

## Examining the Role of Artificial Intelligence (GPT-3.5) in Issuing Fatwas for Islamic Family Cases: A Comparative Analysis

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### ABSTRACT

*The aim of this study is to explore the effectiveness of Artificial Intelligence, specifically GPT-3, in the process of issuing fatwas within the context of Islamic family law. It examines GPT-3's ability to deliver accurate fatwas consistent with Muslim family law, as well as its potential to offer quicker responses compared to traditional methods, thereby making fatwas more accessible to a global audience. The research problem arises from the growing impact of AI across various fields, particularly in issuing fatwas related to Muslim family law. This technology raises critical questions about the authority, accuracy, ethical implications, and reliability of AI-generated fatwas, especially in sensitive areas such as Islamic family law. This research employs qualitative methods, information gathered from various sources such as fatwa books, journal articles, reports, conference papers, and jurisprudence academies. The paper highlights the importance of fatwa issuance, the evolution of technology's role in religious practices, the capabilities of GPT-3, and provides an overview of the historical context of fatwa issuance, traditional methodologies, the role of technology in Islamic contexts, existing research on technology's impact on Islamic jurisprudence, and an analysis of GPT-3's applications in Islamic inheritance. It also elaborates on the research methodology and details how information and analyses were conducted for cases in Muslim family law, including marriage, divorce, and inheritance. Additionally, it addresses the consistencies and inconsistencies in fatwas issued by GPT-3 on matters of Muslim family law. The study finds that GPT-3.5 is user-friendly and efficient in issuing fatwas related to family cases, thereby making religious rulings more accessible. However, it also reveals that GPT-3.5 has issued incorrect fatwas in family law cases, particularly in matters involving marriage, divorce, and inheritance. Consequently, the research recommends relying on fatwas from certified and reliable sources.*

### KEYWORDS

Islamic Fatwas, Cases of Muslim Family Law, Artificial Intelligence (GPT-3.5)

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## INTRODUCTION

A Fatwa is a religious ruling given in response to a specific question or situation. Only a qualified individual can issue a Fatwa. Historically, predecessors (may Allah be pleased with them) strongly condemned those who issued Fatwas without proper qualifications, viewing it as a violation of Islamic principles and a highly objectionable act that must be prevented. The prophet Muhammad (SAW) said, "Allah does not take away knowledge by removing it from men, but takes it away by taking away the learned, so that when He leaves no learned man, men will take ignorant men as leaders. Cases will be presented to them, and they will pass judgment without knowledge, erring and leading others into error." (al-Bayhaqī, 1994:543) Therefore, Muslim scholars have asserted that anyone issuing a fatwa

without proper qualifications is deemed a disobedient sinner. Additionally, those who issue fatwas without adequate knowledge will be questioned and held accountable. Allah (SWT) says:

"Do not follow what you have no 'sure' knowledge of. Indeed, all will be called to account for 'their' hearing, sight, and intellect." (QS, Al-Isra: 36)

In addition to discouraging individuals from issuing fatwas without proper knowledge, Shari'ah warns that they will face the torment of Hell on the Day of Resurrection. The prophet Muhammad (SAW) said:

"Whoever tells a lie against me intentionally, then (surely) let him occupy his seat in Hell-fire." (Al-Ishbīlī, 2001: 344)

As the Prophet indicated, anyone who issues a fatwa without knowledge will bear the responsibility for the sin of those who follow that fatwa.

Abu Huraira reported God's messenger as saying, "If anyone is given a legal decision ignorantly, the sin rests on the one who gave it." (Al-Nishapuri, 1990: 184)

The practice of issuing fatwas has evolved through several stages. It began during the time of Prophet Muhammad (SAW), who personally undertook this responsibility. After his passing, his companions' commitment to issuing fatwas was classified into three levels: high, moderate, and low. Over time, various schools of thought, including the Hanafi, Maliki, Shafi'i, and Hanbali schools, established their own guidelines and methodologies for issuing fatwas. The practice of issuing fatwas evolved through three distinct stages. The first stage involved relying on existing fatwas for guidance. The second stage, marked by significant economic and social changes, transitioned into the modern era of fatwa. During this period, specialized institutions for fatwa research and issuance emerged, with Egypt's Dār al-Iftā being the world's first such institution. The final stage, known as the institutional stage, saw rapid societal transformations and the formalization of fatwa institutions, led by a grand Mufti who provided comprehensive fatwa services to the global Islamic community. In contemporary society, the issuance of fatwas regarding marriage, divorce and inheritance is crucial because it largely touches live of all people. Traditionally, fatwas have been issued by human scholars based on their expertise in Islamic law. However, with the advancement of artificial intelligence, especially GPT-3.5, there is a growing opportunity to incorporate technology into this process.

This study aims to explore the role of technology, specifically GPT-3.5, in issuing fatwas related to marriage, divorce, and inheritance within Islamic legal contexts. It assesses the reliability of AI-driven systems, particularly GPT-3.5, in providing accurate fatwas. Further, the study seeks to answer the following research question: How do the accuracy and reliability of GPT-3.5-generated fatwas compare to those issued by qualified Islamic scholars? Having established the research question, we now present the hypothesis of this study as follows: Fatwas generated by qualified Islamic scholars are more accurate and reliable than those generated by GPT-3.5 for Islamic family law cases, particularly in complex matters involving marriage, divorce, and inheritance. The research paper examines the integration of advanced technology, like GPT-3.5, in issuing fatwas as a novel approach within Islamic inheritance. It also evaluates the reliability of artificial intelligence in addressing questions related to Islamic family law, a crucial area for humanity. The results of this study could contribute to discussions both within the Islamic community and in the broader context of technology's potential to deliver accurate information on Islamic legal matters. Structurally, the paper comprises five

sections: The introduction discusses the significance of fatwa issuance in Islamic tradition, the role of technology in religious practices, GPT-3's capabilities, and the study's objectives. The second section reviews literature on fatwa history, traditional methodologies, technology's role in Islamic contexts, prior research on technology's influence on Islamic jurisprudence, and GPT-3's applications in Islamic inheritance. The third section explains the mixed-methods research design and data collection for cases on marriage, divorce, and inheritance. The fourth section presents findings, examining the consistencies and inconsistencies in GPT-3-generated fatwas for Muslim family law. The final section concludes with recommendations.

## LITERATURE REVIEW

The term "*Fatwa*" has its origins in the Arabic roots "*fatā*" (*Fa*, *Ta*, and *Alif al-Maqsura*), which convey the ideas of "youth," "pronouncement," and "clarification." (ibn Fāris, 1979: 473) In the Qur'an and Sunnah, the word "*fatwa*" is used to denote the act of seeking guidance and clarification. Allah (SWT) states:

"She said, "O chiefs! Advise me in this matter of mine, for I would never make any decision without you." (Qs, An-Naml: 32)

Here, the word "*afṭūnī*" is used to refer to seeking counsel. In a different verse, Allah (SWT) says:

"They ask you for a ruling, O Prophet. Say, "Allah gives you a ruling regarding those who die without children or parents." (Qs, An-Naml: 32)

The word "*yastaftūnaka*" in this verse refers to requesting clarification. The Prophet Muhammad (SAW) mentioned in the Sunnah:

"If anyone is given a legal decision ignorantly, the sin rests on the one who gave it." (Al-Nishapuri, 1990: 184)

Muslim jurists have offered various definitions of the term "*Fatwa*," but they all center around the core idea of a "legal decision" or "verdict." Imam al-Shāṭibī described a *Fatwa* as "communicating a legal ruling, not as an obligation." (al-Shāṭibī, 1997: 68) Ibn al-Najjār defined a *Fatwa* as the act of "clarifying the legal ruling." (al-Najjār, n.d: 261) Imam Al-Bahūtī (d. 1051AH) describes a *Fatwa* as "providing an explanation of the legal ruling to the person asking." (Al-Buhūtī, 1996: 483) According to Sheikh Yūsuf al-Qaradāwī, a *Fatwa* is the "statement of the legal ruling concerning a particular matter, given in response to an inquiry, whether it is directed towards a specific person or a group, and whether the inquiry is detailed or broad." (Al-Qaradāwī, 1988: 9)

From the above statements, it is clear that the relationship between linguistic and technical meanings is one of generality versus specificity. The linguistic meaning pertains to general

pronouncements and clarity across various fields such as legal, medical, or political contexts, while the technical meaning is specifically related to legal rulings.

The fatwa occupies a crucial role in Islamic law, regarded as one of the most significant religious declarations with considerable status. It provides explanations of Islamic rulings, taking into account contemporary events, the passage of time, cultural contexts, and the development of Islamic jurisprudence. Numerous legal verses from the Quran and hadith address the legitimacy of the fatwa. Allah (SWT) says:

“Remember, O Prophet, when Allah took the covenant of those who were given the Scripture to make it known to people and not hide it, yet they cast it behind their backs and traded it for a fleeting gain. What a miserable profit!” (QS, Al-Imran: 187)

Ibn Kathīr's commentary highlights the peril for the People of the Book (Jews and Christians) who remain silent despite being aware of Prophet Muhammad's mission. It serves as a warning to scholars who conceal knowledge, suggesting they may face similar repercussions. This reinforces the legitimacy of the fatwa by referencing historical examples. (Ibn Kathīr, 1999: 181). Another verse from Qur'an:

“Those who hide the clear proofs and guidance that We have revealed—after We made it clear for humanity in the Book—will be condemned by Allah and all those who condemn.” (QS, Al-Baqarah: 159)

The verse above prohibits hiding knowledge, which implies that it must be shared. Issuing a fatwa is one way to accomplish this, demonstrating its validity. Additionally, giving fatwas without proper knowledge is also forbidden. Allah (SWT) says:

“Do not falsely declare with your tongues, “This is lawful, and that is unlawful,” only fabricating lies against Allah. Indeed, those who fabricate lies against Allah will never succeed.” ( QS, An-Nahl: 116)

From the Sunnah, there are many Ahādith that command people to inquire about what is hidden from them. In this regard, Umm Sulaim, the wife of Abu Talha, said:

“O Allah's Messenger! Allah is not ashamed of the truth. Is a Ghusl (bath) compulsory for a woman when she has a sexual dream?” He (SAW) replied, “Yes! When she sees signs of liquid” (Al-Bukhārī, 1987: 160)

Furthermore, ‘Alī said:

My prostatic fluid flowed readily, and I was ashamed to consult the Prophet because of the position of his daughter so I gave orders to al-Miqdād to consult him, and the Prophet said, “He must wash his penis and perform ablution.” (Muslim, 1996: 358)

Furthermore, numerous *ahādith* advocate for the dissemination of knowledge and condemn issuing fatwas without adequate understanding. Abdullah b.

Amr b. al-‘As reported that Allah's Messenger (SAW) said:

Verily, Allah does not take away knowledge by snatching it from the people but He takes away knowledge by taking away the scholars, so that when He leaves no learned person, people turn to the ignorant as their leaders; then they are asked to deliver religious verdicts and they deliver them without knowledge, they go astray, and lead others astray. (Al-Bayhaqī, 1989: 116)

Muslim scholars are considered the successors of the prophets. It has been reported that, “The scholars inherit from the Prophets, who did not leave behind money but rather knowledge. Therefore, whoever acquires this knowledge has obtained a significant portion.” (Tirmidhi, 1998: 346)

Muslim jurists classify the fatwa as a Fardh Kifāyah (collective obligation). Consequently, the state is responsible for appointing Muftis to provide Shari'ah rulings during emergencies and crises affecting individuals and communities in both religious and worldly matters. The principle behind the fatwa is that it constitutes a collective obligation (Fardh Kifāyah) when there are multiple Muftis in a country, and if they fulfill this duty, the remaining Muslims are absolved of the responsibility before Allah. Conversely, it becomes a Fardh ‘Aīn (individual obligation) if no one is available to perform this duty. (Al-Nasafi, n.d: 488) Imam al-Shawkānī further highlighted the essential requirement for each nation to have people who are qualified to adequately fulfill this communal obligation. (Al-Shawkānī, n.d: 222) Moreover, the fatwa becomes a Fardh ‘aīn for anyone designated by the state to issue legal rulings. Ibn Hamdānī noted that issuing fatwas is deemed "Fardh ‘aīn" if there is only one Mufti in the country. However, if there are two or more Muftis, whether one or both are present, it changes to a "Fardh Kifāyah." (Al-Ḥarrānī, 1397: 6) Conversely, issuing a fatwa becomes Ḥaram (forbidden) if the Mufti lacks knowledge of the ruling and provides a fatwa without understanding. It is also considered ḥaram if the Mufti fails to maintain justice. Ibn Qayyim al-Jawziyya affirmed that if a Mufti is ignorant, it is impermissible for him to issue a fatwa without proper knowledge. If he does so anyway, he commits a sin comparable to that of the person seeking the fatwa. (Al-Jawziyya, 1973:157) Moreover, answering questions about situations that have not actually occurred is not permissible, and there is no obligation to respond in such cases. However, Ibn Hamdānī noted that if the Mustafī (the inquirer) is seeking an answer to a hypothetical question, responding to it is acceptable. (Al-Ḥarrānī, 1397: 30)

The Mufti leads in religious affairs because he delivers Allah Almighty's divine rulings to the people. While some rulings are clear and easily communicated, others may be complex, requiring intellectual effort and specific qualifications. These qualifications are defined by a set of criteria established by scholars, which the Mufti must meet.

One of the most essential conditions is that the Mufti should be a devout Muslim, a consensus among scholars. (Al-Khani, 2008: 99) The Mufti is responsible for providing Shari'ah rulings to the people, and it is therefore not permissible for a non-Muslim to occupy this role, as they cannot be trusted to provide reliable Shari'ah guidance. The trustworthiness of a Shari'ah advisor depends on their faith, regardless of their expertise. The testimony of someone who is not accountable is considered invalid, and their contributions are not accepted. In this context, a "*mukallaf* who is held accountable" refers to a mature, mentally competent Muslim, regardless of gender. Allah (SWT) says:

“O believers! Do not associate closely with others who would not miss a chance to harm you. (QS, Imran:118)

In this context, Allah (SWT) has prohibited Muslims from forming close and enduring relationships with non-Muslims. This principle also applies to non-Muslims assuming the role of Mufti, who is responsible for issuing religious verdicts on behalf of Allah. (ii) The Mufti must be knowledgeable about the Holy Qur'an, including its general (*al-'āmm*) and specific (*khās*) principles, its concise (*al-mujmal*) and detailed (*al-mubayyan*) aspects, and its unrestricted (*al-mutlaq*) and restricted (*al-muqayyad*) interpretations. He should understand both the explicit (*al-mantūq*) and inferred (*al-mafhūm*) meanings, as well as the abrogating (*al-naskh*) and abrogated (*al-mansūkh*) verses. Scholars differ on whether the Mufti must memorize the entire Qur'an. Al-Shafi'i required full memorization and comprehension, while other scholars argue that familiarity with the Qur'an's verses and their locations within the surahs is sufficient. (iii) The Mufti should also have a thorough understanding of the Sunnah, which includes the practices and legal precedents established by Prophet Muhammad. It is important for him to grasp both its general (*al-'āmm*) and specific (*al-khās*) principles and to be knowledgeable about the abrogating (*al-naskh*) and abrogated (*al-mansūkh*) elements within the Sunnah. Additionally, he must understand methods of narration, the attribution of hadiths, and the types of narrators. (iv) The Mufti should be aware of points of consensus, a requirement established by Muslim scholars, to ensure that his fatwas do not contradict established consensus and that he does not falsely claim consensus where there is disagreement. (Tanṭāwī, 2001: 481) (v) He must be well-versed in the Arabic language, including its rules, since this knowledge is crucial for deriving Shari'ah rulings. The Qur'an, which serves as a source of legislation, was revealed in Arabic. Allah (SWT) says:

“And so We have revealed to you a Qur'an in Arabic, so you may warn the mother of Cities and everyone around it, and warn of the Day of Gathering—about which there is no doubt—when a group will be in Paradise and another in the Blaze.” (QS, Ash-Shuraa: 7)

However, most jurists maintain that it is sufficient for the Mufti to have a functional understanding of Arabic, which allows him to comprehend the Qur'an and the Sunnah. Imam Ghazali (d. 505AH) described this level of understanding as follows: "It involves the ability to grasp the language of the Arabs and their usage, enabling one to understand the true meaning of their speech, including its literal and full implications, essence and figurative expressions, general and specific points, precise and analogous contexts, as well as absolute and restricted meanings, and textual implications." This level of proficiency can be achieved by a mujtahid. (vii) Additionally, the Mufti should be knowledgeable in Qiyās (analogical reasoning), which involves applying Shari'ah principles from an original case (Asl) to a new case (far'u) based on the shared effective cause ('illa). (Abu Zuhra, n.d: 335) (vi) He must understand the objectives of Sharia rulings, including a comprehensive knowledge of what benefits the collective interests of all Muslims, in accordance with the principles of *darūriyāt* (necessities), *tahsīniyyāt* (enhancements), and *hajiyyāt* (luxuries). Ibn Ashūr explains that the purpose of Islamic Sharia is to maintain global harmony and regulate human behavior to protect it from corruption and deterioration. This goal is achieved by promoting benefits and preventing hardships. (Āshūr, n.d:229) (viii) The Mufti should exhibit piety and strength in his faith, being open to constructive criticism while fulfilling Allah's commands. (ix) He must also embody moderation and avoid extremism, steering clear of fanaticism towards any particular school of thought. Such fanaticism and neglect of other perspectives can lead to mistakes in issuing valid interpretations (fatwas). Imam al-Shāṭibī noted that a well-educated Mufti is one who provides rulings with a balanced approach. This Mufti should refrain from extremism and partiality toward a specific school of thought, as failing to do so may lead the Mustaftī (the person asking the question) to develop a negative attitude towards the religion or be swayed by personal desires. (Shāṭibī, 1997: 276) If an individual fulfills the above conditions, they will be qualified to become a Mufti and are required to issue legal rulings. They will be rewarded according to the accuracy of their fatwa, regardless of whether it is correct or incorrect. The prophet Muhammad (SAW) said, 'If a judge passes judgment and strives to reach the right conclusion and gets it right, he will have two rewards; if he strives to reach the right conclusion but gets it wrong, he will still have one reward.' (al-Nasā'ī, 1986: 223) Given the critical importance of the fatwa, Allah (SWT) entrusted it to the prophets (May Allah bless him and grant him peace).

The Prophet Muhammad (SAW) held this position during his lifetime. His fatwa was concise but comprehensive in meaning. Allah (SWT) says:

“Should you disagree on anything, then refer it to Allah and His Messenger, if you truly believe in Allah and

the Last Day. This is the best and fairest resolution.” (QS, An-Nisaa: 59)

The fatwas (religious rulings) of Prophet Muhammad were passed down to us, and he permitted them to be documented. For instance, there is the story of Abu Shah, who asked the Prophet Muhammad to write down a *hadīth* for him. In his book "*I'lām al-Muwaqqidīn 'an Rab al-'Ālamīn*," Imam Ibn Qayyim cites examples of fatwas given by the Prophet. Many of the Prophet's companions, including Abu Bakr, Umar, Uthman, Ali, Abdulrahman bin Auf, Abdullah bin Masoud, Ubayy bin Kaab, Muadh bin Jabal, Ammār bin Yāsir, Hudhayfah bin Yamāni, Zaid bin Thābit, Abu Darda, Abu Mūsa al-Asharī, and Salman bin Fāris (May Allah be pleased with them), issued fatwas during his lifetime. Ibn Qayyim notes that the fatwas of one hundred and thirty companions were recorded. (Al-Jawziyya, 1973:214) Additionally, these fatwas were documented by Abdulrazak Al-San'ānī in his book *al-Musannaf* and by Ibn Abi Shaiba in his work *al-Musannaf*.

The level of dedication among the companions to issuing fatwas was classified into three categories: high, average, and low. The seven companions in the high category were 'Umar bin Khattāb, 'Ali ibn Abi Tālib, Abdullah ibn Masoud, Aisha bint Abubakar, Zaid bin Thābit, Abdullah ibn Abbas, and Abdullah ibn 'Umar (May Allah be pleased with them). The average category included thirteen companions: Abubakar As-Siddiq, Umu Salama, Anas bin Mālik, Abu Said Al-Khudhrī, Abu Huraira, Othman ibn Affān, Abdullah ibn 'Amru ibn al-'Āsi, Abdullah bin Zubair, Abu Musa al-Asharī, Saad ibn Abī Waqqās, Salman al-Fāris, Jābir ibn Abdullah, and Muadh bin Jabal (May Allah be pleased with them). Those in the low category issued only one or two fatwas, and their names were listed by Ibn Hazm in his book *Ashāb al-fatāwa mina Sahaba wa Tabi'īn 'an marātibihim*. (Al-Khani, 2008: 78) The jurisprudence of the Companions spread widely across the world. The people of Mecca learned from Abdullah bin Abbas, while those in Iraq received their knowledge from Abdullah bin Masoud. In Medina, Zaid bin Thābit and Abdullah bin 'Umar were the sources of legal guidance. Each Companion had distinct characteristics, rules, and schools of thought. Some focused on strict adherence to commandments, while others preferred concessions and mitigations. Some emphasized the literal meaning of the texts, whereas others explored the underlying objectives and purposes. As reported by Ibn Qayyim, the Tābi'ūn also began issuing fatwas in the presence of the Companions. Abdulrahman bin Zaid noted that after the deaths of the three Abdullahs (Abdullah bin Abbas, Abdullah bin Zubair, Abdullah bin 'Amru bin 'Āsi), Atā ibn Abi Rabāh became the Mufti of Mecca, Tawūs for Yemen, Ibrahim for Kufa, Hassan for Basra, Mak-hūl for Shām, Atā al-Khurāsānī for Khurāsān, and Said bin Musaib for Medina. (Al-Jawziyya, 1973:22) Following the end of the eras of the Companions and Tābi'ūn, the formalization of

jurisprudence began. This period saw the establishment of eight major schools of jurisprudence within the Islamic state. These included the four Sunni schools (Hanafī, Maliki, Shafī'i, and Hanbali), the Shiite schools (Imāmi and Zaidi), as well as the Ibadi and Zahiri schools. Each of these schools developed its own foundational principles, rules, and methodologies. (Juma, 2023) The various schools of thought continue to influence the Islamic world today. After this period, the era of imitation began and lasted until the emergence of the contemporary institutional stage. The imitation phase occurred during a time when societal changes were gradual, indicating that significant shifts in people's lives were not happening. For example, in the year 1100 Hijri, those undertaking pilgrimage followed the same practices as 'Umar Ibn al-Khattāb did in the year 20 Hijri. This suggests that there were no new challenges requiring fresh religious rulings (fatwas), so scholars primarily relied on existing fatwas for guidance. With the onset of the institutional stage, however, societal realities began to evolve more rapidly. Societies started developing complex economic and social systems. This modern age brought about institutionalism, marking a new era for fatwas. This phase saw the creation of specialized institutions for fatwa research and issuance. The first such institution globally was Egypt's Dār al-Iftā. At the top of these institutions is the grand Mufti, who oversees a comprehensive system for issuing fatwas and providing related services to the Islamic world. (Dar Al Iftaa, 2023) Over time, individuals started to depend on fatwas disseminated through social media and technological platforms, including GPT-3.5. or Chat Generative Pre-Trained Transformer, is an advanced chatbot developed by Open AI. Launched on November 30, 2022, it enables users to customize and direct conversations according to specific parameters such as length, format, style, detail, and language.



The method involves utilizing a series of prompts and responses, termed prompt engineering, to sustain context and progress the dialogue at each step. In essence, GPT-3.5 is applied for answering questions, summarizing texts, translating between languages, generating code, and creating blog posts, stories, conversations, and other forms of content. (Awan, 2023) Undoubtedly, the fatwa's reach is amplified by social media, and GPT-3.5 has several significant effects, including the spread of knowledge and jurisprudential culture. It helps guide individuals in their religious and worldly matters by providing answers to their questions. Moreover, it promotes unity between the people and their leaders, as a credible fatwa can unify the nation's perspective, fostering order and stability. When a fatwa aligns with Shari'ah principles, it ensures the nation remains steadfast, with governance rooted in divine law. Notably, GPT-3.5 currently has over 100



million users, with its website attracting nearly 1.5 billion visitors each month. Among these users are Muslims seeking information on family law issues like marriage, divorce, and inheritance within the Islamic framework. Thus, evaluating GPT-3.5's ability to deliver accurate fatwas according to Islamic law is crucial.

### RESEARCH METHODOLOGY

The research method used is qualitative, focusing on the topic "Evaluating the Use of Artificial Intelligence for Issuing Fatwas in Muslim Family Cases: A Juristic Study with a Comparison to GPT-3.5." This approach aims to understand and analyze the nuances, context, and deeper meaning of human experiences related to the subject. The study methodology is summarized as follows: (i) The study will employ an analytical approach, outlining research questions, objectives, and scope. It will assess the impact of technology, specifically GPT-3.5, on issuing fatwas related to inheritance. Open-ended questions will be developed to gather participants' views. (ii) The sample will include cases of Islamic inheritance, involving Islamic scholars, legal experts, technology specialists, and individuals with relevant personal experiences to

evaluate GPT-3's ability to issue accurate fatwas in line with Islamic law. (iii) Data will be collected from jurisprudence books, articles, websites, and other sources. (iv) The analysis will use thematic or content analysis techniques to evaluate GPT's responses to inheritance cases. The study may identify themes related to the benefits and drawbacks of using technology in religious contexts, the role of human interpretation, and ethical considerations. (v) The findings will be interpreted in relation to inheritance cases, discussing the potential benefits, challenges, and implications of integrating technology like GPT-3.5 into fatwa issuance. The impact on traditional practices and religious authority will also be examined. (vi) Ethical issues will be carefully addressed, particularly concerning sensitive religious topics and participants. Consent will be obtained, information will be kept confidential, and participants' opinions and beliefs will be respected. (vii) The validity and reliability of the findings will be ensured through collaboration with Islamic scholars for interpretation verification and a systematic approach to coding and data analysis. The following table illustrates responses to the inheritance cases from GPT-3.5, as shown below:

NO.	QUESTION	GPT-3.5 RESPONSE (FATWA)	SOURCE
1.	Is it allowed for Muslims to marry Christians and Jews?	“Yes, it is generally allowed for Muslims to marry Christians and Jews, as these are considered "People of the Book" in Islamic tradition. However, there are some important considerations and conditions to such marriages: Consent: Both parties, the Muslim and the non-Muslim, should enter the marriage willingly and give their full consent. Religious Freedom: The non-Muslim partner should be allowed to practice their own faith without any compulsion to convert to Islam. Children: If children are born from such a marriage, there may be discussions regarding their religious upbringing. In some cases, it is agreed that they will be raised as Muslims, while in others, they may have the freedom to choose their religion when they come of age. Recognition: The acceptability of such marriages can vary depending on the interpretation of Islamic law and the local cultural and legal norms. It's essential to consult with a religious scholar or an Islamic authority for specific guidance, as opinions on this matter can differ. Local Laws: The legal requirements for interfaith marriages may also vary by country and jurisdiction. It's important to be aware of and comply with local marriage laws and regulations.”	GPT-3.5
2.	What is the Islamic law rule on divorce for women in the menstrual period?	“In Islamic law, a divorce during a woman's menstrual period is generally allowed, but there are specific rules and procedures to follow: Waiting Period (Iddah): If a husband decides to divorce his wife while she is menstruating, she enters into a waiting period, known as the "iddah." The purpose of this waiting period is to ensure that the woman is not pregnant and to allow time for the emotional and legal aspects of the divorce to be settled. Observing the Waiting Period: The waiting period for a divorced woman who is menstruating is three menstrual cycles, which allows for a clear determination that she is not pregnant. If a woman is past the age of menstruation (menopause) or has irregular cycles, the waiting period may be three lunar months. Maintenance During Waiting Period: The husband is responsible for providing financial support to his wife during the waiting period. This includes housing and other expenses, as stipulated in Islamic law. Communication: During the waiting period, the couple is still considered married, and they may reconcile without the need for a new marriage contract. There should be no sexual relations during this period unless they decide to reconcile. Witnesses and Documentation: The divorce should be witnessed and documented, and it is advisable to involve a religious authority or a qualified Islamic scholar to ensure that the process is carried out in accordance with Islamic principles. It's important to note that the rules regarding divorce in Islam can vary among different schools of thought and cultural practices. Therefore, individuals	GPT- 3.5

		seeking a divorce during the menstrual period should consult with a knowledgeable religious scholar or authority to ensure they follow the appropriate procedures and understand their rights and responsibilities under Islamic law.”	
3.	If a Muslim dies and is survived by his father and grandfather and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit?	“In Islamic inheritance law, the distribution of a deceased person's estate is governed by specific rules outlined in the Quran. The rules dictate how the estate is divided among the surviving heirs. In your scenario, if a Muslim man dies and is survived by his father and grandfather but has no other heirs, the inheritance distribution would be as follows: Father: The father is entitled to receive one-sixth (1/6) of the estate. In this case, one-sixth of 100,000 KSH is 16,667 KSH. Grandfather: The paternal grandfather, as a surviving relative in the absence of other heirs, does not receive a fixed share under Islamic inheritance law. Instead, his share depends on the presence of other relatives. If there were no other heirs, the remainder of the estate after the father's share would go to the grandfather. In this case, it would be 100,000 KSH - 16,667 KSH (father's share) = 83,333 KSH for the grandfather.”	GPT-3.5

## RESULTS AND DISCUSSION

A total of three cases on Muslim family law were tested to GPT 3.5. The names of the cases are: marriage, divorce and inheritance. The study labeled Information obtained as Q while the analysis and interpretation of the data in this study is represented as N.

N 1 Marriage to the People of the Book: Muslim scholars held varying opinions regarding the marriage of Ahl al-Kitāb (Christians and Jews), and these views can be categorized into two main perspectives: (a) Permissibility View: Some scholars believed that it is permissible for Muslim men to marry women from the People of the Book (Ahl al-Kitāb). This viewpoint found support among notable companions of the Prophet, including Uthman ibn Affan, Talha, Ibn Abbas, and others. Later companions, such as Saeed ibn al-Musayyab, Saeed ibn Jubayr, Ikrimah, and majority scholars, also endorsed this perspective. They argued that the verse from Surat al-Baqarah (2:221), which initially cautioned against marrying polytheistic women until they believe, was abrogated specifically concerning the women of Ahl al-Kitāb. They pointed to Surat al-Maidah (5:5) to support their stance, which permitted the marriage of women from Ahl al-Kitāb. (Al-Qurtubī, 1964: 68)

This verse states, "Today all good, pure foods have been made lawful for you. Similarly, the food of the People of the Book is permissible for you and yours is permissible for them. And permissible for you in marriage are chaste believing women as well as chaste women of those given the Scripture before you—as long as you pay them their dowries in wedlock, neither fornicating nor taking them as mistresses." (b) Prohibition View: On the other hand, some scholars believe that such marriages are not permissible, and they argue that the verse from Surat al-Baqarah (2:221) abrogates the verse from Surat al-Maidah.

Furthermore, they support their opinion with the following hadith, Whenever Ibn `Umar was asked about marrying a Christian lady or a Jewess, he would say:

"Allah has made it unlawful for the believers to marry ladies who ascribe partners in worship to Allah, and I do not know of a greater thing, as regards to ascribing partners in worship, etc. to Allah, than that a lady should say that Jesus is her Lord although he is just one of Allah's slaves." (Al-Bukhārī ,62:1987)

The GPT-3.5 response indicated permissibility to marry people of the book, reflecting one of the jurisprudential opinions, although it's not the preferred one. However, the irregularity in the fatwa arises in its assertion about granting religious freedom to children born from this union to choose between Islam and Christianity. It's well-established that children typically follow the faith of their parents, particularly the father in this instance being a Muslim, which unequivocally makes the children Muslim.

N 2: Divorce during menses: Talaq during menses is clearly prohibited by the Sunnah and the consensus of Muslim scholars. It is considered among the forms of divorce which contradict the practice of the prophet peace be upon him. Ibn 'Umar (Allah be pleased with them) reported that he divorced his wife while she was in the state of menses. 'Umar (Allah be pleased with him) made mention of it to Allah's Apostle (SAW) and he said: Command him to take her back, then divorce her when she is pure or she is pregnant. However, Muslim scholars took two opinions on the effectiveness of divorce pronounced during menstrual period. The majority of scholars held that it takes effect despite the sin of the person who pronounced it and this is the position of the four imams of the schools of thought. (Manswab, 2020: 91) Ibn Taymiyah held a different opinion that divorce doesn't take its effect when it is pronounced during menses. Going by the opinion of the majority, the divorce takes effect and the woman is supposed to observe the mandatory waiting period. In case a man divorces his wife. The irregularity in this fatwa is clear on the response that divorce during menses is generally allowed. This position contradicts a clear prophetic hadith narrated above which outlaws divorce during menses.

Q 3 Hajb (exclusion): There are two guiding principles in the inheritance of the grandfather in the presence of the father. The first is a prophetic hadith which states that Ibn 'Abbas (Allah be pleased with

them) reported Allah's Messenger (SAW) as saying: Give the shares to those who are entitled to them, and what is left from those who are entitled to it goes to the nearest male heir. The second is a principle which states that "whoever connects to the deceased through a link, he is excluded by that link and whoever relates to the deceased through a legal heir, he is excluded by that legal heir". The father is an agnate (*'āsib*) and the nearest male heir in this case as compared to the grandfather. It is thus a consensus of all Muslim scholars that the father totally excluded the grandfather from inheritance. The question asked of the GPT-3.5 language model was "A Muslim man passes away leaving behind his father and grandfather as sole heirs. The estate is valued at 100,000 KSH. Under Islamic law, the father inherits one-sixth of the estate, which equals 16,667 KSH. The remaining amount, 83,333 KSH, is inherited by the grandfather since there are no other heirs." In this regard, the GPT-3.5 is incorrect in its response as it fails to account for the Islamic inheritance principle of *hajib* (exclusion). Under this principle, the father would inherit the entire estate, excluding the grandfather. This complete deprivation of inheritance due to the presence of a closer relative is known as *hajib hurman*. This entails a complete deprivation of an heir from inheritance due to the existence of another person who is much closer to the deceased individual. (Al-Uthaymeen, 1983: 51) In Islamic Inheritance, legal heirs in this category are classified into two groups: those who cannot be excluded from inheritance (husband, wife, mother, father, daughter, and son) and those who can be excluded, such as the grandfather when the father is alive.

The concept of *hajib* (exclusion) holds significant weight in the laws of *faraid* (inheritance distribution), to the extent that it has been stated, "it is forbidden for one who does not understand the rules of *hajib* to issue fatwa on inheritance" (Al-Buhūī 1403H). This prohibition is intended for those who lack a thorough grasp of the intricacies of *hajib*, as they may inadvertently exclude rightful heirs, allocate inheritance to ineligible individuals, or inaccurately diminish the shares of legal heirs, resulting in erroneous distribution of the estate. Therefore, it is imperative for judges (*qadhi*) or Islamic jurists (*muftis*) and Artificial Intelligence (GPT-3.5) to fully grasp the concept of *Hajib*, including its rules, types, principles, and various scenarios, to ensure accurate and just distribution of inheritance.

## CONCLUSION AND RECOMMENDATION

This study evaluates the effectiveness of technology, specifically GPT-3.5, in issuing fatwas on matters like marriage, divorce, and inheritance. The key finding is that while GPT-3.5 offers quicker responses compared to traditional methods, it often produces inaccurate fatwas regarding Islamic family law, leading to potential misguidance. This issue stems from several factors: (i) GPT-3.5 lacks the deep religious expertise,

contextual understanding, and comprehensive knowledge of Islamic jurisprudence that human scholars possess; (ii) AI models can misinterpret questions, resulting in incorrect or inappropriate answers; (iii) AI systems may carry biases from their training data, leading to skewed or unfair fatwas; (iv) the process of issuing fatwas typically involves interactive dialogue between the questioner and the scholar, which AI models are not equipped to handle effectively. Despite these challenges, GPT-3.5 has the potential to enhance the efficiency and accessibility of fatwa issuance by allowing scholars to quickly access a broad range of Islamic texts, expediting research and opinion formulation. It can also enable individuals in remote or underserved areas to obtain fatwas from qualified scholars without needing to be physically present. Additionally, GPT-3.5 can facilitate the creation of searchable fatwa databases and host interactive Q&A sessions with scholars, improving the public's understanding of Islamic jurisprudence. In summary, while integrating technology into the fatwa issuance process offers benefits such as increased efficiency and accessibility, it also presents challenges, including the risk of widespread dissemination of incorrect fatwas. Therefore, it is advised that users verify the accuracy of GPT-3.5's fatwas with Shariah experts and further examine how AI-generated guidance aligns with Sharia law and its application in the cases related to Muslim family law.

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