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Artificial Intelligence in Islamic Family Law: Ethical Challenges and Maqāṣid al-Sharī‘ah Perspectives

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Abstract

The development of artificial intelligence (AI) systems has brought various opportunities as well as challenges in the field of law, including Islamic family law. This research aims to understand how AI systems work and are regulated in presenting the provisions of Islamic family law, as well as analyze their implementation in addressing emerging moral and ethical threats. In addition, this study assesses whether the use of AI in the Islamic family law system is in accordance with or contrary to the principles of maqashid asy-shari'ah. This study uses a qualitative method with a literature study approach. The analysis stages include data collection from secondary sources, data classification, and descriptive-analytical analysis. The results of the study show that the AI system in determining Islamic family law operates by managing data from various legal sources to form a draft answer that has legal certainty. However, there are ethical challenges, such as the potential for algorithm bias, the publication of personal data, automated law enforcement, and an over-reliance on AI. The analysis also shows that the application of AI has the potential to not fully meet the values of maqashid as-shari'ah. The novelty of this research lies in the systematic identification of the impact of the use of AI on compliance with the principle of maqashid as-shari'ah in Islamic family law. The implications of the study emphasize the need for special supervision of the quality of the laws produced by AI to remain in line with sharia principles.

Keywords: *Artificial Intelegent, Digital Ethics, Islamic Family Law, Maqashid al-shari'ah.*

Abstrak

Perkembangan sistem kecerdasan buatan (AI) telah membawa berbagai peluang sekaligus tantangan dalam bidang hukum, termasuk hukum keluarga Islam. Penelitian ini bertujuan untuk memahami bagaimana sistem AI bekerja dan diatur dalam menyajikan ketentuan hukum keluarga Islam, serta menganalisis implementasinya dalam mengatasi ancaman moral dan etika yang muncul. Selain itu, penelitian ini menilai apakah penggunaan AI dalam sistem hukum keluarga Islam sesuai atau bertentangan dengan prinsip maqashid asy-syari'ah. Penelitian ini menggunakan metode kualitatif dengan pendekatan studi literatur. Tahapan analisis meliputi pengumpulan data dari sumber sekunder, klasifikasi data, dan analisis deskriptif-

analitik. Hasil penelitian menunjukkan bahwa sistem AI dalam menentukan hukum keluarga Islam beroperasi dengan mengelola data dari berbagai sumber hukum untuk membentuk rancangan jawaban yang memiliki kepastian hukum. Namun, terdapat tantangan etis, seperti potensi bias algoritma, publikasi data pribadi, penegakan hukum yang otomatis, dan ketergantungan berlebihan pada AI. Analisis juga menunjukkan bahwa penerapan AI berpotensi tidak sepenuhnya memenuhi nilai-nilai maqashid asy-syari'ah. Kebaruan penelitian ini terletak pada identifikasi secara sistematis dampak penggunaan AI terhadap kepatuhan prinsip maqashid asy-syari'ah dalam hukum keluarga Islam. Implikasi penelitian menekankan perlunya pengawasan khusus terhadap kualitas hukum yang dihasilkan oleh AI agar tetap sejalan dengan prinsip syariah.

Kata Kunci: Kecerdasan Buatan, Etika Digital, Hukum Keluarga Islam, *Maqashid Al-Shari'ah*.

INTRODUCTION

In the digital age, technological advancements are progressing at a rapid pace, bringing numerous benefits to meet human needs. Every technological product offers a variety of benefits to people, one of which is Artificial Intelligence (AI).[1] The use of AI provides benefits across various fields, one of which is the realm of Islamic law. According to Putranto, AI can be utilized in the enforcement of Islamic law. AI is part of legal technology, which fundamentally refers to the use of technology and software to facilitate legal services. Its implementation ranges from regulatory bodies to legal practitioners.[2] However, on the other hand, the use of AI also raises potential moral and ethical dilemmas, particularly for the Muslim community.[3]

In this digital age, the process of formulating Islamic law must continue because the changing times necessitate ongoing legal development. Generally speaking, Islamic law possesses the characteristic of "*harakat*," meaning it is not static but rather dynamic, evolving, or developing. Thus, the process of legal formulation can be said to continue evolving in tandem with human civilization, based on

[1] Ahmad Sudi Pratikno, "Implementasi Artificial Intelligence DalamMemetakan Karakteristik, Kompetensi, Dan Perkembangan Psikologi Siswa Sekolah Dasar Melalui Platform Offline," in *Proceeding KMP Education Research Conference Keluarga Mahasiswa Pascasarjana (KMP) Universitas Negeri Yogyakarta* (Yogyakarta: Universitas Negeri Yogyakarta, 2017), 18–27.

[2] Rahmat Dwi Putranto, *Teknologi Hukum (Paradigma Baru Hukum Di Dunia Digital)* (Jakarta: Kencana, 2023).

[3] (Aliyatun Nur Afifah et.al, 2024, p. 243)

the underlying rationale (*illat*) of specific situational conditions.[4] In such circumstances, scholars and *mujtahid*s must not adopt a rigid or skeptical stance as Zuhaily[5] noted in Amri[6] toward technological advancements, including the use of AI in the formulation of Islamic law. However, it is important to note that this dynamic approach "*harakah"* must be grounded in caution when it comes to its application. Therefore, in this AI era, the formulation of Islamic law must remain under the control of scholars or *mujtahid*s who possess the competence in istinbath al-hukm and istidlal, so that the ethics of Islamic law formulation are upheld and the *maqashid al-shari'ah* are achieved.[7]

In Indonesia itself, the use of AI has been implemented within the judicial sphere through the Supreme Court (MA) and the Constitutional Court (MK) via five application models, including: "Court Live Streaming", "Smart Majelis", "Lentera 2.0", "*Satu Jari"*, and "e-IPLANS".[8] According to the MA, AI should be viewed as a partner, not an adversary, for legal practitioners.[9] The development of AI is limited by its use as a tool to assist in identifying judicial practices and analyzing cases through simulations of existing data (databases). AI will perform more objective text analysis in litigation by testing facts based on legal provisions and analyzing legal relevance without interference from other parties.[10]

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[4] Atang Abd. Hakim, *Fiqih Perbankan Syariah "Transformasi Fiqh Muamalah Ke Dalam Peraturan Perundang-Undangan"* (Bandung: Refika Aditama, 2011).

[5] (Az-Zuhaily, 1995, p. 1033

[6] Amri, 2019, p. 16)

[7] Ulva Hiliyatur Rosida, "Telaah Ijtihad Masa Kini: Sebuah Kerangka Praktis Dalam Istinbath Hukum Keluarga Islam," *Al-Bayan: Jurnal Hukum Dan Ekonomi Islam* 2, no. 2 (2022): 194, https://www.bing.com/search?q= jurnal istinbath mujtahid dalam hukum keluarga&qs=n&form=QBRE&sp=-1&ghc=1&lq=0&pq= jurnal istinbath mujtahid dalam hukum keluarga&sc=6-47&sk=&cvid=B4159D66E7F94ED1BC2C22DC57FD70F3.

[8] Zico Junius Fernando, "Ai Hakim: Merevolusi Peradilan Yang Berintegritas, Bermartabat, Dan Meningkatkan Kesejahteraan Hakim," *Jurnal Hukum Dan Peradilan PP. IKAHI* 2, no. 2 (2024): 141–66, https://doi.org/https://doi.org/10.3390/ELECTRONICS12051102.

[9] Ady Thea DA, "MA Kembangkan AI Untuk Cegah Putusan Saling Bertentangan," *Hukum Online*, 2024, https://www.hukumonline.com/berita/a/ma-kembangkan-ai-untuk-cegah-putusan-saling-bertentangan-lt65d48bc2d9b80.

[10] I Nengah Gardhita Arsa Putra dan Jeremy Kevin Parlindungan Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai

According to Malik's research,[11] AI does indeed provide benefits in the legal sphere, but it also raises complex ethical and legal challenges, particularly within the context of Islamic law, which is based on the Qur'an, Hadith, and fiqh traditions. A similar point is made in Afifah's research,[12] which states that AI poses a threat of distorting the interpretation of Sharia law, as well as undermining the moral integrity and socio-economic structure of Muslim communities. According to Herwiyansyah's research,[13] Muslims must be able to address the challenges posed by AI; therefore, they must understand the application of AI in various fields, including law. However, the use of AI must not violate privacy or lead to discrimination. Based on Rosida's research,[14] in this technological era, legal reform is essential, particularly within the realm of Islamic family law. The urgency of *ijtihad* in this technological era is crucial to avoid a legal crisis.

Although previous works have significantly advanced the study of AI and Islamic law, gaps remain in this research. Without attempting to fully integrate the two, this study focuses on legal and ethical issues separately. Furthermore, these works do not specifically focus on Islamic family law; rather, they address Islamic law in general. This is due to the fact that Islamic law encompasses a wide variety of topics. Consequently, this study will concentrate on elements of Islamic family law that are incorporated into the framework of digital ethics and *maqasid al-sharia*, or the principles of Islamic law. Thus, our study aims to fill the significant gap left by previous research.

The issue in the context of AI is how it is applied within the Islamic family law system and how to assess the ethical and moral risks posed by AI in its application. The use of AI is intrinsically linked to algorithmic systems, big data-driven decision-making, and data privacy. Legally, the use of AI disregards the principles of responsibility, justice, and compassion. This is due to the fact that AI often presents data reflecting the underlying biases of the data used to train it without considering justice and humanity.[15] Meanwhile, Islamic

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Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia," *Ma'mal: Jurnal Laboratorium Syariah Dan Hukum* 5, no. 4 (2024): 297–340.

[11] Ridwan Malik et.al., (2024, p. 128)

[12] Aliyatun Nur Afifah et.al., (2024)

[13] Herwinsyah, (2024)

[14] Rosida, (2022)

[15] Putranto, *Teknologi Hukum (Paradigma Baru Hukum Di Dunia Digital)*.

family law must fundamentally incorporate the concept of "*adalah*," particularly within legal technology systems.[16]

This situation necessitates a thorough analysis of the implementation of Islamic family law (covering marriage, inheritance, divorce, and other matters) within legal technology to avoid legal bias, uphold the value of justice, foster public interest,[17] and align with the principles of *maqashid al-shari'ah*.[18] Another potential threat is AI-generated data containing disinformation that triggers conflict and social instability. AI could even undermine Islamic identity if there is no oversight and privacy safeguards from scholars, jurists, and other religious experts. Consequently, the implementation of Islamic family law would be tainted by the infiltration of values contrary to Islamic law. Therefore, Muslims must understand the use of AI and know how to utilize and operate it.

Research is essential to understand how AI systems function and their implications for Islamic family law. This research is also crucial to analyze the ethical risks associated with AI utilization within the context of Islamic family law. Finally, this study aims to examine whether the use of AI conflicts with the principles of *maqashid al-shari'ah*. This research adopts a multidisciplinary approach that integrates the analysis of Islamic family law and the *maqashid al-shari'ah* within a single theoretical framework, presenting an approach that can be applied to address algorithmic bias in AI systems regarding the application of Islamic family law. It is hoped that this research will provide insights for academics, legal practitioners, and technology developers to address ethical challenges in the era of artificial intelligence.

RESEARCH METHODOLOGY

This study employs a qualitative approach to understand the social phenomena, norms, and cultural dynamics occurring in the era of Artificial Intelligence (AI).[19] It will examine the ethics of AI utilization in Islamic family law and relate them to the principles of *maqashid al-shari'ah*. The rationale for using this qualitative approach is its flexibility in understanding complex social phenomena, as well as how

[16] (Ridwan Malik et.al., 2024)

[17] (Khoirunisa et.al., 2023)

[18] (Aliyatun et.al., 2024, p. 243)

[19] Sugiono, *Metode Penelitian Kuantitatif, Kualitatif, Dan R&D.* (Bandung: Alfabeta., 2017).

Islamic family law addresses the moral and ethical challenges posed by AI.

This study analyzes and describes data from the literature obtained through interpretations constructed in the form of sentences, images, and symbols, rather than numerical data.[20] This literature-based approach is used to review literature such as books, academic papers, and other materials related to Islamic family law, Islamic ethics, the *maqashid al-shari'ah*, and AI technology. This literature review approach allows researchers to examine all relevant texts,[21] such as those found in Islamic family law.

The stages of this literature analysis include data collection from secondary sources, data classification, and analysis using descriptive-analytical techniques. This data analysis technique aims to elucidate the norms of Islamic family law, Islamic ethics, and the *maqashid al-shari'ah*, which are then integrated with the application of AI. This analysis aims to explain the meaning of the norms, evaluate their legal implications for social practices, and assess the alignment between existing legal rules and the principles of justice and ethics in Islam regarding the use of AI.[22]

RESULTS AND DISCUSSION

The Concept of *Maqashid al-shari'ah*

Etymologically, the term "*maqashid al-shari'ah*" is derived from two words: "*maqashid*" and "*sharia*." '*Maqashid*' is derived from the root "*qashada*," "*yaqshidu*," and "*qashdan*," which refer to goals and/or intentions.[23] Therefore, *maqashid al-shari'ah* refers to the values or objectives that must be achieved in the implementation of sharia.[24] Meanwhile, in substance, both contemporary and classical

[20] Deddy Mulyana, *Metodologi Penelitian Kualitatif* (Bandung: Rosda Karya, 2018).

[21] W. J. Creswell, *Research Design.* (Yogyakarta: Pustaka Pelajar, 2016).

[22] Soerjono Soekanto dan Sri Mamudji, *Penelitian Hukum Normatif, Suatu Tinjauan Singkat* (Jakarta.: Rajawali Pers, 2001), 13.

[23] J. Maharani, "Pemikiran Ibnu Asyur Tentang Maqashid Syariah Dalam Ekonomi Kontemporer," *Jurnal Ilmiah Ekonomi Islam* 8, no. 3 (2022): 2495–2500.

[24] A. Putra, D., & Hamid, "Tinjauan Maqashid As-Syari'Ah Terhadap Perlindungan Anak Panti Asuhan Siti Aisyah Kabupaten Mandailing Natal.," *Dusturiyah: Jurnal Hukum Islam, Perundang-Undangan Dan Pranata Sosial.* 10, no. 1 (2020): 01–22.

scholars view *maqashid al-shari'ah* as aiming to enhance the welfare of the community.[25]

Imam Asy-Syatibi explains that the purpose of the *Sharia* is to create benefit for humanity, both in the hereafter and in this world. Every law prescribed by Sharia aims to bring about the well-being of the servant and their religion. Thus, Imam Asy-Syatibi explains that every obligation is established to serve the well-being of the community. Consequently, every law established by Allah and His Messenger undoubtedly has a purpose, and it is impossible for it to exist without one.[26]

Imam Al-Ghazali classifies the *mashlahat* found in the *Maqashid al-shari'ah* into three categories: 1. *Mashlahat al-Mu'tabarah*, which is a *mashlahat* that is accepted and can serve as a legal basis through the method of *qiyas*; 2. *Mashlahat Mulghah*, the context of which is rejected by the Sharia, namely the *nash*; and 3. *Mashlahat Mursalah*, which is a *mashlahat* neither permitted nor prohibited by the nash or the Sharia.[27]

Each of these mashlahats is then incorporated into the concept of *mabadi al-khamsh*, which encompasses: *hifz ad-din* (preservation of religion), *hifz an-nafs* (preservation of life), *hifz 'aql* (preservation of intellect), *hifz an-nasl* (preservation of lineage), and *hifz al-mal* (preservation of wealth). Thus, legal rulings that incorporate these five principles are considered *mashlahat*, and if a ruling contradicts these five values, it is termed *mafsadah*.[28]

How Artificial Intelligence Works

AI has become an integral part of legal technology and is currently at the center of discussions in various countries; in fact, some nations, such as China and Estonia, have already implemented AI as a

[25] N. Hudaefi, F. A., & Heryani, "The Practice of Local Economic Development and Maqāṣid Al-Sharī 'ah: Evidence from a Pesantren in West Java, Indonesia," *International Journal of Islamic and Middle Eastern Finance and Management* 12, no. 5 (2019): 625–42.

[26] Z. Mansyur, "Implementasi Teori Maqashid SyariAh Asy-Syatibi Dalam Muamalah Kontemporer," *Jurisdictie: Jurnal Hukum Dan Syariah* 11, no. 1 (2020): 67–92.

[27] N. Nst, M. Z. A., & Nurhayati, "Teori Maqashid Al-Syari'ah Dan Penerapannya Pada Perbankan Syariah," *Jesya (Jurnal Ekonomi Dan Ekonomi Syariah)* 5, no. 1 (2022): 899–908.

[28] M. Adinugraha, H. H., & Mashudi, "Al-Maslahah Al-Mursalah Dalam Penentuan Hukum Islam," *Jurnal Ilmiah Ekonomi Islam* 4, no. 1 (2018): 63–75.

judge.[29] Meanwhile, in Indonesia's judicial system, AI is still used as an auxiliary tool to provide convenience, address accessibility issues, assist judges in adjudicating cases, and alleviate case backlogs.[30] The information presented by this AI refers to the management of computational systems to generate draft rulings based on inquiries. As an output, we will see recommendation information presented by AI sourced from applicable laws.[31]

The AI system operates within a systematically structured design framework, ensuring the presentation of legally certain data. The following is a general overview of the AI framework design:

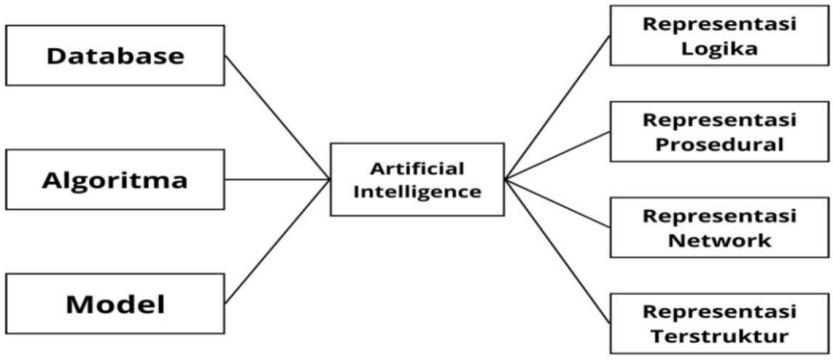


Figure 1. Concept of the Artificial Intelligence Framework

a) The database serves as a source of valid legal references and factual data. This database supports the AI in analyzing responses comprehensively and heuristically. In the Islamic family law system, the data contained consists of legal sources such as regulations, norms, legal theories, legal principles, the Civil Code, the old and new Criminal Codes (Law No. 1 of 2023), the Compilation of Islamic Law, *nash, ijma'*, and *qiyās* from the *fuqaha*,[32] as well as various

[29] Tanel Kerikmäe and Evelin Pärn-Lee, "Legal Dilemmas of Estonian Artificial Intelligence Strategy: In Between of E-Society and Global Race," *AI and Society* 36, no. 2 (2021): 561–72, https://doi.org/https://doi.org/10.1007/S00146-020-01009-8/METRICS.

[30] Fernando, "Ai Hakim: Merevolusi Peradilan Yang Berintegritas, Bermartabat, Dan Meningkatkan Kesejahteraan Hakim."

[31] Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia."

[32] Achmad Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis Dan Sosiologis)* (Jakarta: Penerbit Toko Gunung Agung, 2002), 167.

works of Islamic legal literature. Furthermore, the database supports the process of defining the variables required by the AI, which serve as accuracy parameters to generate the conclusions;

b) The algorithm is designed to assist judges in adjudicating cases and addressing public inquiries, with these guidelines and instructions derived from the database, which references the legal sources contained within it. The appropriate algorithm applied in the legal system is a deep learning algorithm that refers to a proportional logic model, the purpose of which is to generate either incorrect or correct conclusions.[33] For example, if someone uses AI to ask about inheritance distribution, the algorithm will present data related to inheritance distribution.

c) The model is a configuration of the AI designed for the public to ask legal questions and for law enforcement to conduct oversight, as well as to assist judges in locating legal sources and analyzing the relevance of facts in the courtroom.[34] The data presented by the AI will serve as a reference or benchmark for the public, law enforcement officials, and judges in adjudicating a case.

Through databases, algorithms and models are integrated to create an AI capable of generating logical, network-based, procedural, and structured representations. Thus, in the processes of legal analysis, legal adjudication, and court proceedings, AI can be used to manage data relevant to ongoing cases. AI can serve as a tool to assist parties involved in legal matters, such as Islamic family law cases.

The Use of AI in the Application of Islamic Family Law

AI is part of the development of legal technology, which naturally aligns with system integration that facilitates work processes. When examined through Kusumaatmadja's theory of legal development, the progressiveness of legal concepts must be futuristic/visionary, recognizing that law serves as a means to nurture society and, functionally, remains desired by the community.[35] Thus,

[33] Anita Desiani dan Muh. Arhami., *Konsep Kecerdasan Buatan* (Yogyakarta: Andi, 2006).

[34] Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia."

[35] Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia."

the use of AI in Islamic family law serves as a tool to assist the Muslim community in understanding the fundamentals of Islamic family law. However, this requires oversight and control by religious scholars, jurists, and fatwa councils to ensure no information contradicts Islamic law.

Technological developments provide many benefits for human needs. Every technological product offers various benefits to humanity; one of these is AI.[36] There are many AI applications that can be used to assist with human activities, such as *Formative AI, Grammarly, DataBot, QuillBot, ELSA Speak, Socratic, ChatGPT*, and many more. One AI that has become widely used is *ChatGPT* (*Generative Pre-trained Transformer*), developed by a company called OpenAI in California.[37] This study will not specifically discuss the various types of AI, but will instead focus on how AI generally functions in the application of Islamic family law.

AI is a component of legal technology, which essentially refers to the technologies and software used to facilitate legal services. Its implementation spans from regulatory bodies to legal practitioners.[38] AI offers significant potential for various aspects of life, such as Islamic education, Islamic finance, and the application of Islamic law. However, the use of AI must be closely monitored to ensure it remains within the bounds of Islamic law.[39]

The following is an example of the use of AI related to the application of Islamic family law:

First, access the ChatGPT website (an AI platform) and type a question into the text box provided on the website. Here is an illustration:

[36] Pratikno, "Implementasi Artificial Intelligence Dalam Memetakan Karakteristik, Kompetensi, Dan Perkembangan Psikologi Siswa Sekolah Dasar Melalui Platform Offline."

[37] Suarifqi Diantama, "Pemanfaatan Artificial Intelegent (AI) Dalam Dunia Pendidikan," *Jurnal Teknologi Pendidikan* 1, no. 1 (2023): 8–14.

[38] Putranto, *Teknologi Hukum (Paradigma Baru Hukum Di Dunia Digital)*.

[39] (Ridwan et.al., 2024)

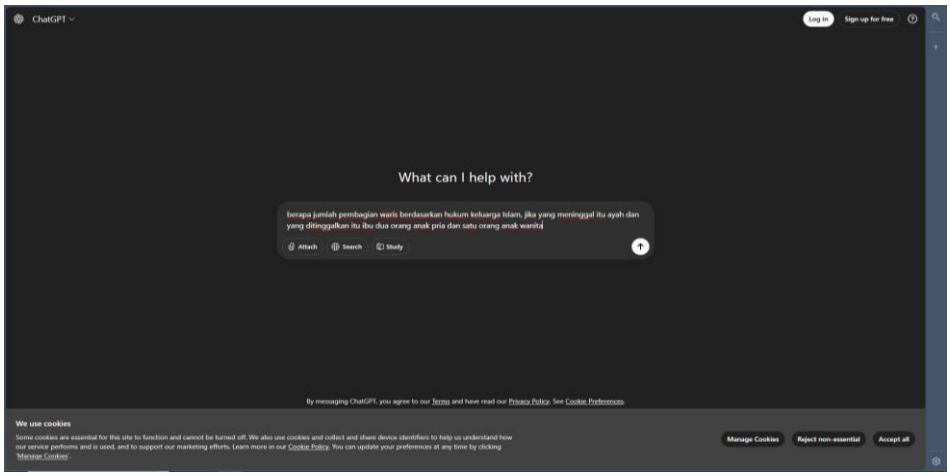


Figure 2. Stage of Artificial Intelligence Use I

Second, the AI will display data in the form of conclusions regarding the matter in question. Here is one of the legal responses from the AI regarding inheritance:

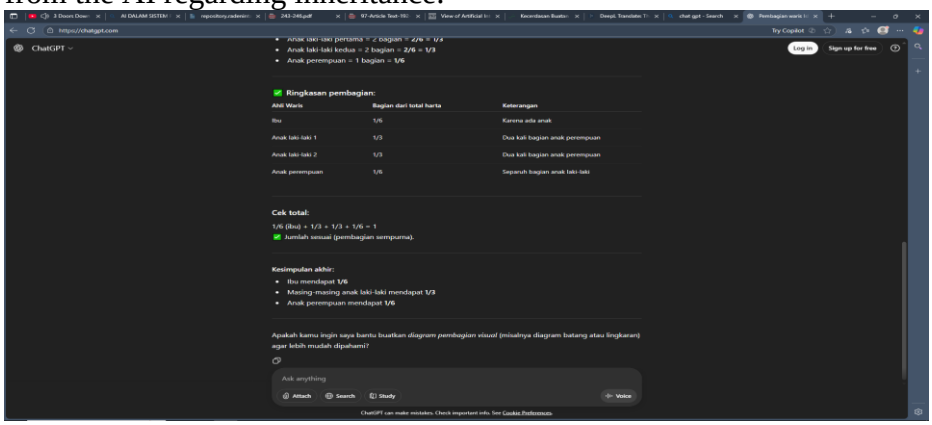


Figure 3. Stage of Artificial Intelligence Use II

From this example, it can be seen that if the AI provides an answer to a question regarding inheritance specifically, "*berapa jumlah pembagian waris berdasarkan hukum keluarga Islam, jika yang meninggal itu ayah dan yang ditinggalkan itu ibu dua orang anak pria dan satu orang anak wanita*" In response to this question, the AI provides the following conclusion: "*Ibu mendapat 1/6, Masing-masing anak laki-laki mendapat 1/3 dan Anak perempuan mendapat 1/6*".

The conclusions provided by the AI are based on references to Islamic law. The AI provides several reference sources for the answers

it has presented. The following are the references the AI uses in determining Islamic inheritance law:

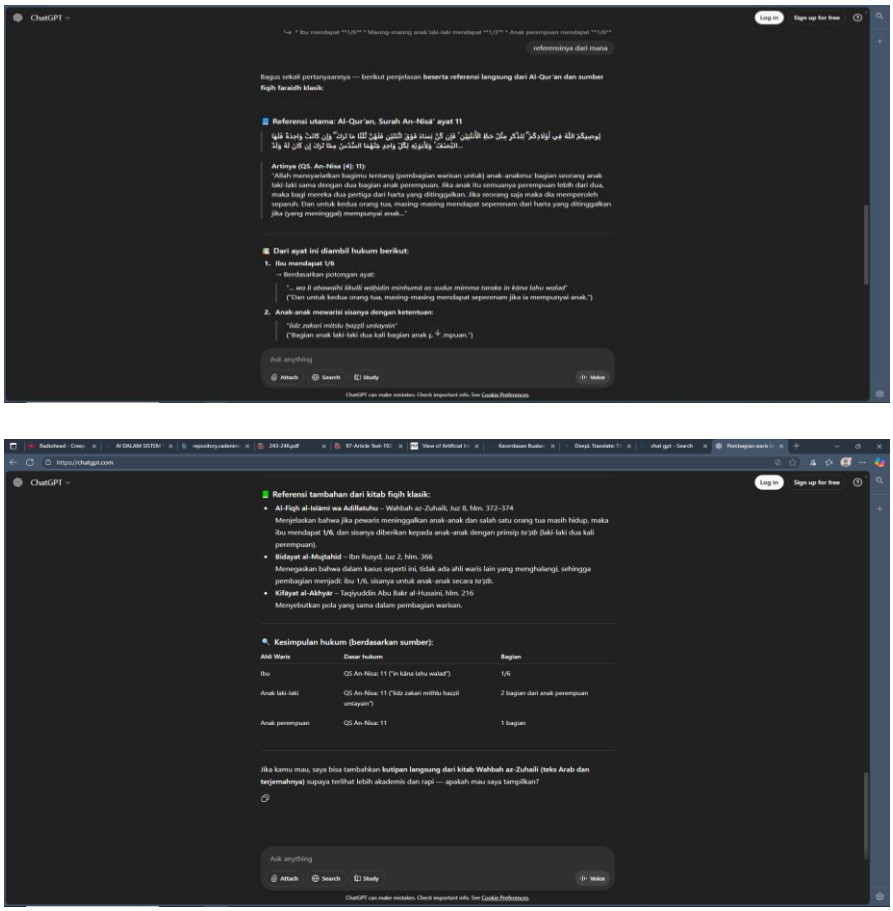


Figure 4. Artificial Intelligence References in Providing Conclusions on Inheritance Law

Primary reference: The Qur'an, Surah An-Nisā' verse 11. Additionally, there are supplementary references from classical fiqh texts:

a) *Al-Fiqh al-Islāmī wa Adillatuhu*-Wahbah az-Zuhailī, Volume 8, pp. 372–374. Explains that if the deceased leaves children and one of the parents is still alive, the mother receives 1/6, and the remainder is distributed to the children according to the principle of *ta'ṣīb* (males receive twice the share of females).

b) *Bidayat al-Mujtahid*-Ibn Rushd, Vol. 2, p. 366. Confirms that in such cases, there are no other heirs to preclude this, so the distribution is: the mother receives 1/6, and the remainder goes to the children according to the principle of *ta'ṣīb*.
c) *Kifāyat al-Akhyār*-Taqiyuddin Abu Bakr al-Husaini, p. 216. Mentioning the same pattern in the distribution of the inheritance.

Based on this, the database contained in this AI already encompasses sources of Islamic law. Subsequently, an algorithm was developed to assist those seeking guidance in examining the law, where these guidelines and instructions are formulated based on references such as the Qur'an and several classical fiqh texts.

Ethical Challenges in the Use of AI in the Islamic Family Law Sector

In this digital age, AI makes life easier for the public; not only that, but AI also helps legal professionals conduct legal analysis or engage in legal reasoning. The use of AI makes it easier for legal professionals and even the general public to examine legal sources relevant to the case at hand. AI will present data in the form of written law both substantive and procedural where these legal principles are derived from various sources of Islamic law.

In fact, countries such as China, the United States, Singapore, and Estonia have already implemented AI as a substitute for judges in minor cases, such as traffic violations.[40] Meanwhile, human judges are involved in cases that are more complex and have greater consequences. This is seen as a way to streamline the court process. AI is viewed as placing greater emphasis on the values of legal certainty.[41]

However, the use of AI can present ethical challenges from an Islamic perspective. The author has identified these ethical challenges from various sources, including:

First, algorithmic bias generated by AI. The conclusions drawn by AI will reflect biases embedded in the database. Consequently, the legal responses provided by AI sometimes lack the principle of justice. From an Islamic perspective, justice is an essential element in the realm

[40] Putranto, *Teknologi Hukum (Paradigma Baru Hukum Di Dunia Digital)*.

[41] Silaban, "Penerapan Kecerdasan Artifisial Dalam Pengawasan Kekuasaan Kehakiman Sebagai Upaya Mereduksi Disparitas Putusan Pidana Di Indonesia."

of law enforcement.[42] Legal decisions issued by AI fail to consider humanitarian aspects and may even be discriminatory. For example, in the context of post-divorce legal proceedings, where AI cannot comprehend the trauma of a wife who has experienced domestic violence; cannot interpret the nonverbal expressions of a child who is a victim of parental conflict; and is unable to assess intent (*niyyah*) in a divorce, which in many cases is the determining factor in the validity of the divorce.[43]

Second, data privacy will be compromised because users have accessed the AI. In the Islamic perspective, matters of a private nature constitute the most fundamental right that must be protected. Based on the textual evidence, privacy is a matter related to the context of trust. Therefore, AI that derives conclusions based on data collection and big data analysis always remains a major issue.[44] For example, A has an inheritance dispute with B; A then consults the AI about this matter, and the AI provides a conclusion based on the data. Subsequently, this specific case of the inheritance dispute between A and B becomes a data source that the AI uses in the future, should any party face a similar case to that of A and B;

Third, autonomous legal rulings by AI will pose significant legal risks. Furthermore, if errors occur in the legal rulings issued by AI, the question of who is held accountable remains unresolved. For instance, someone might challenge a ruling that a divorce via digital media is not automatically valid without first considering social conditions and the possibility of reconciliation.[45] If AI operates solely based on explicit legal principles, the resulting fatwas tend to oversimplify complex situations and may disadvantage vulnerable groups, particularly women. In this context, it remains unclear who would be held accountable for legal decisions made by AI.

Fourth, reliance on AI will impact the competence of human resources in the legal enforcement sector. For example, if a panel of judges becomes overly reliant on AI and the AI lacks relevant data

[42] F. Almubarok, "Keadilan Dalam Perspektif Islam," *Journal ISTIGHNA* 1, no. 2 (2018): 115–143, https://doi.org/https://doi.org/10.33853/istighna.v1i2.6.

[43] Ziba Mir-Hosseini, *Justice, Equality and Muslim Family Laws: New Ideas, New Prospects "in Gender and Equality in Muslim Family Law,"* Lena Larse (London: I.B. Tauris, 2009), 7–9.

[44] (Rahmawati et.al., 2023)

[45] Majma' al-Fiqh al-Islāmī (Kuwait), Bayān Hawla Ṭalāq Bi al-Wasāʾil al-Iliktrūniyyah, 2017 (Kuwait, issued 2017).

regarding the case being heard such as data on applicable laws, the KHI, and interpretations based on *nash, ijma'*, and *qiyas* from the fuqaha this will inevitably influence the outcome of the ruling.[46] According to Al-Mawardi, understanding the sources of Islamic law begins with knowledge of the text (*nash*), consensus (*ijma'*), and analogy (*qiyas*), as well as interpreting the Quran through an understanding of clear verses (*muhkamat*) and ambiguous verses (mutasyabihat), abrogating and abrogated verses (*nasikh* and *mansukh*), specific and general verses (*khas* and *'am*), absolute and qualified verses (*muthlaq* and *muqayyad*), and an understanding of the hadith. These are some of the understandings that judges in Religious Courts must possess.[47]

Similarly, regarding the understanding of *qiyas*, a judge who possesses an understanding of *qiyas* can rule on new issues not yet addressed in the nash or other sources of positive law.

Based on the above, although AI offers practical benefits in the field of Islamic family law adjudication particularly in disseminating legal information widely and quickly mechanisms for restriction and oversight remain necessary. Fatwas generated digitally by AI in family law cannot be regarded as a substitute for *mujtahids*, judges, and human-issued fatwas, but rather only as an initial tool that must subsequently be confirmed by religious authorities who understand the actual circumstances. In fact, it can be argued that at this stage, AI should not be given the authority to decide on relational and emotional matters such as marriage, divorce, and child custody without the ethical oversight and consideration of maqāṣid by a human Islamic legal expert.

Thus, the effectiveness of digital law must be critically evaluated. It can help expand access to legal information, but it cannot replace the role of scholars as guardians of values, interpreters of reality, and protectors of the welfare of Muslim families. Within the framework of *maqāṣid al-sharī'ah*, family law not only upholds procedural justice but also fosters tranquility (*sakan*), affection (*mawaddah*), and protection (*ḥimāyah*) values that can only be realized through human interaction, not merely through algorithms.

[46] Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis Dan Sosiologis)*, 167.

[47] Abu Hasan Al-Mawardi, *Al-Ahkam Al Sulthaniyah*, 1st ed. (Beirut: dar al-fikri, 1960).

The Impact of AI Use in Court Case Decision-Making on the Quality of Judges in Religious Courts

A judge is a profession held by a public official who possesses legal expertise and knowledge in carrying out the duty of enforcing the law. Therefore, judges must demonstrate professionalism. According to Danim,[48] who states in his book that a profession must be supported by three pillars, namely:

1) Knowledge;
2) Competence;
3) Academic preparation.

Judges must, of course, possess high professional standards, meaning every process or step taken to enhance the competency[49] qualifications of every judge involved in the administration of justice. This implies that, at this stage, the performance of the judicial process in adjudicating cases must be closely monitored.

In this digital age, the judicial process or a judge's performance in adjudicating cases is facilitated by the assistance of AI. The process of istinbath al-hukm carried out by judges in Religious Courts will be easier due to AI. Of course, the use of AI will gradually render the three requirements for judges according to Al-Mawardi obsolete. According to Al-Mawardi, the requirements to become a judge are physical and mental health, intelligence, independence, being Muslim, being male, justice, and mastery of legal sources.[50]

The existence of AI does indeed provide convenience for judges; however, the concern is that judges will become overly reliant on AI, merely accepting AI's rulings at face value without deriving legal rulings through their own reason and capabilities. Yet, according to Al-Mawardi, a judge must possess the competence and intellectual acuity to address the issues being heard in court. Judges are not only expected to distinguish between right and wrong, but they are also required to provide solutions based on the rulings they issue.[51]

The second concern is that if judges rely too heavily on AI, it could result in rulings that lack fairness. This sense of fairness is a core principle that judges must uphold. Of course, AI will only provide legal considerations based on legal certainty without considering the aspect of fairness. This aspect of fairness exists only in the attitude of a person

[48] Danim S., (2008)
[49] Alwi, 2002: 897)
[50] Al-Mawardi, *Al-Ahkam Al Sulthaniyah*.
[51] Al-Mawardi.

who can place things in their proper context. AI's considerations so far are limited to a database of legal certainty; they have not yet reached the aspect of fairness.

Furthermore, the next concern is the diminishing ability of judges to interpret Islamic legal sources. This is because judges in the Religious Courts must understand the sources of Islamic law. A current issue is that if the panel of judges relies too heavily on AI, and the AI does not contain relevant data regarding the case being heard including applicable legislation, the KHI, and rulings based on nash, *ijma'*, and *qiyās* from the fuqaha this will inevitably affect the outcome of the decision.[52] According to Al-Mawardi, understanding the sources of Islamic law begins with knowledge of the text (*nash*), consensus (*ijma'*), and analogy (*qiyas*), as well as the interpretation of the Qur'an through an understanding of the clear verses (*muhkamat*) and ambiguous verses (*mutasyabihat*), abrogating verses (*nasikh*) and abrogated verses (*mansukh*), specific verses (*khas*) and general verses (*'am*), absolute verses (*muthlaq*) and qualified verses (*muqayyad*), and finally an understanding of the hadith. These are some of the principles that judges in Religious Courts must understand.[53] Similarly, regarding the principle of *qiyyas*, a judge who understands *qiyyas* can rule on new issues not explicitly addressed in the text of the Quran or Hadith or other sources of positive law.

Intelligence, a fair attitude, and knowledge of Islamic legal sources are qualities that must never be lacking in a judge.[54] AI certainly makes a judge's tasks much easier, but there must be limits to a judge's reliance on AI when deciding cases, as this would compromise the judge's own professional integrity. Consequently, this would impact the judge's cognitive development. This is because there is no effort on the part of the judge to identify, recall, understand, evaluate, and create when deciding a case. Since these tasks are not performed purely by the judge but rather by AI, the outcome of a decision that relies entirely on AI will undermine the judge's own quality. According to Bloom, as cited by Maisaroh,[55] the cognitive domain comprises six hierarchical levels: 1) Knowledge; 2) Comprehension; 3) Application; 4) Analysis; 5) Synthesis; and 6) Evaluation. This is achieved when a judge begins to recognize, gather,

[52] Ali, *Menguak Tabir Hukum (Suatu Kajian Filosofis Dan Sosiologis)*, 167.
[53] Al-Mawardi, *Al-Ahkam Al Sulthaniyah*.
[54] Al-Mawardi.
[55] Maisaroh & Rostrieningsih, (2010)

interpret (istinbath al-hukm), analyze, classify, conclude, organize, critique, apply, and decide a case.

Therefore, based on this, the use of AI should not be excessive, as it can have a negative impact on a judge's cognitive abilities. Consequently, AI should ideally be used only as a tool a means of evaluating the learning outcomes of judicial decisions rather than as a substitute for the judge's role in adjudicating cases in the courtroom.

The Use of AI Within the Framework of *Maqashid al-shari'ah*

Wahbah al-Zuhaili explains that *Maqashid al-shari'ah* are the norms and all or most of the implicit objectives of Sharia law. These values and objectives are regarded as the orientation and essence of Sharia law, defined through Sharia provisions in each regulatory article. Therefore, *Maqashid al-shari'ah* serves as the guiding principle for the enforcement of Islamic law.[56] Among the scholars who have placed significant emphasis on the objectives of Islamic Sharia is Imam al-Syatibi. He stated that the primary orientation of Sharia is to realize the public interest (*tahqiq mashalih al-khalqi*), which encompasses three levels: *maslahah dharuriyyat, hajiyat*, and *tahsiniyyat*.[57]

The primary objectives of *maslahah dharuriyyah* are *hifz ad-din, hifz an-nafs, hifz 'aql, hifz an-nasl*, and *hifz al-mal*. These five are known as *al-kulliyyataal-khamsah*.[58] Therefore, it is necessary to evaluate and validate AI decisions to ensure they align with these five principles of *maslahah dharuriyyah*. Every *ijtihad*, including those conducted with the aid of technology, must be evaluated based on these principles to ensure it does not deviate from the spirit and direction of Sharia. When viewed through the lens of Imam As-Syatibi's theory of *Maqāshid al-Shari'ah*, the age limits in the UUP and KHI fall under the category of essential Maqāshid al-Shari'ah, for the following reasons:

a) *Hifz al-din* the preservation of religion is at stake. Furthermore, *ḥifẓ al-dīn*, as the guardian of the community's spirituality, is also threatened when AI-generated fatwas replace the role of scholars as spiritual guides. In Islamic tradition, fatwas do not merely provide legal answers but also foster the relationship between the community and its religion through processes of counsel,

[56] Wahbah Az-Zuhaili, *Fiqih Islam Wa Adillatuhu*, jilid 9, (Jakarta: Gema Insani, 2011).

[57] Abu Ishaq Ibrahim Al-Syatibi, *Al-Muwafaqat Fi Ushul Al-Syari'ah* (Beirut-Libanon: Daar Al-Kutub, n.d.).

[58] Al-Syatibi.

spiritual strengthening, and the cultivation of moral consciousness. When all of this is replaced by human-machine interactions, the spiritual dimension of religious life may undergo significant degradation. This echoes Wael *Hallaq's* concern that legal modernity tends to erase spiritual and moral dimensions, replacing them with a sterile administrative system.[59]

b) *Hifz al-aql*, in the context of enforcing Islamic family law, the aspects of intelligence, fairness, and knowledge of Islamic legal sources are qualities that must not be lost in judges, *mujtahid*s, muftis, and other legal enforcers.[60] AI certainly makes the tasks of these individuals much easier; however, there must be limits to the reliance of Islamic family law enforcers on AI when deciding cases, as this will affect both the individual's professional competence and the quality of the legal rulings produced. Consequently, this will also impact their cognitive development;

c) *Hifz an-Nafs*: The use of AI will gradually undermine the three requirements for Islamic legal practitioners according to Al-Mawardi. According to Al-Mawardi, the requirements to become a judge are physical and mental soundness, intelligence, independence, being Muslim, being male, justice, and mastery of legal sources.[61] When intelligence is lost due to a failure to preserve the intellect (*hifz al-aql*), personal integrity is also lost, particularly in the cognitive realm.

d) *Hifz an-nasl*, or the protection of lineage, AI has not yet provided just legal rulings. This is because legal rulings on family matters made through AI sometimes lack elements of justice. This sense of justice is an integrity that must be possessed by a judge. Of course, AI will only provide legal considerations based on legal certainty without considering the aspect of justice. This aspect of justice exists only in the attitude of a person who can place things in their proper context. AI's considerations so far are limited to a database of legal certainty; they have not yet reached the aspect of

[59] Wael B. Hallaq, *The Impossible State: Islam, Politics, and Modernity's Moral Predicament* (New York: Columbia University Press, 2013), 143.

[60] Al-Mawardi, *Al-Ahkam Al Sulthaniyah*.

[61] Al-Mawardi.

justice. AI also will not provide considerations based on humanistic values. Just as in divorce cases, where the AI does not base its rulings on the child's psychological well-being but solely on legal certainty. Yet, the *maqāṣid* require that the continuity of the generations be a legal priority that cannot be entirely left to technical logic.[62]

e) *Hifz al-māl*: AI decisions sometimes fail to consider the human aspect. However, in this regard, AI does not conflict with *hifz al-mal*. This is because every legal decision made by AI regarding inheritance, *zakat*, and *waqf* is based on *Sharia* principles. Nevertheless, when viewed outside the context of family law, AI poses a potential risk of undermining *maqāṣid* by treating religious legal services as a commodity rather than a social trust. Furthermore, the use of personal data in AI fatwa applications also poses a threat to the protection of the community's assets and information, especially if not safeguarded by regulations compliant with Sharia and digital security principles.[63]

Therefore, based on this, the use of AI must not be excessive, as it can have a negative impact on the religious, cognitive, and personal integrity of legal practitioners, and fails to consider human values and the quality of the law itself. Therefore, the use of AI should be limited to serving as a tool or a means of evaluating the outcomes of legal rulings, not as a replacement for human decision-making regarding legal rulings within the Islamic family context.

The use of AI enables an analysis of the legal rationale (*illat*) that serves as the basis for the original law (*ashal*), which is then applied to the branch (*far'*) and treated as equivalent to the original law due to the presence of similar characteristics underpinning the legal ruling. Thus, as long as the use of AI aligns with the legal rationale that permits it and does not contradict the maqashid, it is clearly permissible. However, if the use of AI is misused or contradicts the legal rationale or the *maqashid al-Sharia*, it is clearly impermissible.

[62] Ziba Mir-Hosseini, *Justice, Equality and Muslim Family Laws," in Wanted: Equality and Justice in the Muslim Family"*, Zainah Anw (Kuala Lumpur: Musawah, 2009), 28–31.

[63] Iyad Rahwan et al., "Machine Behaviour," *Nature* 568, no. 7753 (2019): 477–486.

CONCLUSION

Based on the above discussion, this study concludes that the operational system of AI in formulating and determining Islamic family law rulings is fundamentally dependent on the data structures, computational models, and algorithms embedded within it. The integration of AI into Islamic family law enforcement undeniably offers efficiency, accessibility, and procedural support. Nevertheless, from an ethical and juridical perspective, several significant risks emerge, namely: first, algorithmic bias that may produce discriminatory or inaccurate legal outcomes; second, vulnerabilities relating to data privacy and confidentiality; third, the danger of autonomous legal determinations without adequate human supervision; and fourth, excessive dependence on AI systems that may weaken critical legal reasoning among practitioners. Furthermore, from the perspective of Maqāṣid al-Sharī‘ah, the utilization of AI has the potential to affect core objectives of Islamic law, including hifz ad-din (protection of religion), hifz an-nafs (protection of life), hifz al-‘aql (protection of intellect), hifz an-nasl (protection of lineage), and hifz al-mal (protection of wealth). In the context of legal enforcement, AI also remains incapable of fully internalizing moral consciousness, social justice, contextual wisdom, and humanistic legal considerations, because its operational logic is primarily based on codified legal certainty rather than ethical deliberation. Therefore, AI cannot be positioned as a substitute for mujtahids, judges, or religious authorities, but rather as a supporting instrument whose outputs must remain subject to human verification and contextual interpretation.

Theoretically, this study contributes to the development of contemporary Islamic legal discourse by demonstrating that Maqāṣid al-Sharī‘ah may function not only as a normative framework of Islamic jurisprudence, but also as an ethical governance model for regulating AI integration within Islamic family law systems. This research enriches interdisciplinary discussions between Islamic legal studies, legal ethics, and emerging technologies by positioning maqāṣid principles as evaluative standards for assessing technological legitimacy and justice in digital legal practices. Practically, the findings of this study provide guidance for judges, Islamic legal scholars, fatwa institutions, and policymakers in understanding the limitations and ethical implications of AI-assisted legal mechanisms. The study also offers a conceptual foundation for developing responsible AI implementation standards in Islamic legal institutions, particularly in

matters relating to family law adjudication, legal consultation, and digital fatwa services.

Based on these findings, this study recommends the establishment of a specialized supervisory authority responsible for monitoring AI-based legal systems operating within Islamic legal institutions. Such an institution should evaluate algorithmic transparency, ensure compliance with Sharia principles, protect personal data, and prevent unjust or biased legal outcomes. In addition, regulatory frameworks concerning AI governance in Islamic law should incorporate ethical review mechanisms, interdisciplinary expert involvement, and mandatory human oversight before legal decisions are formally issued. For future research, subsequent studies may explore comparative analyses between AI-based legal systems and conventional Islamic legal reasoning across different Muslim jurisdictions. Future researchers may also investigate public perceptions of AI-assisted fatwas, examine the integration of machine learning with usul al-fiqh methodologies, or conduct empirical studies regarding the effectiveness and ethical challenges of AI implementation within Islamic courts and religious institutions.

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