

Islamic Law and Human Judgment in the Age of Artificial Intelligence

Ahmad Muhtar Syarofi^{1*}, Sitti Fatimah², Ach. Rosidi Jamil³, Abdallah Laassiri⁴

¹Universitas Al Qolam Malang, Indonesia

²Sekolah Tinggi Agama Islam Al Falah Pamekasan, Indonesia

³Sekolah Tinggi Agama Islam Al Mujtama Pamekasan, Indonesia

⁴University of Mohammed V, Rabat, Maroko

* Corresponding Author: syarofi@alqolam.ac.id

Submitted : May 17, 2026

Accepted : June 29, 2026

Published : June 30, 2026

ABSTRACT

The integration of artificial intelligence into legal processes raises urgent questions about the compatibility of algorithmic reasoning with established frameworks of legal authority. While existing scholarship has examined AI's epistemological limitations in Western legal traditions, the specific challenge posed by AI to Islamic jurisprudential authority remains undertheorized. This article examines the epistemological tensions generated when AI-assisted systems enter Islamic legal environments, arguing that legal authority in the Islamic tradition is constitutively bound to *taklif*, *niyyah*, and the morally accountable exercise of *ijtihad* in ways that preclude autonomous legal authority by any algorithmic system. Through systematic thematic review of interdisciplinary literature spanning Islamic legal theory, philosophy of law, and AI ethics, the study demonstrates that the epistemological architecture of Islamic jurisprudence is structurally misaligned with the probabilistic output logic of machine learning. Empirical evidence from evaluations of AI chatbot performance in Islamic guidance contexts confirms that current systems consistently fail to meet jurisprudential standards, with documented failures in hadith attribution, analogical reasoning, and methodological coherence. The article proposes a framework of hybrid jurisprudential governance grounded in *maqasid al-shari'ah*, in which AI serves an assistive rather than autonomous role, human scholars exercise substantive epistemic supervision, and moral accountability for every ruling remains with an identifiable human jurist. The concept of techno-jurisprudential competence is introduced as a novel theoretical contribution to the governance of AI in Islamic legal institutions.

Keywords: islamic jurisprudence; artificial intelligence; maqasid al-Shari'ah; human moral agency



Cabis Karya © 2026 by Muraja'ah: Journal of Islamic Studies is licensed under [Creative Commons Attribution-ShareAlike 4.0 International](https://creativecommons.org/licenses/by-sa/4.0/)

Introduction

In 2023, a Colombian judge made headlines not for his ruling but for how he reached it. He had consulted ChatGPT. The case involved a child with autism

seeking exemption from medical fees. It was not the kind of high-stakes constitutional drama that typically triggers debates about law's future. Yet the incident sparked a conversation that has not subsided: what happens when artificial intelligence enters the space of legal judgment, and who bears responsibility for the outcome? (Diab, 2026)

For most Western legal systems, this question concerns efficiency, accountability, and procedural fairness. For Islamic jurisprudence, it is something more foundational. It is a question about the nature of legal reasoning itself. That question asks what legal reasoning presupposes, what it demands of the person who undertakes it, and whether those demands can be met by anything other than a human being.

Islamic law has never been simply a body of rules. It is, at its core, a practice of interpretation: ongoing, contested, historically situated, and anchored in moral responsibility. The classical concept of *ijtihad* captures this well. Al-Ghazali defined it as the exertion of all possible effort to obtain a presumptive legal ruling, such that no further effort remains. Classical scholars understood this not as analytical labor but as a spiritual obligation (Rego et al., 2025).

The *mujtahid* who undertakes *ijtihad* is not a processor of information. He is a morally accountable agent who will answer, in the Islamic understanding, for every ruling he derives. That accountability is not incidental to the process. It is what gives the process its normative weight. This is the context in which AI's arrival in Islamic legal practice must be understood.

The challenge runs deeper than most commentators acknowledge. Recent theoretical literature has demonstrated, with increasing precision, that the problem is not merely technical. Zheng identifies what he calls an "epistemological category error": an attempt to render computable something that is structurally open and normatively laden (Zheng, 2026). Drawing on Hart, Dworkin, and the Legal Realists, Zheng argues that law is characterized by a triple openness. It involves linguistic indeterminacy in penumbral cases, the need for normative commitment requiring moral judgment, and dependence on shifting social context that only an embedded human agent can inhabit.

What is irretrievably lost when legal reasoning is automated are precisely the capacities that give adjudication its legitimacy. These are practical wisdom, narrative integrity, and situated social intelligence. An AI that generates the artifact of a judgment without the act of judging resembles legal reasoning without being it. Ruhil sharpens this point: justice is not a quantity to be weighed by an algorithm but a quality dependent on human moral engagement (Ruhil, 2025). Linna confirms that even the most sophisticated AI enhancements, including retrieval-augmented generation and neuro symbolic architectures, address only narrow sub-tasks and fail at resolving normative ambiguity or producing transparently justifiable reasoning (Linna, 2026).

What none of this literature yet addresses is the specific challenge as it appears within Islamic jurisprudence. The Western legal philosophy tradition from which Zheng, Ruhil, and Linna draw is not the only tradition that has thought seriously about legitimate legal authority. Islamic jurisprudence has its own elaborately developed account of what those conditions are. In several respects, that account makes the problem of AI in law more acute, not less.

Consider the concept of taklīf: the attribution of legal and moral obligation to rational, morally conscious agents. Taklīf presupposes rationality, moral maturity, and the capacity for niyyah, deliberate moral intention. The Prophet's hadith that "actions are by intentions" is not a peripheral remark. It is a foundational axiom of Islamic legal assessment. An AI system can optimize for specified outputs, but optimization is not intention, and the inability to form niyyah is a categorical distinction, not a technical limitation awaiting an engineering solution (Sudirman et al., 2025; Rohaida, 2025).

This distinction has direct consequences for the legitimacy of any ruling AI purports to generate. Habib argues, from within the maqasid al-shari'ah framework, that the five fundamental objectives of Islamic law cannot be adequately protected by systems that process these values as data variables. Those objectives are the preservation of religion, life, intellect, lineage, and property. They must be comprehended as divinely sourced goods that constrain, rather than merely inform, the reasoning process. Algorithmic bias, privacy violations, and the opacity of autonomous decision-making are therefore not merely technical risks; they are, in the maqāṣid framework, potential transgressions against the very values law exists to protect (Habib, 2025).

The challenge AI poses to this conception is structural, not merely technical. An AI system can process thousands of hadith, cross-reference the positions of the four major Sunni schools, and generate a synthesis within seconds. What it cannot do is experience the moral weight of that reasoning as an obligation. It cannot feel the pull of one principle over another as a normative compulsion, nor bear responsibility before the divine for the conclusions it reaches. These are precisely the capacities that Islamic legal theory identifies as constitutive of genuine ijtihad (Rego et al., 2025; Rohaida, 2025).

Yet the encounter between Islamic law and AI is not well served by the reflex of rejection. AI offers genuine contributions to Islamic legal scholarship. These include expanded access to the jurisprudential tradition, enhanced efficiency in compliance screening, improved retrieval of classical sources, and greater global accessibility of Islamic legal knowledge (Rohaida, 2025). Several institutions have already moved from theoretical debate into practical experimentation. The Shariah Advisory Council of Bank Negara Malaysia has deployed AI-assisted tools for halal investment screening. Indonesia's National Sharia Council has collaborated with AI specialists on machine-assisted fatwa classification, and Dar al-Iftā' bodies across

the Middle East have integrated digital databases for hadith verification and cross-madhab analysis (Sudirman et al., 2025).

These initiatives address a genuine need. The accumulated fiqh literature runs to millions of pages across hundreds of years and multiple jurisprudential traditions. No human scholar can hold all of it in view simultaneously. AI tools that can retrieve and synthesize across this corpus serve a real scholarly function. Yet the same development that makes AI a useful research assistant also creates a risk that deserves more careful attention.

That risk is the confusion of the surface of authoritative Islamic legal reasoning with its substance. When an AI system generates a fatwa-like response, retrieving precedents and producing a legally structured conclusion, it creates an output that resembles authoritative reasoning without the epistemic grounding classical jurisprudence requires. This risk is compounded by AI hallucination, the confident generation of unfounded conclusions. In an Islamic legal context, this constitutes not merely an epistemic failure but a normative one, given that al-Suyūṭī's classical maxim holds that fatwas must be grounded in caution and meticulous verification (Rego et al., 2025). The broader governance question, concerning who controls these systems, under what institutional arrangements, and with what accountability mechanisms, has scarcely been addressed in Muslim-majority societies, where AI policy documents have tended to follow Western templates without engaging with indigenous normative frameworks (Elmahjub, 2023).

Underlying this governance gap is a more basic failure at the level of global AI ethics discourse. The international conversation about responsible AI has produced substantial scholarship organized around principles of accountability, transparency, human oversight, fairness, privacy, and societal well-being (Papagiannidis et al., 2025). Of 117 AI policy documents produced globally between 2015 and 2020, almost all originated in North America or Western Europe. The Global AI Initiative of the IEEE recommended engagement with Buddhist, Ubuntu, and Shinto traditions while omitting any reference to Islam. This omission is striking, given that over 1.8 billion people live in Muslim-majority societies where AI deployment is accelerating (Elmahjub, 2023).

This is not a representational oversight. It reflects a deeper failure to engage with normative traditions that have philosophically sophisticated things to say about authority, judgment, and the moral conditions of legal reasoning. A systematic review of literature on Islamic law and AI from 2010 to 2025 confirms that the field is developing rapidly but with a persistent imbalance. Governance-oriented research commands the most institutional investment. The epistemological foundations, specifically what makes Islamic legal reasoning distinctively human, remain underdeveloped, even though they are foundational for everything else (Sudirman et al., 2025).

This article attempts to address that gap. It argues that the encounter between Islamic law and AI raises, in a particularly sharp form, questions that Islamic jurisprudence is unusually well-positioned to illuminate. These are questions about accountability without agency, the difference between processing and understanding, and what is normatively lost when the moral weight of a legal conclusion is severed from the human being who bears responsibility for reaching it. They are not questions specific to Islam alone. But Islamic jurisprudence gives them their clearest and most demanding formulation.

The article proceeds as follows. The Research Method section outlines the thematic review procedure used to identify and analyze the literature. The Result and Discussion section develops the argument in four stages. It first examines the epistemological foundations of Islamic legal reasoning, namely *ijtihad*, *taklīf*, and *maqasid al-shari'ah*, and argues that AI's limitations are structural rather than technical. It then surveys how algorithmic reasoning is being deployed across practical domains such as fatwa issuance, with illustrative attention to Islamic finance and the judiciary. It next examines the epistemological limits of algorithmic judgment in greater depth. It closes by proposing a model of collective, AI-assisted *ijtihad* with institutional features designed to preserve human jurisprudential authority. The Conclusion synthesizes these arguments and reflects on the study's limitations.

Research Method

This study employs a qualitative research design. It is grounded in systematic literature review and critical-interpretive analysis. The methodological orientation is deliberately interdisciplinary. It draws from Islamic jurisprudential frameworks, philosophy of law, and AI ethics scholarship. This approach is appropriate because the inquiry sits at the intersection of normative religious reasoning, epistemic theory, and computational systems.

The primary method is a systematic thematic review of peer-reviewed literature published between 2020 and 2026. Particular emphasis falls on contributions that directly engage Islamic law and AI. Sources were identified through Scopus, Web of Science, and Google Scholar. Search terms included "artificial intelligence and Islamic law," "maqasid al-shari'a and AI," "algorithmic justice," "ijtihad and technology," and "AI ethics in Islamic thought."

Inclusion criteria required that sources address at least one of three concerns. These were the epistemological foundations of legal reasoning, the role of human judgment in juridical processes, or normative assessments of AI in religious frameworks. Sources engaging exclusively with technical dimensions of AI were excluded. Specifically, sources without normative analysis were not included in the primary corpus.

The analytical framework is structured around two interrelated conceptual axes. The first concerns the epistemological status of AI-assisted legal reasoning. It asks whether algorithmically derived legal conclusions can be considered epistemically legitimate within Islamic jurisprudential tradition. This axis is informed by recent philosophical work questioning the nature of legal computability. Zheng argues that rendering juridical reasoning into algorithmic form produces a structural loss of contextual and moral depth (Zheng, 2026).

Scholarship on algorithmic clarity reinforces this concern. It suggests that legal norms emerge from historically situated, interpretively contested human practices. Such norms therefore resist machine-executable specification. Formally defined rule sets cannot capture their normative complexity. This structural resistance is not a solvable technical problem (Erickson & Gregory, 2025).

The second analytical axis concerns AI's compatibility with the substantive requirements of Islamic jurisprudence. It focuses on the doctrines of *ijtihad* and the teleological framework of *maqasid al-shari'a*. Latifi examines challenges arising when AI enters the Shi'i *ijtihad* process. He identifies tensions between the relational, authority-dependent nature of Islamic legal derivation and the impersonal logic of machine learning (Latifi, 2024). Habib situates AI ethics within a *maqasid* perspective, showing that the five classical objectives of Islamic law offer a coherent normative grid for assessing AI applications (Habib, 2025).

Elmahjub extends this inquiry further. He proposes pluralist ethical benchmarks for AI that are sensitive to Islamic philosophical traditions. He argues against imposing Western liberal frameworks as universal standards of AI ethics (Elmahjub, 2023). This position has significant implications for how AI governance is designed globally. It calls for normative pluralism rather than a single dominant framework.

Data analysis follows a thematic coding procedure adapted from qualitative content analysis. Selected texts were read iteratively. Conceptual nodes were identified and grouped into recurring thematic clusters. Four key themes emerged from this process. These were human moral agency in legal judgment, structural incompatibility between probabilistic outputs and Islamic epistemic standards, governance implications of AI in normative domains, and accountability for unjust algorithmic outcomes.

These themes were cross-examined across texts to identify convergences and tensions. Particular attention was paid to whether existing AI governance frameworks address Islamic jurisprudential concerns. Papagiannidis et al. offer a relevant reference point here. Their governance framework reveals that mainstream AI ethics remains anchored in secular liberal assumptions. Engagement with religious or tradition-specific normative systems remains minimal (Papagiannidis et al., 2025).

The study also draws on scholarship identifying blind spots in AI ethics regarding Islamic frameworks. Recent work notes that normative analysis from within Islamic intellectual traditions remains systematically underrepresented. This underrepresentation affects leading journals and policy documents shaping the field (Prabowo et al., 2026). The gap limits the universality of AI ethics. It raises practical concerns for over one billion Muslims whose lives are mediated by AI systems designed without reference to their normative commitments.

The study further attends to the technical limitations of current AI systems in legal reasoning tasks. Linna documents persistent failures of generative AI when confronted with analogical, contextual, and normative reasoning (Linna, 2026). These failures may reflect deeper structural mismatches between large language model architecture and the phenomenology of legal judgment. They are not merely technical deficiencies awaiting correction. In Islamic legal contexts, a ruling's validity depends on the moral authority and contextual wisdom of the jurist, not logical consistency alone.

This study acknowledges that its scope is primarily theoretical and interpretive. Empirical data on AI deployment in Islamic legal institutions was not available at the time of writing. The diversity of Islamic legal schools also means generalizations across traditions must be treated with caution. Future research would benefit from case studies drawn from courts and fatwa institutions experimenting with AI-assisted tools. The analysis presented here is intended as a rigorous foundation for such empirical inquiries.

Results and Discussion

Human Judgment as the Foundation of Islamic Legal Authority

Islamic legal theory rests on a foundational premise. The legitimacy of a legal ruling is inseparable from the moral character of the human being who issues it. This is not an incidental feature of the tradition. It is its constitutive core. The concept of *taklīf*, the assignment of legal and moral responsibility, presupposes a subject endowed with reason, volition, and the capacity for intentional moral action.

The Quran and Sunnah address themselves to such morally capable subjects. Legal obligations are binding precisely because human beings can understand, intend, and be held accountable for their actions. An entity incapable of *niyyah* cannot in principle bear the obligations that Islamic law imposes. Nor can it legitimately discharge those obligations on behalf of others (Kannike & Fahm, 2025). This capacity for genuine moral intention is not a technical requirement; it is a categorical one.

This foundational structure shapes the entire edifice of Islamic jurisprudence. Its most sophisticated mechanism of legal reasoning is *ijtihād*. *Ijtihād* is not merely a technical procedure for deriving rulings from textual sources. It is a morally and

spiritually demanding act of cognitive and ethical exertion. It is performed by a qualified jurist, the mujtahid, expected to possess mastery of the Quran, Sunnah, qiyas, and ijma', as well as taqwa and refined moral responsibility.

The authority of the mujtahid's ruling derives not merely from its logical validity. It derives from the personal integrity and scholarly pedigree of the jurist who produces it (Al-Momani, 2025). The classical tradition therefore developed elaborate criteria for establishing the mujtahid's qualifications. These qualifications are irreducibly personal. They cannot be transferred to an impersonal system.

Maqasid al-shari'ah provides the teleological orientation within which this reasoning operates. It was systematized by scholars such as al-Ghazali, al-Shatibi, and Ibn 'Ashur. The five universally recognized objectives are the preservation of religion, life, intellect, lineage, and property. They function not as mechanical rules to be applied but as normative horizons guiding the jurist's interpretive judgment. This is especially true in cases where textual sources are ambiguous, silent, or appear to conflict.

Applying maqasid reasoning demands sensitivity to changing social conditions and contextual particularity. It also requires a capacity to weigh competing values that resists algorithmic reduction (Habib, 2025; Alias et al., 2025). A jurist reasoning within this framework engages in something closer to practical wisdom, phronesis in the Aristotelian sense. This is fundamentally different from rule-following in the computational sense. The distinction between reasoning and mere computation is therefore especially critical here.

Legal reasoning within Islamic jurisprudence involves the interpretation of ambiguous texts. It requires weighing competing maslaha considerations and sensitivity to 'urf and 'adat. It also demands the exercise of moral discretion that cannot be fully captured in formal rules (Alamsyah et al., 2026). These are not deficiencies awaiting correction through greater formalization. They are constitutive features of a tradition that regards law as divine guidance mediated through human moral agency.

The authority of a fatwa issued by a qualified mufti is not reducible to the factual accuracy of its conclusions. It is bound up with the personal accountability of the mufti before both the community and, in the theological framework, before God. This accountability structure has no functional equivalent in an algorithmic system. An algorithm can produce a conclusion. It cannot bear responsibility for that conclusion.

It is against this background that subsequent sections examine the implications of AI-assisted legal systems. The point is not to suggest that Islamic jurisprudence is static or resistant to technological change in principle. The tradition has always adapted to new instruments of knowledge production and communication. The question, rather, is whether AI in legal reasoning can be

reconciled with the irreducibly human character of Islamic legal authority. Recent scholarship has begun to press this question with considerable rigor (Malik et al., 2024; Tampubolon & Nadeak, 2024).

Algorithmic Reasoning and the Transformation of Legal Authority

The integration of AI into legal and quasi-legal processes is no longer speculative. It is a documented and accelerating trend across multiple jurisdictions and institutional contexts. In secular legal systems, AI tools have been deployed for predictive sentencing, recidivism risk assessment, contract review, and case outcome prediction. Most controversially, they have been used for decision-support in judicial adjudication itself (Garzo et al., 2026). Smart court systems in China, Estonia, and several EU member states have introduced AI into case triage, administrative processing, and in some instances automated preliminary rulings.

Diab argues that large language models fundamentally challenge the earlier scholarly consensus. That consensus held that AI could not engage in genuine analogical reasoning or context-sensitive legal analysis. Their emergence calls for a reassessment of how legal judgment and AI capabilities are theorized in relation to each other (Diab, 2026). This reassessment is no longer purely theoretical. It is being driven by observable institutional change across multiple legal systems.

Within Islamic legal environments, analogous developments are emerging, though often with less institutional formalization. AI-powered fatwa platforms and chatbots capable of generating responses to questions of Islamic law have proliferated rapidly. Usmonov documents the expansion of AI-based religious communication across Muslim-majority societies and diaspora communities. He notes that the apparent fluency of AI-generated responses has made these tools popular substitutes for consultation with qualified scholars (Usmonov, 2025). The ease of access amplifies this substitution effect considerably.

Priantina et al. examine the use of AI in fatwa formulation within shari'ah-compliant finance. They find that AI tools are being increasingly integrated into processes previously reserved for qualified Islamic legal scholars (Priantina et al., 2025). Speed, scalability, and apparent consistency are cited as operational advantages. These advantages are especially significant where demand for religious guidance outpaces the availability of qualified muftis. Yet operational convenience does not resolve the underlying jurisprudential questions such integration raises.

The emergence of what some scholars call "statistical fatwas" represents a qualitatively new challenge to Islamic legal authority. These are rulings derived not from genuine jurisprudential reasoning but from statistical patterns encoded in AI training data (Sya'diyah et al., 2025). Sya'diyah et al. explore what they term the fiqh algorithm, examining convergences between fatwa issuance logic and AI operational logic. They acknowledge, however, that this convergence remains

incomplete and methodologically contested. The procedural surface of fatwa issuance does not capture its substantive jurisprudential requirements.

Shamsuddin addresses the conditions under which chatbot use in halal certification guidance might be considered permissible. He proposes parameters that constrain AI to a support role while preserving human juridical authority (Shamsuddin, 2024). Wahid provides empirical evidence for the inadequacy of current AI chatbots in this domain. In a systematic evaluation of five Islamic chatbot systems using Bloom's Taxonomy and Islamic jurisprudential accuracy criteria, none achieved the threshold for trusted educational output (Wahid, 2025). Failures included misattribution of Quranic verses and hadith, inconsistent responses, and an inability to navigate the layered interpretive requirements of fiqh reasoning.

The transformation of authority structures is perhaps the most consequential dimension of AI integration in Islamic legal contexts. In classical Islamic jurisprudence, authority flows through recognized chains of transmission and scholarly qualification. These structures serve both epistemic and social functions. They ensure that legal rulings can be traced to accountable human sources. AI systems interrupt these chains in ways that are not merely technical.

When a user receives a legal opinion from an AI fatwa system, the question of whose authority underwrites that opinion becomes genuinely difficult to answer. Possible sources include the developers who trained the model, the scholars whose texts were used as training data, the institution that deployed the system, or the algorithm itself. No clear answer is currently available. This ambiguity is not a minor procedural concern. It strikes at the heart of how Islamic legal authority is constituted and transmitted. Kouroutakis raises analogous concerns in the secular legal domain, arguing that AI integration creates accountability gaps that existing rule-of-law frameworks are poorly equipped to address (Kouroutakis, 2024).

The Epistemological Limits of Algorithmic Judgment

The central argument of this study concerns an epistemological mismatch that is structural rather than contingent. It is a gap that cannot be closed by improving AI systems, expanding training datasets, or refining prompt engineering. This mismatch lies between what legal judgment in the Islamic tradition actually requires and what computational reasoning systems are capable of providing. Understanding this distinction is essential for evaluating current AI applications in Islamic legal contexts. It is equally essential for resisting the tendency to treat present AI limitations as merely transitional deficiencies that future development will overcome.

Islamic legal epistemology distinguishes between degrees of epistemic certainty. These are *yaqin* (certainty), *zann* (probable conjecture), and *shakk* (doubt). Different legal consequences are assigned to conclusions reached at each level. The conditions under which a *mujtahid* may issue a ruling are calibrated to

these epistemic standards. What AI systems produce is, in epistemological terms, a sophisticated form of statistical pattern recognition.

AI outputs reflect the probabilistic distribution of patterns in training data. They do not reflect reasoned engagement with the normative weight of evidence. The probability score assigned by a machine learning model to a legal conclusion is not equivalent to the epistemic certainty a jurist assigns through interpretive reasoning. The two are generated by fundamentally different cognitive processes. They also operate under fundamentally different normative constraints (Al-Momani, 2025; Ali et al., 2025).

This point connects to a deeper critique developed in recent philosophy of law literature. The computability critique holds that law cannot in principle be fully specified as a formal system. This is not because legal reasoning is irrational or arbitrary. It is because legal norms are constituted through historically situated, contestedly interpreted human practices. These practices resist reduction to any finite set of computable rules (Erickson & Gregory, 2025).

The meaning of a legal norm is not a fixed property of its textual formulation. It emerges through application to cases, contestation by parties, and reinterpretation by jurists over time. Zheng articulates this with particular force. He argues that rendering law computable causes the loss of the epistemological structure that makes legal judgment legitimate. That structure is inherently dialogical, contextual, and morally weighted in ways that algorithmic processing cannot replicate (Zheng, 2026).

The problem of accountability without agency bears directly on the Islamic legal context. A core requirement of fatwa issuance is that the mufti bears personal moral and religious responsibility for the ruling. This responsibility is not merely nominal. It shapes the quality of reasoning, creates institutional incentives for care and precision, and provides the community with recourse in cases of error. An AI system cannot bear this kind of accountability because it lacks the moral agency that accountability presupposes (Rodrigues, 2020).

The legal implications of deploying systems that produce consequential decisions without genuine moral agency are significant in secular legal contexts. In Islamic legal contexts, they are theologically acute. A fatwa issued without a human bearer of responsibility is, strictly speaking, not a fatwa at all under classical Islamic legal theory. This is not a procedural concern. It is a categorical one rooted in the foundational structure of Islamic jurisprudence.

Empirical evidence for the epistemic limitations of current AI systems in legal contexts is accumulating. Wahid's systematic evaluation of Islamic chatbot performance revealed consistent failures in navigating the authentication requirements of hadith citation. These failures are not random errors. They are symptoms of the structural inability of pattern-matching systems to replicate the

isnād-based epistemology of Islamic legal scholarship (Wahid, 2025). The problem is architectural, not incidental.

Garzo et al. demonstrate that even in the relatively formalized domain of Italian road homicide cases, machine learning models required continuous human expert validation. Their high statistical accuracy of 95% in classification tasks masked significant limitations in capturing the normative dimensions of judicial reasoning (Garzo et al., 2026). Green raises a related concern in the secular domain. He argues that policies requiring formal human oversight of algorithmic decisions often function as performative compliance rather than genuine epistemic supervision (Green, 2022). This concern applies with equal or greater force to Islamic legal contexts, where the standards of supervisory authority are considerably more demanding.

The phenomenon of AI hallucination in legal contexts deserves particular attention from the perspective of Islamic jurisprudence. AI systems that generate confident but incorrect outputs do not merely constitute technical errors. Misattributing Quranic verses, fabricating hadith citations, or producing juridically incoherent rulings carry implications beyond factual inaccuracy. In Islamic legal epistemology, the fabrication or misattribution of prophetic traditions is among the most serious epistemic transgressions. It corrupts the tradition's evidential foundations. Wahid documents precisely this category of failure in Islamic AI chatbot systems, confirming that hallucination in religious AI strikes at the epistemological heart of Islamic legal reasoning (Wahid, 2025).

Reconstructing Human Oversight in AI-Assisted Islamic Legal Reasoning

The preceding analysis does not lead to the conclusion that AI must be excluded from Islamic legal environments altogether. Such a position would be both practically unworkable and conceptually unwarranted. The Islamic tradition has no principled objection to the use of new tools in the service of legal reasoning. The condition is that their use does not compromise the normative integrity of Islamic law. The question is not whether AI may be used, but under what structural conditions its use can remain consistent with accountable human judgment (Kannike & Fahm, 2025; Ali et al., 2025).

The framework proposed here rests on a primary distinction between assistive and autonomous roles for AI. In its assistive role, AI can perform functions that do not require normatively weighted judgment. These include retrieving and compiling textual sources, identifying relevant precedents, translating between languages, flagging inconsistencies in reasoning, and organizing the documentary basis for a fatwa. Such functions enhance the efficiency of human scholars without displacing their irreplaceable role as bearers of legal authority.

The key structural requirement is that AI outputs at this stage are treated as preparatory material. They are raw epistemic inputs to be evaluated, filtered, and

accepted or rejected by a qualified human jurist. They are not to be treated as provisional rulings. This distinction preserves the normative primacy of human judgment at every consequential stage of the legal process (Alias et al., 2025; Priantina et al., 2025). Blurring this distinction, even incrementally, risks transforming AI from a tool into a surrogate authority.

Epistemic supervision is a more demanding requirement than current AI governance frameworks typically impose. It requires the active, substantive review of AI outputs by qualified scholars, not pro forma approval. Green has documented how oversight requirements in algorithmic governance frequently become hollow rituals. Human reviewers often lack the time, training, or institutional incentive to conduct genuine evaluations of AI outputs (Green, 2022). Avoiding this outcome in Islamic legal contexts requires institutional design that takes jurisprudential competence seriously.

Supervision of AI-assisted legal reasoning cannot be performed by technically trained personnel who lack jurisprudential qualifications. Nor can it be performed by jurisprudentially trained scholars who cannot evaluate the epistemological properties of AI outputs. This creates a demand for what might be called techno-jurisprudential competence. It is a hybrid form of expertise combining mastery of *usul al-fiqh* with critical understanding of how AI systems generate outputs and where they are structurally liable to fail (Selçuk et al., 2025; Radanliev, 2025).

Maqasid-oriented governance provides the normative framework within which these institutional structures can be evaluated and refined. The five objectives of Islamic law, namely the preservation of religion, life, intellect, lineage, and property, serve as the teleological horizon for Islamic legal reasoning. The governance of AI in Islamic legal environments must therefore be assessed in terms of whether it serves or undermines these objectives. Alias et al. argue that a maqasid-based approach to AI integration in shari'ah judiciary requires substantive alignment between AI applications and the objectives they are meant to serve, not merely formal procedural compliance (Alias et al., 2025).

Goldsmith and Yang make a structurally analogous point in the context of urban governance. They observe that AI systems maximizing narrow operational metrics frequently undermine the broader accountability and discretionary judgment that good governance requires (Goldsmith & Yang, 2026). This observation extends directly to the governance of AI in legal institutions. Operational efficiency and normative legitimacy are not the same thing. Institutional design must prioritize the latter, even at the cost of the former.

The concept of hybrid jurisprudential governance captures the vision toward which these considerations point. Rather than a binary choice between AI exclusion and AI autonomy, hybrid governance involves the deliberate design of human-AI collaboration. The division of epistemic labor is defined by the

respective capabilities and limitations of each party. AI is assigned tasks that suit its pattern-matching and retrieval capacities. Human jurists retain exclusive authority over the normatively weighty dimensions of legal reasoning, including the weighing of competing values, the exercise of contextual judgment, the application of *maqasid* reasoning to novel situations, and the bearing of moral accountability for the ruling issued.

Papagiannidis et al. provide a governance framework that, while developed in a secular context, offers useful structural insights for this purpose. Its emphasis on transparency, auditability, and human oversight as non-negotiable features of responsible AI governance is directly applicable (Papagiannidis et al., 2025). These principles require translation into the specific institutional language of Islamic jurisprudence. That translation is the task of Islamic legal scholars and governance specialists working in combination.

Institutional safeguards must operationalize these principles at the level of specific regulatory and organizational structures. Islamic legal institutions, including fatwa councils, shari'ah courts, and religious advisory bodies, that elect to use AI tools should maintain clear documentation of AI involvement in any ruling. They should subject AI-assisted processes to review by qualified scholars. They should also establish accountability mechanisms ensuring a named human jurist bears responsibility for each ruling issued with AI assistance. The preservation of moral agency in legal reasoning is not a sentimental attachment to tradition. It is a structural requirement of the Islamic conception of law, one that technological change cannot render obsolete without simultaneously rendering Islamic law something other than what it is (Alamsyah et al., 2026; Al-Momani, 2025).

Conclusion

This article has argued that AI integration into Islamic legal reasoning raises challenges that are epistemological and moral, not merely technical. The legitimacy of Islamic legal judgment is constitutively bound to human moral agency, to *taklīf*, *niyyah*, and the morally accountable exercise of *ijtihad*. These are not contingent features that technological sophistication can eventually replicate. They are the structural conditions under which Islamic law remains Islamic law. An AI system producing fatwa-like outputs is not, for that reason, a bearer of Islamic legal authority.

The epistemological and empirical evidence surveyed here converges on the same conclusion. The probabilistic outputs of machine learning systems are not equivalent to the *zann* of a *mujtahid*, because they are generated by fundamentally different processes under fundamentally different normative commitments. Empirical evaluations of Islamic AI chatbots confirm this at the level of actual performance, with documented failures in hadith authentication, Quranic

attribution, and normative reasoning. These are not random errors awaiting correction. They are symptoms of a structural mismatch between AI architecture and the epistemological requirements of Islamic legal reasoning.

Three contributions distinguish this study from existing literature. First, it demonstrates that AI's limitations in Islamic legal contexts are structural rather than transitional, grounded in the categorical distinction between processing and moral agency. Second, it introduces the concept of techno-jurisprudential competence, a hybrid form of scholarly qualification combining mastery of *usul al-fiqh* with critical understanding of AI epistemology. Third, it proposes a framework of hybrid jurisprudential governance in which AI serves preparatory functions while human jurists retain exclusive authority over normatively weighted judgment and bear full moral accountability for every ruling issued.

These contributions carry direct practical implications. Fatwa councils, shari'ah courts, and Islamic legal advisory bodies that deploy AI tools must maintain clear documentation of AI involvement, require substantive review by qualified scholars, and ensure that a named human jurist bears responsibility for every AI-assisted ruling. The *maqāṣid al-sharī'ah* framework provides the normative criterion for evaluating these arrangements. AI integration that enhances access to legal guidance without displacing accountability structures is permissible and potentially beneficial. AI integration that creates authoritative-seeming output without its substance threatens the very objectives Islamic law exists to protect.

Several directions for future research follow from this analysis. Empirical case studies of AI deployment in actual shari'ah courts and fatwa institutions are needed to test the governance framework proposed here against institutional realities. Refinement across specific *madhahib* is necessary, given the diversity of Islamic jurisprudential traditions. Comparative work examining how Jewish *halakha*, Catholic canon law, and Hindu *dharmaśāstra* are confronting analogous challenges would enrich the theoretical framing considerably. Finally, the rapidly evolving capabilities of large language models call for ongoing reassessment, not because the structural argument advanced here will be overturned, but because its application to specific AI systems must remain responsive to technical development.

The age of artificial intelligence is not a crisis for Islamic law. It is an invitation to articulate with new precision what Islamic law requires of those who administer it. The answer this tradition returns is that it requires human beings, morally accountable before God and community, exercising judgment in the full sense of that word. This is not a nostalgic appeal to tradition. It is a reasoned defense of a conception of law that has served human flourishing across fourteen centuries of intellectual and social change.

References

- Al-Momani, I. M. (2025). Ethical Challenges for Using Artificial Intelligence in Understanding Islamic Jurisprudence. *Salud, Ciencia y Tecnología-Serie de Conferencias*, 4(1519). <https://doi.org/10.56294/sctconf20251519>
- Alamsyah, M. F., Yayuli, & Remanda, A. (2026). Ethics of the Use of Artificial Intelligence (AI) in the Paradigm of Islamic Law. *Solo International Collaboration and Publication of Social Sciences and Humanities*, 4(1), 91-104. <https://doi.org/10.61455/sicopus.v4i01.393>
- Ali, F., Bouzoubaa, K., Gelli, F., Hamzi, B., & Khan, S. (2025). Islamic Ethics and AI: an Evaluation of Existing Approaches to AI Using Trusteeship Ethics. *Philosophy & Technology*, 38(120). <https://doi.org/10.1007/s13347-025-00922-4>
- Alias, M. A. A., Ismail, W. A. F. W., Baharuddin, A. S., Hashim, H., Ibrahim, T. M. F. H. T., & Sukri, M. N. M. (2025). The Integration of Artificial Intelligence (AI) Into the Shari'ah Judiciary: A Maqasid Al-Shari'ah Approach to Ethical and Legal Transformation. *CFORSJ Procedia*, 3(1), 119-127.
- Diab, R. (2026). The Evolving Role of AI In Legal Judgment. *Law, Innovation and Technology*, 18(1), 1-35.
- Elmahjub, E. (2023). Artificial Intelligence (AI) in Islamic Ethics: Towards Pluralist Ethical Benchmarking for AI. *Philosophy & Technology*, 36(73). <https://doi.org/10.1007/s13347-023-00668-x>
- Erickson, J., & Gregory, M. (2025). Against Algorithmic Clarity: Law Beyond Specification. *International Journal for the Semiotics of Law*. <https://doi.org/10.1007/s11196-025-10379-5>
- Garzo, G., Palumbo, A., & Giampaolo, M. (2026). Machine Learning in Legal Decision-Making: Analysis of Judicial and Algorithmic Reasoning in Road Homicide Cases. *AI & Society*. <https://doi.org/10.1007/s00146-026-02920-2>
- Goldsmith, S., & Yang, J. (2026). *AI and the Transformation of Accountability and Discretion in Urban Governance*. Urban Governance.
- Green, B. (2022). The Flaws of Policies Requiring Human Oversight of Government Algorithms. *Computer Law & Security Review*, 45(105681). <https://doi.org/10.1016/j.clsr.2022.105681>
- Habib, Z. (2025). Ethics of Artificial Intelligence in Maqasid Al-Shari'a's Perspective. *KARSA: Journal of Social and Islamic Culture*, 33(1), 105-134. <https://doi.org/10.19105/karsa.v33i1.19617>
- Kannike, U. M. M., & Fahm, A. O. (2025). Exploring the Ethical Governance of Artificial Intelligence from an Islamic Ethical Perspective. *Jurnal Fiqh*, 22(1), 134-161.
- Kouroutakis, A. (2024). Rule of Law in the AI Era: Addressing Accountability, and the Digital Divide. *Discover Artificial Intelligence*, 4, 115. <https://doi.org/10.1007/s44163-024-00191-8>
- Latifi, H. (2024). Challenges of Using Artificial Intelligence in the Process of Shi'i

- Ijtihad. *Religions*, 15(5), 541. <https://doi.org/10.3390/rel15050541>
- Linna, T. (2026). Challenges for Generative AI in Legal Reasoning. *Discover Artificial Intelligence*, 6(1), 170. <https://doi.org/https://doi.org/10.1007/s44163-026-00902-3>
- Malik, R., Malik, A., & Mustika, M. (2024). Artificial Intelligence and Islamic Law: Ethical Implications and Fiqh Fatwas in the Digital Age. *Journal of Family Law and Islamic Court*, 3(2), 128–143.
- Papagiannidis, E., Mikalef, P., & Conboy, K. (2025a). Responsible Artificial Intelligence Governance: A Review and Research Framework. *Journal of Strategic Information Systems*, 34, 101885. <https://doi.org/10.1016/j.jsis.2024.101885>
- Papagiannidis, E., Mikalef, P., & Conboy, K. (2025b). Responsible Artificial Intelligence Governance: A Review and Research Framework. *Journal of Strategic Information Systems*, 34, 101885. <https://doi.org/10.1016/j.jsis.2024.101885>
- Prabowo., Y. P., Ervani, D. ., & Archningtia, P. D. (2026). Maqasid Al-Shariah and Artificial Intelligence: Unaddressed Issues in Contemporary AI Ethics Studies. *Journal of Islamic Management*. <https://doi.org/10.58764/j.im.2026.7.132>
- Priantina, A., Uula, M. M., Aufa, & Herindara, E. (2025). AI in Fatwa Formulation: Transforming Sharia-Compliant Finance. *Journal of Central Banking Law and Institutions*, 4(3), 595–634. <https://doi.org/10.21098/jcli.v4i3.446>
- Radanliev, P. (2025). AI ethics: Integrating Transparency, Fairness, and Privacy in AI Development. *Applied Artificial Intelligence*, 39(1), 2463722. <https://doi.org/10.1080/08839514.2025.2463722>
- Rego, D., Samad, D., & Firdaus. (2025). The Transformation of Ijtihad and Fatwa in the Era Of Artificial Intelligence: An Epistemological And Technological Study. *As-Sulthan Journal of Education*, 2(2), 81-91.
- Rodrigues, R. (2020). Legal and Human Rights Issues of AI: Gaps, Challenges and Vulnerabilities. *Journal of Responsible Technology*, 4(100005). <https://doi.org/10.1016/j.jrt.2020.100005>
- Rohaida, R. (2025). Artificial Intelligence in Islamic Jurisprudence: Potentials and Limitations. In Proceeding of International Conference on Islamic and Interdisciplinary Studies (ICIIS). *State Islamic University Datokarama Palu*, 4, 460-462.
- Ruhil, O. (2025). *Justice in the Age of Algorithms: Can AI Weigh Morality? AI & Society*. 40(7), 5551–5553. <https://doi.org/10.1007/s00146-025-02292-z>
- Selçuk, S., Konca, N. K., & Kaya, S. (2025). *AI-Driven Civil Litigation: Navigating the Right to a Fair Trial*.
- Shamsuddin, M. M. J. (2024). Integrating AI Chatbots Into Halal Practices: Principles, Parameters, and Guidelines. *Journal of Law & Governance*, 7(1), 132-146.

- Sudirman, Sutiah, & Supriyono. (2025). Islamic Law in the Era of Artificial Intelligence: A Systematic Literature Review. *International Journal of Engineering, Science and Information Technology*, 5(4), 321-328. <https://doi.org/10.52088/ijesty.v5i4.1072>
- Sya'diyah, H., Muzammil, M. S., Azizi, F., & Rofi'ah, M. (2025). Fiqh Algorithm: Finding a Common Ground Between Fatwa and Artificial Intelligence. *ICES: International Conference on Education and Sharia*, 2(1).
- Tampubolon, M., & Nadeak, B. (2024). Artificial Intelligence and Understanding of Religion: A Moral Perspective. *International Journal of Multicultural and Multireligious Understanding*, 11(8), 903-914. <https://doi.org/10.18415/ijmmu.v11i8.6104>
- Usmonov, M. (2025). From Human Scholars to AI Fatwas: Media, Ethics, and the Limits of AI in Islamic Religious Communication. *AL-I'LAM: Journal of Contemporary Islamic Communication and Media*, 5(1). <https://doi.org/10.33102/jcicom.vol5no1.125>
- Wahid, S. H. (2025). Artificial Intelligence in Islamic Guidance: Assessing Chatbot Performance and Jurisprudential Adherence. *Journal of Digital Islamicate Research*, 3, 33-96. <https://doi.org/https://doi.org/10.1163/27732363-20250003>
- Zheng, H. (2026). The Epistemological Dilemma of Algorithmic Justice: What is Lost When Law Becomes "Computable"? *Law and Philosophy*. <https://doi.org/10.1007/s10982-026-09564-9>