"And consult them in the matter"* [Aal 'Imran: 159]. The point of inference from this noble verse is that Allah commanded His Prophet, peace and blessings be upon him – who is the best of mankind – to consult his companions in matters of importance, such as issues of war and peace(44). Artificial intelligence falls within the general scope of this verse, as it is a tool for consultation and analysis, being tantamount to a technical advisor that analyzes data, thereby assisting the judge in reaching the truth.

## Second: The Sunnah

1. As reported by Al-Bukhari and Muslim from the Hadith of Aisha – may Allah be pleased with them both – who said: The Messenger of Allah, peace and blessings be upon him, entered upon me one day, looking pleased, and said: *"O Aisha, have you not seen that Mujazziz Al-Mudliji entered and saw Usama and*

*Zayd, covered with a velvet cloth that concealed their heads but exposed their feet, and he said: 'Indeed, these feet are from one another'"*(45). The Hadith of Aisha – may Allah be pleased with her – provides strong indication of the permissibility of seeking expert assistance and technical specialization in analyzing physical characteristics. This can be jurisprudentially utilized to strengthen the argument for the permissibility of using artificial intelligence in analyzing fingerprints, facial features, DNA, and digital data, thereby justifying the judge's use of artificial intelligence as an auxiliary technical analytical tool in judicial rulings.

2. As narrated by Al-Bayhaqi in his Sunan from the Hadith of Ibn Abbas – may Allah be pleased with them both – that the Prophet, peace and blessings be upon him, said: *"Evidence is upon the claimant, and the oath is upon the one who denies"*(46). Evidence (Al-Bayyinah) in this Hadith, in Sharīʿah terminology, refers to everything that indicates and manifests the truth, whether it be a statement, an act, or admissible circumstantial evidence(47); that is, it encompasses all legitimate means of proof such as testimony, admission, an oath combined with a witness, presumptions, and others. Thus, artificial intelligence can be a means of establishing rights and restoring justice to those wronged.

3. As reported by Al-Bukhari and Muslim in their Sahihs from the Hadith of Umm Salamah – may Allah be pleased with her – who said: The Messenger of Allah, peace and blessings be upon him, said: *"You bring your disputes to me, and perhaps one of you may be more eloquent in his argument than the other, so I rule in his favor according to what I hear from him. So, whoever I award something from his brother's right, let him not take it, for I am only allotting him a piece of Hellfire"*(48). The point of inference from the Hadith is that a judicial ruling is based on what becomes apparent to the judge from the evidence and presumptions. Undoubtedly, artificial intelligence applications assist the judge in analyzing evidence and presumptions, serving as an advisor that facilitates procedures and ensures the integrity of the judgment.

## Third: Reports from the Companions

The Companions – may Allah be pleased with them – sought assistance from one another in obscure and complex matters. Abu Bakr Al-Siddiq – may Allah be pleased with him – consulted regarding the grandmother's inheritance(49), and similarly sought the opinion of Ubayy ibn Ka'b in assessing

the penalty for game hunted [in a restricted state/area][50], among other instances. Likewise, Umar ibn Al-Khattab – may Allah be pleased with him – consulted the Companions – may Allah be pleased with them – about entering the land of Sham during the year of the plague outbreak. Abd Al-Rahman ibn Awf advised him against entering it and narrated to him the Hadith of the Messenger of Allah, peace and blessings be upon him: *"If you hear of it (the plague) in a land, do not go to it; and if it breaks out in a land where you are, do not leave it to escape from it"*[51]. Similarly, Umar ibn Al-Khattab consulted Abu Bakr Al-Siddiq about compiling the Quran into a single codex for its preservation, following the Battle of Yamama when many memorizers of the Quran were martyred[52]. Likewise, Uthman ibn Affan – may Allah be pleased with him – consulted the Companions regarding the implementation of the Hadd punishment on a woman who gave birth after six months [of marriage], and Ali – may Allah be pleased with him – advised him that no Hadd was applicable to her[53], and so forth.

**Fourthly: The Reasonable**

It is established among Islamic legal theorists that the Mujtahid or the judge is not required to possess comprehensive knowledge of all sciences and fields of learning; as this is an impossibility, and no scholar of Usul al-Fiqh has ever stipulated complete mastery of all knowledge and arts. Accordingly, it is incumbent upon the Mujtahid or the judge to seek the assistance of experts and specialists when confronted with a case whose intricacies and details are unknown to them[54].

Artificial intelligence falls within the domain of expertise and specialization, such that the judge may utilize it to ascertain the truth, or at least to approximate it, considering that intelligent systems—much like humans—possess discretionary authority in deriving judicial rulings from the cases presented before them. This is also because adjudication in Islam relies on purposive Ijtihad founded upon the principle of justice, a fundamental condition that cannot be programmed into intelligent systems.

In sum, artificial intelligence is a branch of computer science concerned with the creation and development of algorithms that enable computers to automatically simulate human cognitive abilities. Nevertheless, it lacks reason

and the capacity for Ijtihad, and therefore cannot be an independent judge. Instead, its role remains purely advisory, and the judge must personally verify the validity of the inputs and outputs processed through intelligent systems.

## Second Requirement: Legal Characterization of Artificial Intelligence Applications in the Judicial Field

Artificial intelligence technologies have sparked extensive debate in the legal sphere, as their role has transcended that of a traditional tool used for task execution to become an entity that contributes, with relative independence, to processes of thought, analysis, and decision-making.

This fundamental transformation has imposed new legal challenges, compelling legal systems to reconsider their concepts and foundations to adapt to a reality that no longer readily conforms to traditional legal standards. Consequently, two trends have emerged regarding the granting of legal personality to artificial intelligence technologies:

### First Trend: Refusal to Grant Legal Personality to Artificial Intelligence Technologies

Despite the profound impact of artificial intelligence technologies on practical reality, some legal scholars argue that they should not be granted legal personality; meaning they have an absolute lack of legal capacity, and are to be classified alongside other machines, inanimate objects, and non-rational animals, even though they possess a degree of intelligence akin to human intelligence. These scholars consider that recognizing them as legal persons would exceed the traditional framework of established legal concepts(55). Therefore, artificial intelligence technologies are considered things.

Their primary arguments are as follows:

1- Civil law in most jurisdictions recognizes only two types of legal personality:
One is the legal personality of a natural person, which is granted only upon the fulfillment of certain conditions, most notably that the person be born alive. An

exception is made for the fetus, which may be granted legal personality provided it is verified to be alive in its mother's womb(56).

The second is juristic legal personality, or what is known as juristic persons, which is granted according to specific conditions, chief among them being their recognition, whether this recognition is general or specific, as their legal personality only arises from the date of such recognition(57).

Artificial intelligence systems often possess a remarkable ability to achieve intelligent and effective results without possessing intelligence in the human sense. These systems rely heavily on inference through pattern detection in data, and on employing knowledge, rules, and information that humans have transformed into computer-processable models. Through the use of approximate computational techniques, artificial intelligence systems succeed in performing certain complex tasks with astounding efficiency—tasks that would require high cognitive abilities if undertaken by humans. It is noteworthy that these systems accomplish this using computational mechanisms that neither resemble nor emulate human thought (58).

Consequently, artificial intelligence technologies, or what are known as virtual persons, cannot be classified as natural persons, as this category is restricted to humans only. Nor can they be classified as juristic persons, given the different nature of each.

Thus, current legal rules, when viewed traditionally, do not assist the legal researcher in understanding virtual personalities, especially intelligent ones, because they constitute a new legal phenomenon that legislators or the majority of jurists have not yet addressed(59).

2- Conferring legal personality upon artificial intelligence necessitates its possession of an independent will, a condition not currently met, as these technologies have not yet reached the level of complete self-programming without human intervention. Therefore, they have not attained a degree of development that would qualify them to bear full legal responsibility for their actions (60).

Consequently, recognizing the legal personality of artificial intelligence technologies leads to the non-liability of the producers and users of smart devices, as responsibility, in this case, would fall upon the devices without human involvement. However, the reality is to the contrary; smart devices do not possess complete autonomy, as they always require human intervention in the event of a technical problem(61).

## Second Approach: Granting Legal Personality to Artificial Intelligence Technologies

Countries such as the United States, Japan, and South Korea, along with the European Union, have established modern legal frameworks that grant robots limited legal personality. This reflects the development of artificial intelligence, particularly in self-learning and deep learning technologies, which have enabled robots to think and make decisions in a manner similar to humans. Therefore, confining legal personality to natural or juristic persons is no longer tenable; rather, it has become possible to extend it to robots with a special legal nature(62). Their arguments for this are as follows:

1- Some jurists opine that legal personality is not linked to the attribute of humanity, but rather to an entity's capacity to acquire rights and assume obligations. For instance, a slave, despite being human, did not possess legal personality due to lacking this capacity. Therefore, a distinction must be made between "human personality," which is inherent in every human being, and "legal personality," which is based on legal capacity. Legal personality can be granted to non-human entities, such as smart devices, if they meet the conditions of legal capacity(63).

2- Artificial intelligence technologies possess a tangible physical presence that distinguishes them from virtual or fictitious entities. They are not merely intangible programs but physical entities that we see and interact with, despite their nature differing from humans as they lack flesh and blood. Nevertheless, they are capable of performing complex tasks, which distinguishes them from ordinary objects that are not granted legal personality(64).

## Conclusion

Through research and study of the subject of judicial rulings in the context of artificial intelligence technologies, I have reached the most significant findings and suggestions, which I summarize in the following points:

## First: Findings

1- Judicial Ruling: It is the decision rendered by a judge within the scope of their judicial authority, based on the provisions of Islamic Sharia or the applicable legislative system, with the aim of adjudicating disputes brought before them between litigants, regardless of their nature, whether civil, criminal, administrative, or commercial, in accordance with the principles of justice, integrity, and judicial independence.

2- Artificial Intelligence: It is a specialization in computer science concerned with designing systems and programs that enable computers to simulate human cognitive abilities, such as understanding, learning, analysis, and decision-making, through algorithms that enable computers to perform complex tasks typically requiring human thought.

3- Artificial intelligence is utilized in the judicial system to enhance the accuracy and efficiency of legal procedures through data analysis, machine learning, and decision support. It also facilitates legal research and aids in predicting rulings based on the analysis of various data. However, its use raises challenges and risks related to bias and lack of accountability, necessitating caution to ensure the protection of human rights.

4- The use of artificial intelligence in judicial rulings is merely a form of resorting to technical expertise, allowing the judge to benefit from this analytical tool, which relies on vast databases and complex algorithms, as an assistant in understanding the facts of the case. The judicial decision remains confined to human ijtihad (independent legal reasoning) which combines an understanding of reality and an understanding of Sharia rulings; because artificial intelligence lacks intent and volition and cannot replace a just and knowledgeable judge capable of ijtihad and understanding the objectives of Sharia (Maqasid al-Sharia).

5- Granting artificial intelligence legal personality means considering it an independent entity that can be held legally responsible. However, this faces

difficulties because artificial intelligence lacks consciousness or intent. The debate among legal jurists regarding artificial intelligence is ongoing. Some refuse to grant it legal personality, adhering to traditional legal principles, while others see the necessity of fully recognizing it due to its rapid advancements and increasing similarity to human intelligence.

## Second: Suggestions

1- I suggest that researchers focus on studying artificial intelligence technologies in the judicial field from both jurisprudential (fiqhi) and legal perspectives.

2- I suggest the necessity of convening international and national conferences to study artificial intelligence technologies and their applications in the judicial field, particularly the issue of recognizing the legal personality of these intelligent systems.

3- I suggest that legislative authorities in all countries find suitable legal solutions that keep pace with the rapid developments in artificial intelligence technologies, which have become an integral part of our daily lives that can neither be ignored nor dispensed with.

In conclusion, I do not claim to have perfectly encompassed all aspects of this subject; however, I have exerted my utmost effort in researching it, and have derived jurisprudential and legal rulings to the best of my ability, asking Almighty God to grant us sincerity and correctness in word and deed.

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