

# Artificial Intelligence Use in the Issuance of Inheritance Fatwas: Evaluating GPT-3.5 Compliance with Islamic Legal Principles

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**Abstract:** The aim of this study was to evaluate the compliance of GPT-3.5 to Islamic legal principles in issuing fatwas on inheritance distribution. The focus was on the economic impact of artificial intelligence (AI) on social welfare development and comparison with the potential of GPT-3. Qualitative and mixed methods were used to collect data from different sources, including books, journal articles, reports, conference papers, and jurisprudence academies. A comprehensive analysis was conducted on the significance of fatwas, their historical development, traditional methods, and the role of technology, including AI and natural language processing, within the Islamic context. Moreover, data were collected on inheritance cases associated with issues such as murder, religious differences, heirs of the Qur'an, residual heirs, distant relatives, exceptions, *al-Minbariyyah*, *al-Radd*, *al-Umariyyah*, *al-Akdariyyah*, missing persons, and multiple deaths. The findings showed that the ability of GPT-3.5 to issue fatwas was consistent with the principles of Islamic law as well as its potential to offer faster response times compared to traditional methods. However, GPT-3.5 showed inconsistencies, specifically in issuing fatwas related to inheritance distribution in cases related to murder, religious differences, heirs of the Qur'an, remaining heirs, distant relatives, exceptions, *al-Minbariyyah*, *al-Radd*, *al-Umariyyah*, and *al-Akdariyyah*. This study contributes to the law and policymaking in global Muslim countries with a focus on the proper and correct use of technology in Islamic law issues in the contemporary era.

**Key Words:** fatwas, islamic inheritance, Artificial Intelligence, GPT-3.5.

## 1. Introduction

Fatwa is an answer to a question or situation requiring a religious verdict which is allowed to be issued only by a qualified person. This condition made predecessors (may Allah be pleased with them) strongly denounce issuing Fatwas without the proper qualifications because the action was considered a breach of Islam and highly reprehensible.<sup>1</sup> According to the Prophet Muhammad (SAW) "Allah does not take away

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<sup>1</sup> Muhammad Tahir Mansoori, "Fatwa in Islamic Legal Tradition and Its Implications for Shariah Pronouncements of Islamic Banks," in *Shariah Governance in Islamic Banking Institutions* (London: Routledge, 2023), 36–64,



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knowledge by removing it from men, but takes it by taking away the learned so that when He leaves no learned man, men will take ignorant men as leaders. Cases will be presented to them, and they will pass judgment without knowledge, erring and leading others into error.”<sup>2</sup> Muslim scholars consider anyone who issues fatwas without proper qualifications a disobedient sinner. Furthermore, anyone who issues fatwas without knowledge is required to be questioned and held accountable. This is because Allah (SWT) says, “Do not follow what you have no ‘sure’ knowledge of. Indeed, all will be called to account for ‘their’ hearing, sight, and intellect.” QS, Al-Isra: 36. Sharia also threatens the person with the torment of Hell on the Day of Resurrection. The prophet Muḥammad (SAW) said, “Whoever tells a lie against me intentionally, then (surely) let him occupy his seat in Hell-fire.”<sup>3</sup> The Prophet also stated clearly that the person who dared to make the issuance without knowledge would be responsible for the sins of those who adhered to the fatwas. This is observed from the report of Abu Huraira that the Prophet says “If anyone is given a legal decision ignorantly, the sin rests on the one who gave it.”<sup>4</sup>

The issuance of fatwas has been based on several stages. The concept was traced to the era of Prophet Muḥammad (SAW) who performed the responsibility independently. After the demise of the Prophet, the dedication of his companions to the issuance of fatwas was categorized into three which were high, average, and low.<sup>5</sup> This was followed by the development of several rules and methods by different schools of thought such as the *Hanafi*, *Maliki*, *Shafi’i*, and *Hanbali*.<sup>6</sup>

The evolution of the practice of fatwas issuance was classified into three stages and the first was the reliance on existing fatwas for guidance. The second was based on significant changes experienced in economic and social systems which caused the transition to the

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<https://doi.org/10.4324/9781003324836-3>. Mohammad bin Saleh Al- Uthaymeen, *Majmu’ Al-Fatawa*, Vol. 22, Last Edition (Saudi: Dar Al-Watan, 1413), 66.

<sup>2</sup> Abū Bakr Aḥmad ibn Ḥusayn ibn ‘Alī Al-Bayhaqī, “Al-Sunan Al-Kubrā Lil Bayhaqī, Vol. X, 1st Edition” (Makkah: Maktabah Dār al-Baz, 1994), 543.

<sup>3</sup> Abū Muḥammad Abd al-Ḥaqq al-Ishbīlī, *Al-aḥkām Ashri’a al-Kubrā*, vol. I. 1st edition (al-Riyad: Maktabah al-Rushd, 2001), 344.

<sup>4</sup> Abū Abd-Allah Muḥammad ibn Abd-Allah al-Ḥakim al-Nishapuri, *Al-Mustadrak ‘ala al-Sahihayn*, vol. I, 1st edition (Beirut: Dār al-Kutub al-Ilmiyyah, 1990), 184.

<sup>5</sup> Denis Gril, “« Comme s’il y avait Des Oiseaux Sur Leur Tête »,” *Archives de Sciences Sociales Des Religions* 178 (2017): 25–42, <https://doi.org/10.4000/assr.29379>.

<sup>6</sup> Nail Okuyucu, “Şâfi’înin Kaynak İçi Nesih Teorisi ve Şâfi’î Fıkıh Geleneğinde Yorumlanış Biçimleri,” *İslâm Araştırmaları Dergisi*, January 1, 2020, 29–73, <https://doi.org/10.26570/isad.650133>; Thomas Eich, “Induced Miscarriage in Early Mālikī and Hanafī Fiqh,” *Islamic Law and Society* 16, no. 3–4 (2009): 302–36, <https://doi.org/10.1163/092893809X12469547140991>; Mohd Izhar Ariff Mohd Kashim et al., “Haram Sources in Food Processing According to Shariah Perspective,” *International Journal of Civil Engineering and Technology (IJCIET)* 9, no. 4 (2018): 1437–43, [https://doi.org/https://iaeme.com/Home/article\\_id/IJCIET\\_09\\_04\\_159](https://doi.org/https://iaeme.com/Home/article_id/IJCIET_09_04_159); Wael B. Hallaq, *Shari’a* (Cambridge: Cambridge University Press, 2009), <https://doi.org/10.1017/CBO9780511815300>.

modern age of fatwas. This period led to the establishment of specialized institutions for fatwas assessment and issuance. Moreover, the *Dār al-Iftā* in Egypt is identified as the first fatwas institution in the world. The final stage was known as the institutional stage and associated with the rapid transformation of societies which led to the formalization of fatwas institutions. The process was led by a grand Mufti responsible for providing comprehensive fatwas-related services to the global Islamic community.<sup>7</sup>

The issuance of fatwas regarding marriage, divorce, and inheritance is important in contemporary society due to the significant impact on the lives of all people. The fatwas used to be traditionally provided by human scholars based on their expertise in Islamic law. However, the advent of advanced artificial intelligence (AI) such as GPT-3.5 provides a continuous opportunity to explore the integration of technology into the process. This study aims to investigate the role of technology, specifically GPT-3.5, in the issuance of fatwas related to marriage, divorce, and inheritance within Islamic legal contexts. The focus is to examine the reliability of AI-driven systems with a specific focus on GPT-3.5 in issuing correct fatwas. This study is significant for several reasons which include the investigation of integrating advanced technology such as GPT-3.5 into the issuance of fatwas as an innovative method within the field of Islamic inheritance. Another reason is to determine the reliability of AI in responding to questions related to Islamic family law which is a significant field associated with humanity. The findings can inform discussions within the Islamic community and the broader context of analyzing the potential of technology to provide correct information on matters of Islamic law.

## 2. Methods

Qualitative and mixed methods were applied mainly to comprehend and analyze the subtleties, context, and underlying meaning of human experiences related to the topic. The (i) research design was an analytical method that focused on outlining study questions, objectives, and scope. The intention was to explore the significance of technology with a specific focus on GPT-3.5 in the issuance of fatwas related to estate distribution. Moreover, the (ii) sampling was based on the selection of some cases related to Islamic inheritance. The personal experiences of Islamic scholars, legal experts, technology specialists, and people in relation to estate distribution and fatwas were also explored to evaluate the capabilities of GPT-3.5 for processing and correct issuance in line with Islamic law. (iii) Data were gathered from jurisprudence books, articles, websites, and several other sources. (iv) Content analysis was subsequently applied to examine the data

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<sup>7</sup> Abd Allah bin Muḥammad bin Sa'id al-Khani, *Al-Fatawa fi al-Shari'ah al-Islamiyyah*, 1st edition (al-Riyad: Maktabat al-'beikān, 2008), 75-83

collected in order to analyze the responses of GPT to questions related to inheritance cases. The study could provide information on potential themes concerning the pros and cons of technology utilization in religious settings, the significance of human interpretation, and ethical considerations. Furthermore, (v) the findings were interpreted in the context of inheritance cases by discussing the opportunities, challenges, and implications of integrating technology such as GPT-3.5 as a suitable AI model to process and respond to legal questions, particularly those related to fatwas.

The study focused on inheritance rulings which could lead to significant consequences, including financial injustice or family disputes. Therefore, it was important to determine the reliability of AI such as GPT-3.5 to assist in such sensitive legal matters. (vi) Ethical issues were considered throughout the study with a special focus on dealing with delicate religious subjects and people. For example, the consent of participants was obtained after information related to the study was provided, the responses and personal data were private, and their opinions and beliefs were respected. (vii) The validity and reliability of the findings were upheld through collaboration with Islamic scholars who reviewed the interpretations to verify the accuracy. Furthermore, systematic coding and data analysis were employed to enhance the dependability of the findings.

### 3. Findings and Discussion

#### 3.1 Overview of Fatwa Institutions

Muslim jurists have different opinions on fatwas but all the definitions revolve around a singular meaning which is a “legal decision” or “verdict”. Imam al-Shāṭibī defined fatwas as “informing of a legal ruling, not as an obligation.”<sup>8</sup> The concept was explained by Ibn al-Najjār as “clarifying the legal ruling.”<sup>9</sup> Furthermore, Imam Al-bahūtī (d. 1051AH) described the term as “explaining the legal ruling for the questioner.”<sup>10</sup> Sheikh Yūsuf al-Qaradāwī defined the term as the “expression of the legal ruling pertaining to a particular case, offered in response to an inquiry, whether that inquiry is specific or general, directed towards an individual or a group.”<sup>11</sup>

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<sup>8</sup> Baruch Fischhoff and Sara Eggers, “Questions of Competence: The Duty to Inform and the Limits to Choice,” in *Judgment and Decision Making* (Routledge, 2013), 320–42, <https://doi.org/10.4324/9780203141939-31>. Abū Ishāq Ibrāhīm ibn Mūsā Al-Shāṭibī, “Fatawa Al-Shāṭibī, 2nd Edition” (Kairo: Dār ibn Afan, 1997), 68; Margherita Pallocci et al., “Informed Consent: Legal Obligation or Cornerstone of the Care Relationship?,” *International Journal of Environmental Research and Public Health* 20, no. 3 (2023): 2118; Fischhoff and Eggers.

<sup>9</sup> Taqī Al-Dīn Muḥammad bin Ahmad bin Abdul Azīz Ibn al-Najjār, *Muntahā Al-Irādāt, 1st Edition*, 1st ed. (Beirut: Muasasat al-Risalah, n.d.), 261.

<sup>10</sup> Manṣūr Ibn Yūnus Al-Buhūtī, *Sharh Muntaba Al-Iraadaat - Al-Buhuti*, 2nd ed., vol. 3 (Beirut: Alim al-Kutub, 1996), 483.

<sup>11</sup> Yusuf Al-Qaradawi, *Al-Fatwa Bayna Al-Indibat Wa-at-Tasayyub*, 1st ed., vol. 1 (Cairo: Dar Sahwa, 1988), 9; Shahir Akram Hassan and Wan Mohd Khairul Firdaus Wan Khairuldin, “Research Design Based on Fatwa Making

Fatwas are very significant in Islamic law due to the consideration as part of the most important religious pronouncements and the maintenance of a high status.<sup>12</sup> It expounds the rulings of the Islamic faith while considering the implications of matters in relation to the events of the era, the passage of time, cultural awareness, and the enrichment of Islamic jurisprudence.<sup>13</sup> Several verses from the Quran and hadith confirm the legality of Fatwa. For example, Allah (SWT) says, “Remember, O Prophet, when Allah took the covenant of those who were given the Scripture to make it known to people and not hide it, yet they cast it behind their backs and traded it for a fleeting gain. What a miserable profit!” QS, Al-Imran: 187.

The comment of Ibn Kathīr emphasized the danger faced by the People of the Book (Jews and Christians) due to their silence despite knowing about the mission of Prophet Muhammad.<sup>14</sup> This was a cautionary message to warn scholars hiding knowledge of similar consequences. The statement validates the legitimacy of the fatwas by drawing from historical parallels.<sup>15</sup> This is further supported by another verse from the Qur'an, "Those who hide the clear proofs and guidance that We have revealed—after We made it clear for humanity in the Book—will be condemned by Allah and all those who condemn." QS, Al-Baqarah: 159.

Muslim jurists categorize fatwas as a *Fardh Kifāyah* (collective obligation) and the state is required to appoint Muftis to issue rulings of Sharia in emergency cases and calamities affecting people and groups in both religious and worldly matters.<sup>16</sup> The originality of fatwas is the status as a collective obligation (*Fardh Kifāyah*). The existence of several Muftis in one country discharging the obligation frees the remaining Muslims from the responsibility before Allah.<sup>17</sup> However, it is *Fardh 'aīn* (individual obligation)

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Process: An Exploratory Study,” *International Journal of Higher Education* 9, no. 6 (September 30, 2020): 241, <https://doi.org/10.5430/ijhe.v9n6p241>.

<sup>12</sup> Ibnu Elmi AS Pelu, “Kedudukan Fatwa Dalam Konstruksi Hukum Islam,” *El-Mashlahah* 9, no. 2 (January 1, 2020): 167–81, <https://doi.org/10.23971/maslahah.v9i2.1692>. Nico Kaptein, “Fatwas as a Unifying Factor in Indonesian History,” in *Islam in the Era of Globalization* (Routledge, 2005), 85–91, <https://doi.org/10.4324/9780203988862-14>.

<sup>13</sup> Omar Farahat, “Time and Moral Choice in Islamic Jurisprudence,” *Canadian Journal of Law & Jurisprudence* 35, no. 1 (February 15, 2022): 141–67, <https://doi.org/10.1017/cjlj.2021.22>.

<sup>14</sup> Aaron M. Hagler, “Sapping The Narrative: Ibn Kathir’s Account Of The Shūrā Of ‘uthman In Kitab Al-Bidaya Wa-L-Nihaya,” *International Journal of Middle East Studies* 47, no. 2 (May 27, 2015): 303–21, <https://doi.org/10.1017/S0020743815000069>.

<sup>15</sup> ‘Imād ad-Dīn Ismā‘īl ibn ‘Umar ibn Kathīr, *Tafsīr al-Qur’ān al-‘Aẓīm*, 2nd edition (Jeddah: Dār Taibah, 1999), 181.

<sup>16</sup> Heris Suhendar, Oyo Sunaryo Mukhlas, and Atang Abd. Hakim, “Legal Politics of the Existence of Fatwa in Islamic Financial Institutions: Evidence from Indonesia,” *Jurnal Hukum Islam* 21, no. 2 (June 17, 2023): 279–308, [https://doi.org/10.28918/jhi\\_v21i2\\_03](https://doi.org/10.28918/jhi_v21i2_03). Imam Yahya and Sulistiyono Susilo, “Conservative Muslims in Indonesia’s Religious and Political Landscapes: Ahok’s Blasphemy Case as a Political Leverage,” *Cogent Social Sciences* 10, no. 1 (December 31, 2024), <https://doi.org/10.1080/23311886.2024.2392293>.

<sup>17</sup> Mustafa Abu Sway, “Islamic Narratives of Duty, Supererogation, and Ithar,” in *Handbook of Supererogation* (Singapore: Springer Nature Singapore, 2023), 349–60, [https://doi.org/10.1007/978-981-99-3633-5\\_20](https://doi.org/10.1007/978-981-99-3633-5_20).

when there is no one to discharge the obligation.<sup>18</sup> Imam al-Shawkānī emphasized the important necessity for each country to have people with the capability to effectively fulfill this communal responsibility.<sup>19</sup> Fatwas become *Fardh ‘aīn* to anyone appointed by the state to issue a legal ruling. This is in line with the submission of Ibn Hamdānī that issuing fatwas is considered “*Fardh ‘aīn*” when there is only one Mufti in the country. The situation changes to “*Fardh Kifāyah*” when there are two or more Muftis.<sup>20</sup>

Fatwas are deemed *ḥaram* (forbidden) when the Mufti is ignorant of the ruling and makes pronouncement without adequate knowledge.<sup>21</sup> It is also considered *ḥaram* when the Mufti loses the element of justice. This is in line with the submission of Ibn Qayyim al-Jawziyya that an ignorant Mufti is not permitted to issue fatwas without proper knowledge. The decision to proceed with the issuance despite the condition incurs a sin equivalent to that of the person seeking the response.<sup>22</sup> It is also not permissible to respond to questions on issues that do not occur. The trend is observed from the articulation of Ibn Hamdānī that when the intent of the Mustaftī (the person posing the question) is to ascertain the hypothetical question then there is no objection to responding.<sup>23</sup>

Fatwa can be issued in different forms, including (i) verbally which is considered the most effective and well-known method to respond to a questioner because it allows clear communication and understanding. In this method, the questioner poses a question directly to the mufti who also seeks clarification to fully understand the inquiry. The direct interaction enables the mufti to provide an accurate response and offer necessary explanations in a way that best suits the questioner. The Qur'an clearly addresses this form of fatwas by stating that “So ask the people of the message if you do not know”. The verse emphasizes that a person needs to consult a scholar when in need of fatwas and a verbal response from the mufti is often more reassuring.<sup>24</sup> Another important method is (ii) action which allows the conveyance of meaning to the

<sup>18</sup> ‘Abd Allah ibn Aḥmad ibn Maḥmūd al-Nasafī, *al-Baḥr al-Rā’iq Sharḥ Kanz al-daqa’iq fī furū’ al-Ḥanafīyah* (Beirūt: Dār al-Kutub al-Ilmiyah, n.d.), 488.

<sup>15</sup> Muḥammad ibn ‘Alī ibn Muḥammad ibn ‘Abd Allah al-Shawkānī, *Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaq min ‘Ilm al-Uṣūl*, 1st edition (Beirūt: Dār Al-Kitāb Al-‘Arabi, n.d.), 222.

<sup>16</sup> Aḥmad bin Ḥamdān al-Ḥarrānī, *Ṣifāt al-Fatwa wa al-Mufti wa al-Mustafti*, 3rd edition (Beirūt: al-Maktab al-Islāmī, 1397), 6.

<sup>21</sup> Tahir Mansoori, “Fatwa in Islamic Legal Tradition and Its Implications for Shariah Pronouncements of Islamic Banks.”

<sup>22</sup> Shams ad-Dīn Abū ‘Abd Allāh Muḥammad ibn Abī Bakr Ibn Qayyim Al-Jawziyya, *I’lām Al-Muwaqqi’īn ‘an Rab Al-Ālamīn*, 1st Edition (Beirūt: Dār al-Jeīl, 1973), 157.

<sup>23</sup> Ahmad bin Hamdan Al-Harrani, *Sifat Al-Fatwa Wa Al-Mufti Wa Al-Mustafti* (Damaskus: Mansyurat Al-Maktab Al-Islami, 1380), 30.

<sup>24</sup> Jocelyn Hendrickson, “Is Al-Andalus Different? Continuity as Contested, Constructed, and Performed across Three Mālikī Fatwās,” *Islamic Law and Society* 20, no. 4 (2013): 371–424, <https://doi.org/10.1163/15685195-0204P0002>.

questioner by issuing fatwas. This was part of the methods used by the Messenger of God, peace and blessings be upon him, to issue fatwas and convey messages. In this context, the Prophet Muhammad (SAW) said, "Pray as you have seen me pray,"<sup>25</sup> and another hadith states "Learn your rituals from me."<sup>26</sup> The issuance of fatwas through action has existed in the past and continues to be relevant in the present time.

(iii) Writing is another valuable method of conveying desired meaning to the questioner. It is considered very important in recording and preserving knowledge with subsequent significant impact on safeguarding information. The virtue of writing is immense and the benefits are widespread by serving as the foundation of learning. Allah (SWT) says, "Read, O Prophet, in the Name of your Lord Who created..." Qs, Al-Alaq: 1. This shows that writing is an important method of communicating fatwas, specifically in cases where the questioner is mute, located in a distant place, or tends to forget the answer. The cases show that written fatwas can enable the questioner to review and learn from the response. (iv) Gestures are another permissible method that can be required in certain situations to convey meaning to the questioner. The mufti is allowed to use gestures in specific circumstances such as when the questioner is mute or in an inaudible place. The cases show the importance of gestures in communicating and clarifying the intended meaning when other methods are not possible. It was applied by the Prophet Muhammad (SAW) as narrated by Ibn Abbas (may Allah be pleased with both). A questioner once asked during Hajj, "I shaved before I slaughtered" and the Prophet gestured with his hand, saying "There is no harm." The questioner further said, "I slaughtered before I threw the pebbles" and the Prophet again gestured with his hand, saying, "There is no harm."<sup>27</sup> (v).

Acknowledgment is another method of issuing fatwas which has been used both in the past and present to convey legal rulings to the questioner. It can be through verbal statements to confirm the ruling or silence which implies approval without objection.<sup>28</sup> An example was the confession of *Ma'iz* to adultery before the Prophet (SAW). Abu Bakr (RA) said, "If you confess a fourth time, the Messenger of God (SAW) will stone you" but the Prophet remained silent to show that the confession was valid and his ruling was correct.<sup>29</sup> Acknowledgment also applies to actions not related to worship where

<sup>25</sup> Mohammad Hiban, *Al-Ihsan Fi Taqrib Sahib Ibn Hiban*, 1st ed., vol. 4 (Beirut: Muasasat Al-Risalah, 1988), 543.

<sup>26</sup> Mohammad bin Idris Al-Shafi', *Musnad Imam Al-Shafi'*, Vol 1, 1st Edition (Beirut: Dar Al-Kutoub Al-Ilmiyah, 1951), 350.

<sup>27</sup> Ahmad bin Hanbali, *Musnad Imam Ahmad*, Vol 3, 1, 1st Edition, *Hadith No: 2648* (Kairo: Dar al-Hadith, 1995).

<sup>28</sup> Shaheen Whyte, "Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia," *Oxford Journal of Law and Religion* 11, no. 2-3 (July 25, 2023): 314-42, <https://doi.org/10.1093/ojlr/rwac015>.

<sup>29</sup> Muslim ibn al-Hajjaj ibn Muslim ibn Ward al-Qushayri An-Naysaburi, *Sahib Muslim*, Vol 3, 1st Ed, 1321, *Hadith No: 1694* (Beirut: Dar Al-Ihyau Al-Turath Al-Arabi, n.d.).

silence can signify the absence of hardship or prohibition. This was observed from the acknowledgment of the Prophet that people could eat monitor lizards and locusts despite him not eating.<sup>30</sup>

Hossam and Yunus showed that the response to fatwas could be through the following procedure:

“The Mufti starts by praising Almighty Allah (*SWT*) and sending peace and blessings upon the Prophet Muhammad (*SAW*). The support for the legal ruling related to a particular case with verses from the Qur'an and Sunnah while providing evidence assists in reassuring the questioner and increases the possibility of acceptance with an open heart and understanding of the basis for the ruling which subsequently leads to greater obedience and compliance. When addressing controversial issues, the mufti needs to mention the differing jurisprudential opinions and show the most preponderant view. The fatwas is required to be stated in clear and simple terms that everyone can understand by avoiding any ambiguity to prevent confusion for the questioner. There is no shame in saying “I don't know” when one is unsure of the ruling or lacks a complete understanding of the issue. It is also important to balance textual evidence with practical realities, considering the implications of action, omission, or choice, as well as any potential temporal or spatial changes. Finally, the mufti needs to consider the situation and reality of the person seeking the fatwas, ask relevant questions about the issue, and study it carefully and thoroughly.”<sup>31</sup>

The Mufti is the head of religious matters due to the role in conveying the divine rulings of Allah Almighty to the people. The rulings are sometimes clear and allow easy conveyance by the Mufti.<sup>32</sup> However, the meanings concealed at other times lead to the demand for intellectual exertion and special qualifications obtained through a set of conditions established by scholars and required to be fulfilled by the Mufti. The most important conditions include being (i) a devoted Muslim as consensually stated by scholars.<sup>33</sup> The Mufti informs the people about Sharia rulings and this shows a person who does not profess Islam is not permitted to assume the position. The condition is associated with the inherent lack of reliability in seeking Sharia guidance from a person without relevant faith irrespective of the level of expertise. Moreover, the testimony of an unaccountable person is not deemed valid and the input provided cannot be

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<sup>30</sup> Malik bin Anas, *Muwata Imam Malik, 1st Edition* (Beirut: Dar Ihya At-Turath Al-Arabi, 1985), 967.

<sup>31</sup> Hossamdin Mustafa and Yunus Abdille, “Al-Fatawa Al-Shari'a Abra Wasail Al-Ilam At-Tanzania: Waqi'uha Waatharuha,” *Sumait University Journal*, 10, no. 1 (2022): 14–15, <https://doi.org/10.63104/suj.v.i.48>.

<sup>32</sup> Ibrahim Badruddin, Arifin Mahamad, and Abd Rashid Siti Zainab, “The Role of Fatwa and Mufti in Contemporary Muslim Society,” *Pertanika Journal of Social Sciences and Humanities* 23, no. special Issue 11 (2015): 315–26, <http://irep.iium.edu.my/48409/#:~:text=In principle%2C fatwa serves as,his day to day affairs.>

<sup>33</sup> Abdallah bin Mohammad bin Said Al-Khani, *Al-Fatawa Fi Sharia Al-Islamiyah*, 1st ed (Riyadh: Maktab al-Ibkan, 2008), 99.



acknowledged. This shows that the term “Mukallaf who is held accountable” refers to a mature and mentally sound Muslim regardless of gender. Allah (*SWT*) also says, “O believers! Do not associate closely with others who would not miss a chance to harm you (QS. Ali ‘Imran 118). The statement shows that Muslims are forbidden from establishing intimate and steadfast associations with Hostile non-Muslims. The principle extends to the assumption of the role of the Mufti in issuing religious verdicts on behalf of Allah.

Another condition is that the Mufti (ii) needs to know the Holy Qur’an in its several forms. The person is required to grasp the general (*‘Āmm*) and specific (*Khās*) principles, concise (*Al-Mujmal*) and elaborate (*Al-Mubayyan*) aspects, unrestricted (*Mutlaq*) and restricted (*Muqayyad*) interpretations, uttered (*Mantūq*) and understood (*Mafhūm*) meanings, as well as several others. There is also the need to possess a thorough understanding of the abrogating (*Naskh*) and abrogated (*Mansūkh*) verses. However, Muslim jurists differed regarding the requirement of memorizing the Qur’an. Al-Shafi’i requires that the Mufti memorize the entire Qur’an and comprehend all the content but some scholars believe memorization is not a necessary condition. It is considered sufficient for the Mufti to be familiar with the placement of verses within the surahs and make references when needed.

The Mufti needs to (iii) have a comprehensive understanding of the Sunnah which covers the way of life and legal precedents set by the Prophet Muhammad. The person needs to be well-versed in all aspects and grasp both the general (*‘Āmm*) and specific (*Khās*) principles. There is also the need to possess an in-depth comprehension of the abrogating (*Naskh*) and abrogated (*Mansūkh*) aspects within the Sunnah, as well as a clear understanding of methods of narration, the attribution of hadiths, and different types of narrators. Furthermore, the Mufti needs to be (iv) mindful of the points stated in a consensus as required by Muslim scholars. This is necessary to ensure the fatwas issued do not contradict consensus and to refrain from claiming unanimity when there is actually disagreement.<sup>34</sup>

Another important condition is for the Mufti to (v) know the Arabic language by being proficient in the rules due to the significant impact on deriving Sharia rulings. The Qur’an as the source of legislation was revealed in the Arabic language.<sup>35</sup> This is observed from the statement of Allah (*SWT*) “And so We have revealed to you a Qur’an in Arabic, so you may warn the mother of Cities and everyone around it, and warn of the Day of Gathering—about which there is no doubt—when a group will be in Paradise and another in the Blaze.” QS, Ash-Shuraa: 7. However, most jurists believe the

<sup>34</sup> Maḥmūd Muḥammad al-Ṭanṭāwī, *Uṣūl al-Fiqh al-Islāmī*, 3rd edition (Cairo: Maktabat Wahbah, 2001), 481.

<sup>35</sup> Wael Hallaq, “Groundwork of the Moral Law: A New Look at the Qur’an and the Genesis of Shari’a,” *Islamic Law and Society* 16, no. 3–4 (2009): 239–79, <https://doi.org/10.1163/092893809X12547479392108>.

Mufti only needs to have a working knowledge of the Arabic language in order to understand the Qur'an and the Sunnah.<sup>36</sup> Imam Ghazali (d. 505AH) explained the level of understanding of the Arabic language "It is the capacity to comprehend the discourse of the Arabs and their usage habits, enabling one to discern sincere speech—its apparent meaning and complete import, essence and figurative expressions, the general and the specific, the precise and the analogous, the absolute and the restricted, the text and its contextual implications. This level can be attained by a mujtahid."

The Mufti needs to (vi) know the *Qiyās* (analogical reasoning) which is an extension of Sharia value from an original (*Asl*) to a new case (*far'u*). This is necessary because the new case has the same effective cause ('illa) as the original.<sup>37</sup> Moreover, there is also the need to (vii) understand the objectives of Sharia rulings, including the extensive knowledge of what serves the collective interests of all Muslims in line with the principles of *Darūriyyāt* (necessities), *Tabsīriyyāt* (Enhancements), and *Hajīyyāt* (luxuries). Ibn Ashūr shows that Islamic Sharia intends to uphold the harmony of the world as well as regulate and safeguard human behavior from corruption and decline.<sup>38</sup> This objective is achieved through the promotion of benefits and the prevention of hardships.<sup>39</sup> Furthermore, the Mufti needs to be (viii) characterized by piety and solidity in religion and unafraid of rightful criticism while implementing the commands of Allah. There is also the need to be (ix) characterized by moderation and non-extremism by not being fanatical towards a particular school of thought. This is because fanaticism toward a single school of thought and disregarding the others can lead to errors on the path to forming valid interpretations (fatwas). According to Imam al-Shāṭibī, the Mufti who has attained the highest levels of education is determined by the delivery of rulings based on moderation. It is important to avoid leaning towards extremism and bias for a specific school of thought. The inability to uphold the principles shows the possibility of the Mustafti (the person posing the question) developing an aversion towards the religion or being enticed by temptation and whims.<sup>40</sup>

<sup>36</sup> Faisal Ahmad Shah, "Arabic Language Methods and Their Effects on the Scholars' Differences in Understanding the Qur'an and Hadith Texts," *Al-Bayān – Journal of Qur'an and Hadith Studies* 14, no. 1 (May 24, 2016): 51–73, <https://doi.org/10.1163/22321969-12340031>.

<sup>37</sup> Muhammad Iqbal, "Concluding Remarks: Qiyās and Contemporary Models of Parallel Reasoning," in *Logic, Argumentation and Reasoning*, 2022, 223–44, [https://doi.org/10.1007/978-3-030-91676-3\\_7](https://doi.org/10.1007/978-3-030-91676-3_7). Muḥammad Abū Zuhra, 'Im Usūl al-Fiqh, 1st edition (Kairo: Dār al-Kitāb al-'Arabī, n.d.), 335.

<sup>38</sup> Hassan Suleimān, Alwi Alatas, and Saheed Abdullah Busari, "Examining The Reformist Thoughts Of Al-Tahir Ibn 'Ashur," *Malaysian Journal of Syariah and Law* 12, no. 2 (August 14, 2024): 272–81, <https://doi.org/10.33102/mjssl.vol12no2.467>.

<sup>39</sup> Muḥammad al-Tāhir ibn 'Ashūr, *Maqāṣid al-Shari'ah al-Islāmiyyah*, 1st edition (Beirut: Dār al-Jeīl, n.d.), p. 299.

<sup>40</sup> Erin F. Johnston, "Failing to Learn, or Learning to Fail? Accounting for Persistence in the Acquisition of Spiritual Disciplines," *Qualitative Sociology* 40, no. 3 (September 26, 2017): 353–72, <https://doi.org/10.1007/s11133-017-9361-z>. al-Shāṭibī, *Fatawa al-Shāṭibī*, 276.

The person who satisfies the aforementioned conditions can become a Mufti and is compulsorily required to deliver a legal ruling. The reward is based on the accuracy of delivering correct fatwas. This is in line with the position of the prophet Muhammad (SAW) that 'If a judge passes judgment and strives to reach the right conclusion and gets it right, he will have two rewards; if he strives to reach the right conclusion but gets it wrong, he will still have one reward.'<sup>41</sup>

Allah (SWT) assigned fatwas as a responsibility to the prophets (May Allah bless him and grant him peace) due to the elevated importance of the process. The Prophet Muhammad (SAW) held the position during his lifetime and the fatwas delivered was concise but comprehensive in meaning. Allah (SWT) says, "Should you disagree on anything, then refer it to Allah and His Messenger, if you truly believe in Allah and the Last Day. This is the best and fairest resolution." QS, An-Nisaa: 59. The fatwas of Prophet Muhammad were transmitted and also allowed to be written. This was exemplified in the story of Abu Shah who requested the Prophet Muhammad to write down a Ḥadīth for him. An example was presented by Imam Ibn Qayyim in the book "*I'lām al-Muwaqqi'īn 'an Rab al-Ālamīn*". Moreover, several companions of the Prophet Muhammad (SAW) also issued fatwas during his lifetime, such as Abu Bakr, Umar, Uthman, Ali, Abdulrahman bin Auf, Abdullah bin Masoud, Ubayy bin Kaab, Muadh bin Jabal, Ammār bin Yāsir, Hudhayfah bin Yamāni, Zaid bin Thābit, Abu Darda, Abu Mūsa al-Asharī, and Salman bin Fāris (May Allah be pleased with them). Ibn Qayyim reported that the fatwas of one hundred and thirty companions were recorded.<sup>42</sup> A similar trend was also observed in al-Musannaf written by Abdulrazak Al-San'ānī and al-Musannaf by Ibn Abi Shaiba.

The conditions associated with being a Mufti do not apply to AI such as GPT-3.5 which are technologies developed to analyze information and produce responses using algorithms and data. AI also lacks consciousness, comprehension, and personal experiences which are attributes of the Mufti. The system is trained on extensive datasets that possibly include texts from different fields such as Islamic law and do not have an inherent understanding or the capacity to interpret subtlety, context, or human emotions. Meanwhile, the process of issuing fatwas by the Mufti requires critical thinking, reasoning, and often collaboration with other scholars in order to consider diverse opinions and interpretive traditions. AI operates on predefined algorithms and models that generate responses by predicting the most probable answer based on its

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<sup>41</sup> Mohammad Zaini Yahaya, Muhammad Adib Samsudin, and Hayatullah Lalulddin, "An Overview of the Principles of Jurisprudence Vis-A-Vis Legal Maxim," *Asian Social Science* 10, no. 2 (December 29, 2013), <https://doi.org/10.5539/ass.v10n2p157>. Abū 'Abd al-Raḥmān Aḥmad ibn Shu'ayb ibn 'Alī ibn Sinān al-Nasā'ī, *Sunan al-Nasā'ī* (Ḥalab: Maktab al-Maṭbu'at al-Islamiyyah, 1986), 223.

<sup>42</sup> Ibn Qayyim al-Jawziyya, *I'lām al-Muwaqqi'īn*. 214.

training data without engaging in critical reasoning or evaluating different scholarly perspectives.

The use of AI in issuing fatwas provides a benefit that is in line with reasonable principles known as *Maslahah Mursalah* (public interest). However, there is a need for caution because the information provided by AI can be incorrect due to potential errors in fatwas preparation technology. AI-based fatwas also collect information from unverified or unreliable as well as credible and non-credible sources. Therefore, fatwas issued by AI does not have legal authority because the purpose is to inform about a legal ruling rather than enforce it as a mandatory obligation.

The dedication intensity of the companions to the issuance of fatwas was categorized into three, including high, average, and low. The high category had seven companions of the Prophet who were ‘Umar bin Khattāb, ‘Ali ibn Abi Tālib, Abdullah ibn Masoud, Aisha bint Abubakar, Zaid bin Thābit, Abdullah ibn Abbas, and Abdullah ibn ‘Umar (May Allah be pleased with them). The average category included 13 who were Abubakar Aswidīq, Umu Salama, Anas bin Mālik, Abu Said Al-Khudhrī, Abu Huraira, Othman ibn Affān, Abdullah ibn ‘Amru ibn al-‘āsi, Abdullah bin Zubair, Abu Musa al-Asharī, Saad ibn Abī Waqqās, Salman al-Fāris, Jābir ibn Abdullah, and Muadh bin Jabal (May Allah be pleased with them). Meanwhile, those in the low category issued only one or two fatwas with the names mentioned by Ibn Hazm in the book entitled '*As-hāb al-fatāwa mina Sahaba wa Tabi’īn ‘an marātibihim*’.<sup>43</sup>

The jurisprudence of the companions is spread throughout the world. For example, the people of Mecca acquired knowledge from Abdullah bin Abbās while those in Iraq received it from Abdullah bin Masoud.<sup>44</sup> It was also reported that the people of Medina obtained knowledge from Zaid bin Thābit and Abdullah bin ‘Umar. Each of the companions had certain characteristics, rules, and schools of thought. Some leaned toward strict adherence to commandments while others opted for concessions and mitigations. It was also observed that some adhered to the apparent meaning of the text while others delved into the goals and purposes behind the text. Subsequently, the Tābi’ūn also started issuing fatwas in the presence of the companions as reported by Ibn Qayyim. Abdulrahman bin Zaid stated that after the three Abdallah (Abdullah bin Abass, Abdullah bin Zubair, Abdullah bin ‘Amru bin ‘ās) passed away, Atā ibn Abi Rabāh became the Mufti of Mecca, Tawūs for Yemen, Ibrahim for Kufa, Hassan for

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<sup>43</sup> al-Khani, Al-Fatawa, 78.

<sup>44</sup> Recep Emin Gül, “Tracing the Rihla in Buldān Books: Ibn Al-Faqih’s Muhaddith Resources (Rihlenin İzlerini Bıldān Kitaplarında Sürmek: İbnü’l-Fakih’in Muhaddis) Kaynakları,” *Hitit İlahiyat Dergisi* 23, no. Din ve Coğrafya (April 30, 2024): 140–54, <https://doi.org/10.14395/hid.1417152>.



### 3.2 Issuance of Fatwas through Artificial Intelligence

People started to depend on the fatwās published through social media and technologies such as Chat Generative Pre-Trained Transformer (ChatGPT) 3.5 over time. The technology is a sophisticated chatbot created by Open AI and introduced on November 30, 2022. It allows users to shape and guide conversations to meet specific criteria such as length, format, style, level of detail, and language. The process requires using a series of prompts and responses through the concept of prompt engineering to maintain the context and progress of the conversation at each stage. This aspect of AI includes natural language processing, knowledge representation, automated reasoning, and machine learning.<sup>51</sup>

GPT-3.5 is used for answering questions, summarizing text, translating text to other languages, generating code, and writing blog posts, stories, conversations, and other content types.<sup>52</sup> This is due to several key operational features such as natural language processing, contextual understanding, text generation, knowledge representation, automated reasoning, adaptability across domains, machine learning, task generalization, interactive, and user-driven. The model has been trained on a wide range of datasets which allows the understanding of patterns, context, and subtle language details. Moreover, GPT-3.5 can predict the next word in a sentence by processing large amounts of text data and this allows the production of full paragraphs or even entire articles. The sophisticated abilities support the generation of both structured and unstructured content which makes the model a flexible tool for different sectors.<sup>53</sup>



Figure 1 GPT-3.5

The spreading of fatwas through social media and GPT-3.5 undoubtedly has several impacts. These include the dissemination of knowledge and jurisprudential culture and the provision of guidance towards beneficial religious and worldly affairs through the broadcast of questions and answers. The platform also fosters cohesion among the people and their leadership because sound fatwas have a unifying effect on the status of a country by contributing to order and stability. Therefore, the effort to balance fatwas with the provisions of Shariah is necessary to ensure the country is steadfast and the governance system is based on the law of God.

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<sup>51</sup> "Foundation/A Brief History of AI," accessed October 16, 2024, [https://web.pdx.edu/~arhodes/AI\\_history.pdf](https://web.pdx.edu/~arhodes/AI_history.pdf).

<sup>52</sup> Abid Ali Awan, "What Is GPT-4 and Why Does It Matter?," 2023, [datacamp.com/blog/what-we-know-gpt4%3E](https://datacamp.com/blog/what-we-know-gpt4%3E).

<sup>53</sup> Sebastian Hughes, "Understanding OpenAI GPT-3.5: Features, Benefits, and Applications of Advanced AI Technology," accessed October 16, 2024, <https://xchatgpt-ai.com/blog/openai-gpt-3-5%3E> accessed 16 October 2024.

GPT-3.5 currently has 100+ million users and approximately 1.5 billion visitors per month.<sup>54</sup> The users include Muslims seeking information such as the legal aspects of marriage, divorce, and inheritance within the context of Islamic family law. Therefore, there is a need to evaluate GPT-3.5 regarding the delivery of accurate fatwas in accordance with Islamic law.<sup>55</sup>

### 3.3 Inheritance Distribution Based on Islamic Law: How Does GPT-3.5 Response

GPT-3.5 was applied to ten cases related to the distribution of estate, including Homicide (*al-Qatl*), a difference of religion, Qur'anic heirs, residuary heir, distant kindred, *Hajb* (exclusion), *al-Minbariyyah*, *al-Ummariyyah*, *al-Radd* (return), and *al-Kadariyyah*. The study labeled information obtained as Q while the data from participants were termed R1 to R10. The analysis and interpretation of the data were represented as N. The responses to the inheritance cases<sup>56</sup> from GPT-3.5 are presented in the following Table 1.1.

**Table 1.1** Responses of GPT-3.5 to the Inheritance Cases

No	Case	Questions	GPT-3.5 Responses
1	Homicide ( <i>al-Qatl</i> )	Does the son who killed his father deserve any inheritance according to Islamic law?	"Under Islamic law, the general principle is that a person who unlawfully kills another individual does not inherit from the deceased person's estate. This principle is based on the following Quranic verse (Surah An-Nisa, 4:12): "But whoever kills a believer intentionally - his recompense is Hell, wherein he will abide eternally, and Allah has become angry with him and has cursed him and has prepared for him a great punishment." As a result of this verse, Islamic jurisprudence generally upholds that a person who intentionally kills another (such as a son killing his father) is not eligible to inherit from the victim's estate because their actions go against the fundamental principles of justice and morality in Islam. This is consistent with the idea that one should not benefit from their wrongdoing. It's important to note that Islamic law can vary in interpretation and application among different schools of thought within Islam. Therefore, there may be some variations in how this principle is applied in different Islamic legal traditions. Additionally, individual cases may have unique circumstances, and Islamic legal scholars and judges may consider these factors when applying the law. Ultimately, whether the son who killed his father deserves any inheritance under Islamic law would depend on the specific circumstances of the case and the interpretation of Islamic jurisprudence applied by the relevant legal authorities."

<sup>54</sup> Shristi Shrestha and Anas Mahmoud, "Generating Rate Features for Mobile Applications," in *Proceedings of the IEEE/ACM 11th International Conference on Mobile Software Engineering and Systems* (New York, NY, USA: ACM, 2024), 54–64, <https://doi.org/10.1145/3647632.3647986>. Dylan Clements et al., "An Innovative Approach to Develop Persona from Application Reviews," in *Proceedings of the 18th International Conference on Evaluation of Novel Approaches to Software Engineering* (SCITEPRESS - Science and Technology Publications, 2023), 701–8, <https://doi.org/10.5220/0011996000003464>. Fabio Duarte, "Number of ChatGPT Users (Oct 2024)," accessed September 9, 2023, <https://explodingtopics.com/blog/chatgpt-users>.

<sup>55</sup> Sofian Al Hakim, "Analytical Framework in Study of Fatwas on Sharia Economics," *Abkam: Jurnal Ilmu Syariah* 19, no. 2 (2019): 315–30, <https://doi.org/10.15408/ajis.v19i2.12219>.

<sup>56</sup> The law of inheritance involves the calculation and distribution of a deceased person's property. Additionally, it specifies and clarifies who is eligible to inherit, helping to prevent disputes over the deceased's estate. See Manswab Mahsen Abdulrahman, "Distribution of Estate in Islamic Law: A Case Study of Missing Person, Child in the Womb and Hermaphrodite," *Journal of Islamic Studies and Culture* 8, no. 1 (2020): 31–41, <https://doi.org/10.15640/jisc.v8n1a4>.

2	Difference of Religion	Does the Christian father inherit anything from the inheritance according to Islamic law?	<p>“In Islamic law, when a Muslim individual passes away, their estate is typically distributed among their heirs according to a specific set of rules outlined in Islamic inheritance law, which is known as "Islamic Sharia." These rules are derived from the Quran and Hadith (the sayings and actions of the Prophet Muhammad). In Islamic inheritance law, the primary recipients of an estate are typically the close relatives of the deceased, including spouses, children, parents, and siblings. The distribution of the estate among these heirs is based on fixed shares and proportions, and the rules can vary depending on the specific circumstances and relationships of the deceased. In general, a Christian father would not inherit from the estate of a deceased Muslim child or relative under Islamic inheritance law. Instead, the inheritance would typically be distributed among the eligible Muslim heirs, such as the surviving Muslim spouse, children, parents, and siblings, in accordance with the prescribed shares and proportions. It's important to note that Islamic inheritance laws apply specifically to Muslims and may not apply to non-Muslims. If a Christian father is the sole heir or if there are no eligible Muslim heirs, the distribution of the estate may follow the rules of civil or customary law in the respective jurisdiction. Additionally, individuals can often specify their inheritance wishes through a will or testament, provided that it complies with local laws and regulations. Islamic inheritance laws can be quite complex and may vary depending on the interpretation followed by a particular Islamic school of thought or jurisdiction. Therefore, it's advisable to consult with a qualified Islamic scholar or legal expert to determine the specific rules that apply in a given situation.”</p>
3	Qur’anic heirs ( <i>Ashab al-Furudh</i> )	A Muslim died and is survived by a wife, mother, one daughter, and one germane sister, his estate is estimated at 100,000 ksh. How will they inherit?	<p>“Islamic inheritance laws are governed by Sharia, and they provide specific guidelines on how an estate should be distributed among the heirs. In this case, the deceased Muslim is survived by a wife, mother, one daughter, and one germane (full) sister. Here's how the inheritance would typically be distributed:</p> <p>Wife: The wife is entitled to one-eighth (1/8) of the deceased husband's estate if there are children. If there are no children, she would receive one-fourth (1/4) of the estate. In this case, there is a daughter, so the wife would receive one-eighth (1/8) of the estate.</p> <p>Daughter: The daughter is entitled to half (1/2) of the deceased father's estate.</p> <p>Mother: The mother is entitled to one-sixth (1/6) of the deceased son's estate if there are children. If there are no children, she would receive one-third (1/3) of the estate. In this case, there is a daughter, so the mother would receive one-sixth (1/6) of the estate.</p> <p>Germane (Full) Sister: A germane sister is not automatically entitled to a fixed share of the estate when there are other eligible heirs like children, a spouse, and parents. In this case, since there is a daughter, wife, and mother, the germane sister does not inherit directly from the estate.</p> <p>To calculate the shares for each heir, you would first add up the fractions: Wife: 1/8, Daughter: 1/2, Mother: 1/6</p> <p>Then, find a common denominator for these fractions, which is 24. Now, convert each fraction to its equivalent out of 24 parts: Wife: 3/24, Daughter: 12/24, Mother: 4/24</p> <p>Now you can distribute the estate accordingly:</p> <p>Wife receives <math>(3/24) \times 100,000 \text{ KSH} = 12,500 \text{ KSH}</math>.</p> <p>Daughter receives <math>(12/24) \times 100,000 \text{ KSH} = 50,000 \text{ KSH}</math>.</p> <p>Mother receives <math>(4/24) \times 100,000 \text{ KSH} = 16,667 \text{ KSH}</math>.</p> <p>The total distribution adds up to 79,167 KSH. The remaining amount, <math>100,000 \text{ KSH} - 79,167 \text{ KSH} = 20,833 \text{ KSH}</math>, is not specifically allocated and may be used to settle any outstanding debts or as the deceased had willed in his bequest if any.”</p>
4	Residuary heirs ( <i>Asabat</i> )	A Muslim died and is survived by a husband, father, mother, three germane brothers, and a son, his estate is estimated at 240,000 ksh,	<p>“In Islamic law (Sharia), the distribution of an estate (inheritance) is governed by specific rules outlined in the Quran and Hadith. Here's a simplified overview of how the inheritance would be distributed among the surviving family members you mentioned: the husband, father, mother, three germane brothers, and a son. Calculate the total estate value: 240,000 Kenyan Shillings (KSH). Determine the shares: The husband is entitled to 1/4 (25%) of the estate. The father is entitled to 1/6 (16.67%) of the estate. The mother is also entitled to 1/6 (16.67%) of the estate. The son is entitled to 1/2 (50%) of the estate. Calculate each heir's share: Husband: <math>(1/4) \times 240,000 \text{ Ksh} = 60,000 \text{ Ksh}</math></p> <p>Father: <math>(1/6) \times 240,000 \text{ Ksh} = 40,000 \text{ Ksh}</math></p> <p>Mother: <math>(1/6) \times 240,000 \text{ Ksh} = 40,000 \text{ Ksh}</math></p>



	How will they inherit?	Son: $(1/2) * 240,000 \text{ Ksh} = 120,000 \text{ Ksh}$ The three germane brothers are not mentioned in the Quranic inheritance rules for this scenario (husband, father, mother, and son). Therefore, they would not inherit from this estate, and the remaining estate value after the prescribed shares are allocated would not go to them."
5	Distant Kindreds ( <i>Zawul arham</i> ) If a Muslim died and is survived by his uncle and daughter and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit?	"In Islamic law, inheritance is guided by specific rules outlined in the Quran and Hadith (sayings and actions of Prophet Muhammad, SAW). These rules determine how the assets of a deceased person are distributed among their heirs. In this case, you mentioned that the deceased Muslim is survived by his uncle and daughter, with no other heirs. Here's how their inheritance might be distributed:  Daughter: In Islamic inheritance law, a daughter is entitled to a share of her deceased father's estate. The daughter's share is typically half of what a son would receive in the same situation. So, in this case, the daughter would receive 1/2 (or 50%) of the total estate, which is 100,000 Ksh. Daughter's Inheritance = 50% of 100,000 Ksh = 50,000 Ksh. Uncle: The uncle is not a direct heir in this scenario. In Islamic inheritance law, if there are eligible descendants (such as a daughter), they take precedence over more distant relatives like uncles. So, in this case, the uncle would not inherit a specific share of the estate."
6	<i>Hajb</i> (exclusion) If a Muslim died and is survived by his father and grandfather and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit?	"In Islamic inheritance law, the distribution of a deceased person's estate is governed by specific rules outlined in the Quran. The rules dictate how the estate is divided among the surviving heirs. In your scenario, if a Muslim man dies and is survived by his father and grandfather but has no other heirs, the inheritance distribution would be as follows: Father: The father is entitled to receive one-sixth (1/6) of the estate. In this case, one-sixth of 100,000 KSH is 16,667 KSH. Grandfather: The paternal grandfather, as a surviving relative in the absence of other heirs, does not receive a fixed share under Islamic inheritance law. Instead, his share depends on the presence of other relatives. If there were no other heirs, the remainder of the estate after the father's share would go to the grandfather. In this case, it would be 100,000 KSH - 16,667 KSH (father's share) = 83,333 KSH for the grandfather."
7	<i>Al-Minbariyah</i> (The podium) If a Muslim died and is survived by her husband, mother, two uterine brothers, one German brother, and one German sister. His estate is estimated at 600,000 Ksh. How will they inherit?	"In this case, you've mentioned that the deceased Muslim is survived by his wife, two daughters, father, and mother. Here is how the inheritance would be distributed according to Islamic law: Wife: The wife is entitled to 1/8th (12.5%) of the deceased's estate.  Daughters: The daughters collectively are entitled to 2/3rd (66.67%) of the estate. Since there are two daughters, each daughter would receive 1/3rd (33.33%) of the estate. Father: The father is entitled to a share if there are surviving children. In this case, since there are surviving daughters, the father is entitled to 1/6th (16.67%) of the estate. Mother: The mother is entitled to a share if there are surviving children. In this case, since there are surviving daughters, the mother is also entitled to 1/6th (16.67%) of the estate. Now, let's calculate the shares for each heir based on the estimated estate value of 600,000 Ksh: Wife: $600,000 \text{ Ksh} \times 12.5\% = 75,000 \text{ Ksh}$ Each daughter: $600,000 \text{ Ksh} \times 33.33\% = 200,000 \text{ Ksh}$ (for each daughter) Father: $600,000 \text{ Ksh} \times 16.67\% = 100,000 \text{ Ksh}$ Mother: $600,000 \text{ Ksh} \times 16.67\% = 100,000 \text{ Ksh}$ So, the inheritance distribution would be as follows: Wife: 75,000 Ksh Each daughter: 200,000 Ksh (total 400,000 Ksh for both daughters) Father: 100,000 Ksh Mother: 100,000 Ksh."
8	<i>Al-Umariyyah</i> A Muslim died and leaves behind his wife, mother, and	"In Islamic law, inheritance is governed by specific rules outlined in the Quran and Hadith (sayings and actions of the Prophet Muhammad, SAW). The distribution of inheritance among family members is based on predefined shares for each heir. Here's a simplified overview of how the inheritance might be distributed in this scenario: Wife: The wife is entitled to 1/8th (12.5%) of the deceased husband's estate if there are no children. If there are children, her share

<p>father with 120,000 ksh. How will they inherit?</p>	<p>is reduced to 1/4th (25%). In this case, there are no children mentioned, so the wife will inherit 12.5% of the estate, which is 15,000 Ksh. Mother: The mother is entitled to a share if there are no children. Her share is usually 1/3rd (33.33%) of the estate if she has no other heirs. However, since there is a wife in this case, the mother's share is reduced to 1/6th (16.67%). In this case, the mother will inherit 16.67% of the estate, which is 20,000 Ksh. Father: The father is entitled to a share if there are no children. His share is also usually 1/3rd (33.33%) of the estate if he has no other heirs. However, since there is a wife in this case, the father's share is reduced to 1/6th (16.67%). In this case, the father will inherit 16.67% of the estate, which is 20,000 Ksh. Adding up the shares:  Wife: 15,000 Ksh  Mother: 20,000 Ksh  Father: 20,000 Ksh  The total inheritance adds up to 55,000 Ksh. This means that the remaining 65,000 Ksh of the deceased's estate would not go to these heirs. It can be used for settling any outstanding debts or other purposes as specified in the deceased's will if one exists. If there are no debts or other instructions, it can be donated to charity as an act of charity (sadaqah) on behalf of the deceased."</p>
<p>9 <i>Radd</i> (return) A deceased Muslim left only a mother and daughter. How will they inherit 100,000 Ksh?</p>	<p>"In Islamic inheritance law, when a deceased Muslim leaves behind a mother and a daughter as the only heirs, their inheritance is distributed as follows: The mother is entitled to one-sixth (1/6) of the deceased person's estate. The daughter is entitled to the remaining five-sixths (5/6) of the estate. To calculate the actual amounts in Kenyan Shillings (Ksh), you can use the following formula:  Calculate the mother's share: <math>Mother's\ share = (1/6) * Total\ Estate</math>  Calculate the daughter's share: <math>Daughter's\ share = (5/6) * Total\ Estate</math>  Given that the total estate is 100,000 Ksh, you can now calculate their respective shares:  Mother's share = <math>(1/6) * 100,000\ Ksh = 16,666.67\ Ksh</math> (rounded to the nearest whole number)  Daughter's share = <math>(5/6) * 100,000\ Ksh = 83,333.33\ Ksh</math> (rounded to the nearest whole number)  So, in this scenario, the mother would inherit approximately 16,667 Ksh, and the daughter would inherit approximately 83,333 Ksh from the deceased person's estate. Please note that these calculations are approximate, and you may want to consult with a knowledgeable Islamic scholar or legal expert to ensure accurate distribution according to Islamic inheritance laws."</p>
<p>10 <i>Al-Akdariyah</i> A deceased Muslim left only a husband, mother, grandfather, and full sister. How will they inherit 100,000 Ksh?</p>	<p>"In Islamic inheritance law, the distribution of a deceased person's estate is governed by a specific set of rules outlined in the Quran. The shares allocated to each eligible heir are determined based on their relationship to the deceased and the presence of other eligible heirs. Here's how the 100,000 Ksh might be distributed among the surviving family members in the scenario you described: Husband: The husband is entitled to a share of one-fourth (1/4) of the estate if the deceased wife has no children. In this case, the deceased has no children, so the husband inherits 1/4 of the estate. Mother: The mother is entitled to a share of one-sixth (1/6) of the estate if there are no children or grandchildren. In this case, there are no children or grandchildren, so the mother inherits 1/6 of the estate. Grandfather: The grandfather is not among the primary heirs in Islamic inheritance law when there are other eligible heirs like the husband, mother, and sister. Therefore, he does not receive a specific share of the estate. Full Sister: The full sister is entitled to a share of one-half (1/2) of the estate when there is no father or son (i.e., no male siblings or children). In this case, there is no mention of a father or son, so the full sister inherits 1/2 of the estate.  To calculate the actual amounts inherited by each heir, you need to add up the shares allocated to them: Husband: <math>(1/4) * 100,000\ Ksh = 25,000\ Ksh</math> Mother: <math>(1/6) * 100,000\ Ksh = 16,666.67\ Ksh</math> (rounded to the nearest decimal place) Grandfather: 0 Ksh Full Sister: <math>(1/2) * 100,000\ Ksh = 50,000\ Ksh</math> Now, sum up the amounts: 25,000 Ksh (husband) + 16,666.67 Ksh (mother) + 0 Ksh (grandfather) + 50,000 Ksh (sister) = 91,666.67 Ksh So, in this distribution, the husband inherits 25,000 Ksh, the mother inherits approximately 16,666.67 Ksh, and the full sister inherits 50,000 Ksh. The total of these shares is 91,666.67 Ksh. The remaining balance may be</p>

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used to cover any outstanding debts of the deceased or can be allocated for charitable purposes as per Islamic guidelines."

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Source: Author framework

### N1. Homicide (*al-qatl*)

Muslim jurists agreed that a killer could not inherit from the person he purposefully killed (*Muwarrith*) and the reason was similar to the answer stated in GPT 3.5 "Actions go against the fundamental principles of justice and morality in Islam." However, GPT 3.5 cited the wrong verse (Surah An-Nisa, 4:12) and was unable to provide the prophetic traditions that served as authoritative sources on the possibility of not allowing a murderer to participate in inheritance. An example of the tradition is "A murderer does not inherit anything"<sup>57</sup> and another hadith states that "there is no inheritance for a murderer."<sup>58</sup> Moreover, GPT 3.5 did not present a school of thought related to the types of murder impeding the killer from inheriting property. This is necessary because Islamic criminal law provides for three types of killing which are (i) *'amd* (intentional), (ii) *shibhu 'amid* (semi or quasi-intentional), and *al-Khata* (mistake). The determination of the type is based on the intention and weapon used in causing the death of the victim.

The analysis showed that the Muslim jurists believed intentional murder should impede the killer from inheritance. The position agreed with the response of GPT 3.5 that "As a result of this verse, Islamic jurisprudence generally upholds that a person who intentionally kills another (such as a son killing his father) is not eligible to inherit from the victim's estate". However, most scholars also asserted that killing accidentally or for a legitimate reason could disqualify a person from inheritance.<sup>59</sup>

### N2. Differences in religion are part of the impediments to inheritance.

This is based on the argument that inheritance has a religious specificity in Islamic law where a non-Muslim is not allowed to inherit from a Muslim. The trend is identified from the statement of Prophet Muhammad (*SAW*) that "A Muslim does not inherit from a non-Muslim and the non-Muslim does not inherit from a Muslim."<sup>60</sup> Another hadith states that "persons from two religions do not inherit each other forever".<sup>61</sup> Most experts argued that a non-Muslim or an infidel who converted to Islam after the death of a Muslim relative would not be allowed to inherit from the deceased even when the

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<sup>57</sup> Abd Allah ibn Abd al-Rahman Al-Darimi, "Sunan Ad-Dārimī, Vol 4, 1st Edition" (Saudia: Dār Al-Mughnī, 2000), 1988.

<sup>58</sup> Muḥammad ibn Yazīd ibn Mājāh, "Sunan Ibn Majah, Vol 3, 1st Edition" (Beirut: Dār Al-Risalah Al-Alamiyah, 2009), 622.

<sup>59</sup> Wan Noraini Mohd Salim, *Islamic Law of Succession, 1st Edition* (Malaysia: Printmate Sdn Bhd, 2012), 31.

<sup>60</sup> Abū Bakr Ibn Abī Shaybah, *Musnad Abu Shaybah, Vol 1, 1st Edition* (Riyadh: Dar Al-Watan, 1997), 113.

<sup>61</sup> Abd al-Razzaq Al-San'ani, *Musannaf Abd Al-Razzaq Al-San'ani, Vol 6, 2 Edition* (Beirut: Al-Maktab Al-Islami, 1403), 14.

conversion occurred before the division of the estate. However, Imam Ahmad believed such a person could benefit from the inheritance when the conversion occurred before the division of the inheritance in order to incentivize and motivate the embrace of Islam.<sup>62</sup>

The response provided by GPT 3.5 stated clearly that a Christian father would not inherit from the estate of a deceased Muslim child or relative under Islamic inheritance law. It further showed that “if a Christian father is a sole heir or if there are no eligible Muslim heirs, the distribution of the estate may follow the rules of civil or customary law in the respective jurisdiction”. However, Islamic law prioritizes the will of the deceased, if one exists, and allocates a portion of the estate to the *Beit al-Mal* (Islamic national treasury) as a form of charitable distribution. Some scholars argued that distant kindred could be included in the inheritance. This is based on the statement of Allah (SWT) that "For men, there is a share in what their parents and close relatives leave" QS, An-Nisa: 7. Another verse from Qur'an also states that “But only blood relatives are now entitled to inherit from one another”. QS, Al-Anfal: 75.

N3. Qur'anic Heirs: A Muslim died and is survived by his wife, mother, one daughter, and one germane sister with an estate estimated at 100,000 ksh. How will they inherit?

A share of the wife is 1/8, the mother has 1/6, and the daughter has 1/2, which shows that the wife is entitled to receive 12,500, the daughter to 50,000, and the mother to 16,667. This is not different from the response provided by GPT 3.5 but there is a problem with the share allocated to the full sister. According to GPT 3.5, a full sister is not automatically entitled to a fixed share of the estate, and the remaining balance can be used to settle any outstanding debts or as the deceased had willed in his bequest, if any. Islamic inheritance laws state that the full sister is entitled to the 20,833 ksh remaining from the estate. This position shows that GPT 3.5 does not comprehend the laws governing residue. Therefore, the inheritance is expected to be distributed by allocating 12,500 ksh to the wife, 16,667 ksh for the mother, 50,000 ksh for the daughter, and the residue of 20,833 ksh for the full sister.

N4. Residuary heirs (*Asabat*): A Muslim died and is survived by her husband, father, mother, three germane brothers, and a son with his estate estimated at 240,000 ksh. How will they inherit?

According to GPT 3.5, the husband is entitled to 1/4 (25%) of the estate, the father has 1/6 (16.67%), the mother 1/6 (16.67%), and the son 1/2 (50%). The calculation of the share for each heir includes Husband:  $(1/4) * 240,000 \text{ Ksh} = 60,000 \text{ Ksh}$ , Father:  $(1/6) * 240,000 \text{ Ksh} = 40,000 \text{ Ksh}$ , Mother:  $(1/6) * 240,000 \text{ Ksh} = 40,000 \text{ Ksh}$ , and Son:  $(1/2) * 240,000 \text{ Ksh}$

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<sup>62</sup> Sidiq Mohammad Al-Amin Dharir, *Al-Mirath Fi Sharia Al-Islamiyyah, 2nd Edition* (Sudan: Dar Jamia Al-Qur'an l-Karim, 1999), 34.

= 120,000 KSH. However, the three germane brothers are not mentioned in the Quranic inheritance rules. The analysis showed that the shares of the husband, father, and mother are correct but GPT 3.5 does not justify the reasons for the percentage inherited. The son is also entitled to receive the residue of the remaining balance which is 100,000 ksh and not  $\frac{1}{2}$  or 120,000 as captured in GPT 3.5. Moreover, the full brothers are blocked from receiving any share through the concept of *Hajb Nuqsan*. This is because their shares are not mentioned in the Quranic inheritance rules. The summary of the distribution includes the husband with 60,000 Ksh, the father has 40,000 Ksh, the mother has 40,000 Ksh, and the son has 100,000 Ksh (the residue) after blocking the three germane brothers.

N5. Distant Kindreds (*Zawul arham*): If a Muslim died and is survived by his uncle and daughter and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit? The response of GPT 3.5 shows the daughter is expected to receive  $\frac{1}{2}$  or 50% of the total estate which is 50,000 Ksh while the uncle is not expected to inherit a specific share. The analysis identified the uncle as part of the *Zawul arham* (distant kindreds). He is the relative of the deceased by blood but not mentioned in the Qur'an and Sunnah as an entitled legal heir. Therefore, the uncle is not entitled to inherit because there is a primary legal heir who is the daughter but this is not mentioned in the GPT 3.5. The trend shows that the uncle is not a direct heir in the scenario.

N6. Hajb (exclusion): If a Muslim died and is survived by his father and grandfather and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit?

The response of GPT 3.5 shows that the father is entitled to receive  $\frac{1}{6}$  of the estate and the ratio is calculated as 16,667 KSH. The paternal grandfather who is a surviving relative in the absence of other heirs does not receive a fixed share under Islamic inheritance law. However, the absence of other heirs shows that the remainder of the estate, 83,333 KSH, is expected to be distributed to the grandfather. In this regard, the father is expected to inherit the entire estate and exclude the grandfather from inheritance based on the concept of *Hajb Nuqsan*.

N7. *Al-Minbariyah* (Pulpit Case): If a Muslim died and is survived by his wife, two daughters, father, and mother, His estate is estimated at 600,000 Ksh. How will they inherit?

The response from GPT 3.5 shows that the wife is entitled to  $\frac{1}{8}$ th or 12.5% of the estate, the daughters collectively have  $\frac{2}{3}$ rd or 66.67%, and the father  $\frac{1}{6}$ th (16.67%). The existence of surviving daughters shows the mother is also entitled to  $\frac{1}{6}$ th (16.67%). The calculation of the shares for each heir based on the estimated value of 600,000 Ksh shows that the Wife is expected to collect  $600,000 \text{ Ksh} \times 12.5\% = 75,000 \text{ Ksh}$ . Each daughter is entitled to  $600,000 \text{ Ksh} \times 33.33\% = 200,000 \text{ Ksh}$ , the father is to have  $600,000 \text{ Ksh} \times 16.67\% = 100,000 \text{ Ksh}$ , and the mother is  $600,000 \text{ Ksh} \times 16.67\% = 100,000 \text{ Ksh}$ . Therefore, the

inheritance is expected to be distributed as wife 75,000 Ksh, each daughter 200,000 Ksh with a total of 400,000 Ksh for both, father has 100,000 Ksh and mother is 100,000 Ksh. However, the *awl* case was originally decided by Sayyidina Ali (RA) through *al-Minbariyyah*. Sayyid Ali was delivering a sermon in the mosque when a man asked about the rights of his wife because of his two daughters. Sayyid Ali (RA) confidently replied that the  $\frac{1}{8}$  originally provided for the wife becomes  $\frac{1}{9}$ . This shows that the shares provided by GPT 3.5 are correct except for the aspect of the wife. Therefore, the wife is entitled to 66,660, the father 88,888, the mother 88,888, and two daughters 355,552. The trend shows that there is a mistake in the response of GPT 3.5 by allocating rights to undeserving people.

N8. *Al-Umariyyah*: A Muslim died and leaves behind his wife, mother, and father with 120,000 ksh. How will they inherit?

*Al-Umariyyah* is two hypothetical issues associated with special status and ruling in the science of inheritance because the normal rules for parents are not applicable. The two issues were termed *Al-Umariyyah* in reference to Omar bin Al-Khattab (RA) who was the first to render a verdict on the case where the remaining heir was either the wife or husband. This type of same is also known as *Gharawein* and the response provided by GPT 3.5 shows that the wife is entitled to  $\frac{1}{8}$  (12.5%) or 15,000 Ksh of the estate left by the deceased husband. The mother is expected to have  $\frac{1}{6}$ th (16.67%) which is 20,000 and the same value for the father. The shares are added up to 55,000 Ksh and this shows that the remaining 65,000 Ksh is expected to be distributed to the heirs. The analysis shows there is a mistake in the distribution pattern of GTP 3.5 because the share of the wife is supposed to be  $\frac{1}{4}$ , the mother is  $\frac{1}{3}$  *al-baqi*, and the father is *al-baqi* (residue). This shows that the wife and mother are expected to collect 30,000 Ksh each while the father owns the remaining 60,000 Ksh.

N9. *Al-Radd* “returned to”: A deceased Muslim left only a mother and daughter. How will they inherit 100,000 Ksh?

The prompt from GPT 3.5 shows that “the mother is entitled to  $\frac{1}{6}$  of the deceased person's estate. The daughter is entitled to the remaining  $\frac{5}{6}$  of the estate. To calculate the actual amounts in Kenyan Shillings (Ksh), you can use the following formula: Calculate the mother's share: Mother's share =  $(\frac{1}{6}) * \text{Total Estate}$  Calculate the daughter's share: Daughter's share =  $(\frac{5}{6}) * \text{Total Estate}$  Given that the total estate is 100,000 Ksh, you can now calculate their respective shares: Mother's share =  $(\frac{1}{6}) * 100,000 \text{ Ksh} = 16,666.67 \text{ Ksh}$  (rounded to the nearest whole number) Daughter's share =  $(\frac{5}{6}) * 100,000 \text{ Ksh} = 83,333.33 \text{ Ksh}$  (rounded to the nearest whole number). So, in this scenario, the mother would inherit approximately 16,667 Ksh, and the daughter would inherit approximately 83,333 Ksh from the deceased person's estate.” There is a mistake in the distribution

pattern used by GPT 3.5 because the Quran requires the daughter to take 1/2 as observed in the verse "and if she was one, she is entitled to half" (Suratul An-Nisa 11). The share of the mother is also 1/6 because Allah (SWT) says, "But if you leave siblings, then your mother will receive one-sixth" (Suratul An-Nisa 11). This shows that the share of a daughter is 1/2 and the mother is 1/6 with a denominator of 6. The total prescribed shares do not exhaust the entire estate due to the remaining denominator of 4. Therefore, the estate amount of 100,000 Ksh was divided by the denominator of 4 to produce 25,000 Ksh. The share of each was subsequently multiplied by 25,000 to determine the value. This showed that the daughter is expected to have  $3 \times 25000 = 75,000$  and the mother is to have  $1 \times 25000 = 25000$ .

N10. *Al-Akdariyah*: A deceased Muslim left only a husband, mother, grandfather, and full sister. How will they inherit 100,000 Ksh?

The case was termed *Al-Akdariyah* due to its complexity in the field of inheritance law. This is based on the deviation of the case from established rules for inheritance between grandfathers and brothers in three distinct ways. First, the inheritance laws associated with the case allow the grandfather to inherit the entire remaining share and eliminate the entitlement of the brothers. Meanwhile, the sister is allowed to share the inheritance with the grandfather. Second, the law does not typically contain the concept of "awl" or adjustment which is often experienced in the *Al-Akdariyah* case and leads to the alteration of the distribution. Third, regular inheritance cases do not have any obligation related to the share of the sister but this is observed in *Al-Akdariyah*.

The response of GPT 3.5 shows that "the husband is entitled to 1/4 of the estate if the deceased wife has no children. The mother is entitled to 1/6 of the estate if there are no children or grandchildren. The grandfather is not among the primary heirs in Islamic inheritance law when there are other eligible heirs like the husband, mother, and sister. Therefore, he does not receive a specific share of the estate. The full sister is entitled to 1/2 of the estate when there is no father or son (i.e., no male siblings or children). To calculate the actual amounts inherited by each heir, you need to add up the shares allocated to them: Husband:  $(1/4) * 100,000 \text{ Ksh} = 25,000 \text{ Ksh}$  Mother:  $(1/6) * 100,000 \text{ Ksh} = 16,666.67 \text{ Ksh}$  (rounded to the nearest decimal place) Grandfather: 0 Ksh Full Sister:  $(1/2) * 100,000 \text{ Ksh} = 50,000 \text{ Ksh}$  Now, sum up the amounts: 25,000 Ksh (husband) + 16,666.67 Ksh (mother) + 0 Ksh (grandfather) + 50,000 Ksh (sister) = 91,666.67 Ksh. So, in this distribution, the husband inherits 25,000 Ksh, the mother inherits approximately 16,666.67 Ksh, and the full sister inherits 50,000 Ksh. The total of these shares is 91,666.67 Ksh. The remaining balance may be used to cover any outstanding debts of the deceased or can be allocated for charitable purposes as per Islamic guidelines".

There is a mistake in the sharing formula used in GTP 3.5 because the husband is expected to have  $\frac{1}{2}$ , mother  $\frac{1}{3}$ , grandfather  $\frac{1}{6}$ , and full sister  $\frac{1}{2}$  based on the division by Zaid bin Thābit (RA). The inheritance rules allow the grandfather to inherit the entire remaining share when it is only  $\frac{1}{6}$  while the full sister receives nothing. However, Zaid opposed this rule and imposed a share of  $\frac{1}{2}$  on the sister in order to increase the denominator from 6 to 9. The scholar also harmonized the shares for both after discovering that the sister received more than the grandfather. This led to the division of the estate into three people with the grandfather and full sister classified as one and the denominator of 9 was multiplied by 3 to have 27. The share of the husband becomes  $3 \times 3 = 9$ , the mother has  $3 \times 2 = 6$ , while the grandfather and full sister have  $3 \times 4 = 12$ . Moreover, the double share principle is applied to ensure the grandfather has 8 and the full sister has 4. The actual amounts inherited by each heir were calculated by adding up the shares allocated. The calculation shows that the husband is expected to inherit 33,330 ksh, the mother 22,220, the grandfather 29,630, and the full sister 14,810.

#### 4. Conclusion

The summary was that the integration of technology into the fatwa issuance process presented both opportunities and challenges. It could enhance efficiency, accessibility, and knowledge sharing but also raise concerns about incorrect fatwas circulating widely to cause confusion and potential harm to people and society. The incorrect responses were because the technology (i) lacked the religious expertise, contextual understanding, and deep knowledge of Islamic jurisprudence possessed by human scholars. (ii) AI models could misinterpret questions to produce incorrect or inappropriate responses. Moreover, (iii) the models could inherit the biases in the training data with the possibility of issuing biased or unfair fatwas. (iv) The issuance process required dialogue between the questioner and the scholar to clarify and tailor the response but AI models were unable to effectively engage in such interactive conversations. Therefore, all data and cases of Islamic inheritance should be inputted into GPT-3.5 along with online inheritance calculators. The application of technology such as GPT-3.5 to the fatwa issuance process regarding estate distribution requires investigating several aspects. Some of these include the (i) compatibility of AI-generated guidance with the legal framework of Sharia law, (ii) the role of AI in interpreting religious texts and jurisprudential opinions related to estate distribution, and (iii) the capacity of AI systems to handle complex cases such as missing persons, children in the womb, multiple deaths, hermaphrodites, and several others.



## References

- Abdille, Hossamdin Mustafa and Yunus. "Al-Fatawa Al-Shari'a Abra Wasail Al-Ilam At-Tanzania: Waqi'uha Waatharuha." *Sumait University Journal*, 10, no. 1 (2022): 14–15. <https://doi.org/10.63104/suj.v.i.48>.
- Abdulrahman, Manswab Mahsen. "Distribution of Estate in Islamic Law: A Case Study of Missing Person, Child in the Womb and Hermaphrodite." *Journal of Islamic Studies and Culture* 8, no. 1 (2020): 31–41. <https://doi.org/10.15640/jisc.v8n1a4>.
- Ahmad bin Hamdan Al-Harrani. *Sifat Al-Fatwa Wa Al-Mufti Wa Al-Mustafti*. Damaskus: Mansyurat Al-Maktab Al-Islami, 1380.
- Al-Bayhaqi, Abū Bakr Aḥmad ibn Ḥusayn ibn 'Alī. "Al-Sunan Al-Kubrā Lil Bayhaqi, Vol. X, 1st Edition." Makkah: Maktabah Dār al-Baz, 1994.
- Al-Buhūtī, Manṣūr Ibn Yūnus. *Sharh Muntaba Al-Iraadaat - Al-Buhuti*". 2nd ed. Vol. 3. Beirut: Alim al-Kutub, 1996.
- Al-Darimi, Abd Allah ibn Abd al-Rahman. "Sunan Ad-Dārimī, Vol 4, 1st Edition," 1988. Saudia: Dār Al-Mughnī, 2000.
- Al-Jawziyya, Shams ad-Dīn Abū 'Abd Allāh Muḥammad ibn Abī Bakr Ibn Qayyim. *I'lām Al-Muwaqqi'īn 'an Rab Al-Ālamīn, 1st Edition*. Beirut: Dār al-Jeīl, 1973.
- Al-Khani, Abdallah bin Mohammad bin Said. *Al-Fatawa Fi Sharia Al-Islamiyah*. 1st ed. Riyadh: Maktab al-Ibkan, 2008.
- Al-Qaradawi, Yusuf. *Al-Fatwa Bayna Al-Indibat Wa-at-Tasayyub*". 1st ed. Vol. 1. Cairo: Dar Sahwa, 1988.
- Al-San'ani, Abd al-Razzaq. *Musannaf Abd Al-Razzaq Al-San'ani, Vol 6, 2 Edition*. Beirut: Al-Maktab Al-Islamī, 1403.
- Al-Shafi', Mohammad bin Idris. *Musnad Imam Al-Shafi', Vol 1, 1st Edition*. Beirut: Dar Al-Kutoub Al-Ilmiyah, 1951.
- Al-Shātibī, Abū Ishāq Ibrāhīm ibn Mūsā. "Fatawa Al-Shātibī, 2nd Edition." Kairo: Dār ibn Afan, 1997.
- An-Naysābūrī, Muslim ibn al-Ḥajjāj ibn Muslim ibn Ward al-Qushayrī. *Sahih Muslim, Vol 3, 1st Ed, 1321, Hadith No: 1694*. Beirut: Dar Al-Ihyau Al-Turath Al-Arabī, n.d.
- Anas, Malik bin. *Muwata Imam Malik, 1st Edition*. Beirut: Dar Ihyau At-Turath Al-Arabī, 1985.
- Awan, Abid Ali. "What Is GPT-4 and Why Does It Matter?"; 2023. [datacamp.com/blog/what-we-know-gpt4%3E](https://datacamp.com/blog/what-we-know-gpt4%3E).
- Badruddin, Ibrahim, Arifin Mahamad, and Abd Rashid Siti Zainab. "The Role of Fatwa and Mufti in Contemporary Muslim Society." *Pertanika Journal of Social Sciences and Humanities* 23, no. special Issue 11 (2015): 315–26. <http://irep.iium.edu.my/48409/#:~:text=In principle%2C fatwa serves as,his day to day affairs.>

- Clements, Dylan, Elysia Giannis, Fi Crowe, Mike Balapitiya, Jason Marshall, Paul Papadopoulos, and Tanjila Kanij. "An Innovative Approach to Develop Persona from Application Reviews." In *Proceedings of the 18th International Conference on Evaluation of Novel Approaches to Software Engineering*, 701–8. SCITEPRESS - Science and Technology Publications, 2023. <https://doi.org/10.5220/0011996000003464>.
- Dalvi, Abdul Shakoor, Md Faruk Abdullah, and Abu Bakkar Siddique. "Fatwa On Financial Needs in Non-Muslim Majority Countries: A Case On Mortgages and Insurance." *Journal of Fatwa Management and Research* 30, no. 2 (May 30, 2025): 17–33. <https://doi.org/10.33102/jfatwa.vol30no2.624>.
- Dharir, Sidiq Mohammad Al-Amin. *Al-Mirath Fi Sharia Al-Islamiyyah, 2nd Edition*. Sudan: Dar Jamia Al-Qur'an I-Karim, 1999.
- Duarte, Fabio. "Number of ChatGPT Users (Oct 2024)." Accessed September 9, 2023. <https://explodingtopics.com/blog/chatgpt-users>.
- Eich, Thomas. "Induced Miscarriage in Early Mālikī and Hanafī Fiqh." *Islamic Law and Society* 16, no. 3–4 (2009): 302–36. <https://doi.org/10.1163/092893809X12469547140991>.
- Farahat, Omar. "Time and Moral Choice in Islamic Jurisprudence." *Canadian Journal of Law & Jurisprudence* 35, no. 1 (February 15, 2022): 141–67. <https://doi.org/10.1017/cjlj.2021.22>.
- Fischhoff, Baruch, and Sara Eggers. "Questions of Competence: The Duty to Inform and the Limits to Choice." In *Judgment and Decision Making*, 320–42. Routledge, 2013. <https://doi.org/10.4324/9780203141939-31>.
- "Foundation/A Brief History of AI." Accessed October 16, 2024. [https://web.pdx.edu/~arhodes/AI\\_history.pdf](https://web.pdx.edu/~arhodes/AI_history.pdf).
- Gril, Denis. "« Comme s'il y Avait Des Oiseaux Sur Leur Tête »." *Archives de Sciences Sociales Des Religions* 178 (2017): 25–42. <https://doi.org/10.4000/assr.29379>.
- Gül, Recep Emin. "Tracing the Rihla in Buldān Books: Ibn Al-Faqīh's Muhaddith Resources (Rihlenin İzlerini Büldān Kitaplarında Sürmek: İbnü'l-Fakīh'in Muhaddis) Kaynakları." *Hitit İlahiyat Dergisi* 23, no. Din ve Coğrafya (April 30, 2024): 140–54. <https://doi.org/10.14395/hid.1417152>.
- Hagler, Aaron M. "Sapping The Narrative: Ibn Kathir's Account Of The Shūrā Of 'uthman In Kitab Al-Bidaya Wa-L-Nihaya." *International Journal of Middle East Studies* 47, no. 2 (May 27, 2015): 303–21. <https://doi.org/10.1017/S0020743815000069>.
- Hakim, Sofian Al. "Analytical Framework in Study of Fatwas on Sharia Economics." *Abkam: Jurnal Ilmu Syariah* 19, no. 2 (2019): 315–30. <https://doi.org/10.15408/ajis.v19i2.12219>.

- Hallaq, Wael. "Groundwork of the Moral Law: A New Look at the Qur'an and the Genesis of Shari'a." *Islamic Law and Society* 16, no. 3-4 (2009): 239-79. <https://doi.org/10.1163/092893809X12547479392108>.
- Hallaq, Wael B. *Shari'a*. Cambridge: Cambridge University Press, 2009. <https://doi.org/10.1017/CBO9780511815300>.
- Hanbali, Ahmad bin. *Musnad Imam Ahmad, Vol 3, 1, 1st Edition, Hadith No: 2648*. Kairo: Dar al-Hadith, 1995.
- Hassan, Shahir Akram, and Wan Mohd Khairul Firdaus Wan Khairuldin. "Research Design Based on Fatwa Making Process: An Exploratory Study." *International Journal of Higher Education* 9, no. 6 (September 30, 2020): 241. <https://doi.org/10.5430/ijhe.v9n6p241>.
- Hendrickson, Jocelyn. "Is Al-Andalus Different? Continuity as Contested, Constructed, and Performed across Three Mālikī Fatwās." *Islamic Law and Society* 20, no. 4 (2013): 371-424. <https://doi.org/10.1163/15685195-0204P0002>.
- Heris Suhendar, Oyo Sunaryo Mukhlas, and Atang Abd. Hakim. "Legal Politics of the Existence of Fatwa in Islamic Financial Institutions: Evidence from Indonesia." *Jurnal Hukum Islam* 21, no. 2 (June 17, 2023): 279-308. [https://doi.org/10.28918/jhi\\_v21i2\\_03](https://doi.org/10.28918/jhi_v21i2_03).
- Hiban, Mohammad. *Al-Ihsan Fi Taqrib Sahih Ibn Hiban*. 1st ed. Vol. 4. Beirut: Muasasat Al-Risalah, 1988.
- Hughes, Sebastian. "Understanding OpenAI GPT-3.5: Features, Benefits, and Applications of Advanced AI Technology." Accessed October 16, 2024. <https://xchatgpt-ai.com/blog/openai-gpt-3-5%3E> accessed 16 October 2024.
- Iqbal, Muhammad. "Concluding Remarks: Qiyās and Contemporary Models of Parallel Reasoning." In *Logic, Argumentation and Reasoning*, 223-44, 2022. [https://doi.org/10.1007/978-3-030-91676-3\\_7](https://doi.org/10.1007/978-3-030-91676-3_7).
- Johnston, Erin F. "Failing to Learn, or Learning to Fail? Accounting for Persistence in the Acquisition of Spiritual Disciplines." *Qualitative Sociology* 40, no. 3 (September 26, 2017): 353-72. <https://doi.org/10.1007/s11133-017-9361-z>.
- Juma, Ali. "Nashat Al-Ifta Fi Al-Islam"; 2023. <https://www.draligomaa.com/index.php%0A/الوفد/المكتبة/مقالات/item/799-نشأةالإفتاء-3%0Eفي-الإسلام%30>
- Kaptein, Nico. "Fatwas as a Unifying Factor in Indonesian History." In *Islam in the Era of Globalization*, 85-91. Routledge, 2005. <https://doi.org/10.4324/9780203988862-14>.
- Kashim, Mohd Izhar Ariff Mohd, Mat Noor Mat Zain, Md Yazid Ahmad, Ezad Azraai Jamsari, and Diani Mardiana Mat Zin. "Haram Sources in Food Processing According to Shariah Perspective." *International Journal of Civil Engineering and Technology (IJCIET)* 9, no. 4 (2018): 1437-43.

- [https://doi.org/https://iaeme.com/Home/article\\_id/IJCIET\\_09\\_04\\_159](https://doi.org/https://iaeme.com/Home/article_id/IJCIET_09_04_159).
- Moghaddas, Nafiseh F., and Sayyid M. Yazdani. "Kalām in the Crossfire: A Historical Survey of the Legitimacy of the Study of Theology within the Sunni School of Islam." *HTS Teologiese Studies / Theological Studies* 77, no. 4 (November 8, 2021). <https://doi.org/10.4102/hts.v77i4.6917>.
- Muḥammad ibn Yazīd ibn Mājāh. "Sunan Ibn Majah, Vol 3, 1st Edition," 662. Beirut: Dār Al-Risalah Al-Alamiyah, 2009.
- Okuyucu, Nail. "Şâfiî'nin Kaynak İçerisi Nesih Teorisi ve Şâfiî Fıkıh Geleneğinde Yorumlanış Biçimleri." *İslâm Araştırmaları Dergisi*, January 1, 2020, 29–73. <https://doi.org/10.26570/isad.650133>.
- Pallocci, Margherita, Michele Treglia, Pierluigi Passalacqua, Roberta Tittarelli, Claudia Zanovello, Lucilla De Luca, Valentina Caparrelli, Vincenzo De Luna, Alberto Michele Cisterna, and Giuseppe Quintavalle. "Informed Consent: Legal Obligation or Cornerstone of the Care Relationship?" *International Journal of Environmental Research and Public Health* 20, no. 3 (2023): 2118.
- Pelu, Ibnu Elmi AS. "Kedudukan Fatwa Dalam Konstruksi Hukum Islam." *El-Mashlahah* 9, no. 2 (January 1, 2020): 167–81. <https://doi.org/10.23971/maslahah.v9i2.1692>.
- Salim, Wan Noraini Mohd. *Islamic Law of Succession, 1st Edition*. Malaysia: Printmate Sdn Bhd, 2012.
- Shah, Faisal Ahmad. "Arabic Language Methods and Their Effects on the Scholars' Differences in Understanding the Qur'an and Hadith Texts." *Al-Bayān – Journal of Qur'an and Hadith Studies* 14, no. 1 (May 24, 2016): 51–73. <https://doi.org/10.1163/22321969-12340031>.
- Shaybah, Abū Bakr Ibn Abī. *Musnad Abu Shaybah, Vol 1, 1st Edition*. Riyadh: Dar Al-Watan, 1997.
- Shrestha, Shristi, and Anas Mahmoud. "Generating Rate Features for Mobile Applications." In *Proceedings of the IEEE/ACM 11th International Conference on Mobile Software Engineering and Systems*, 54–64. New York, NY, USA: ACM, 2024. <https://doi.org/10.1145/3647632.3647986>.
- Suleimān, Hassan, Alwi Alatas, and Saheed Abdullah Busari. "Examining The Reformist Thoughts Of Al-Tahir Ibn 'Ashur." *Malaysian Journal of Syariah and Law* 12, no. 2 (August 14, 2024): 272–81. <https://doi.org/10.33102/mjssl.vol12no2.467>.
- Sway, Mustafa Abu. "Islamic Narratives of Duty, Supererogation, and Ithar." In *Handbook of Supererogation*, 349–60. Singapore: Springer Nature Singapore, 2023. [https://doi.org/10.1007/978-981-99-3633-5\\_20](https://doi.org/10.1007/978-981-99-3633-5_20).
- Tahir Mansoori, Muhammad. "Fatwa in Islamic Legal Tradition and Its Implications for Shariah Pronouncements of Islamic Banks." In *Shariah Governance in Islamic Banking Institutions*, 36–64. London: Routledge, 2023.

<https://doi.org/10.4324/9781003324836-3>.

Taqi Al-Dīn Muḥammad bin Ahmad bin Abdul Azīz Ibn al-Najjār. *Muntahā Al-Irādāt, 1st Edition*. 1st ed. Beirut: Muasasat al-Risalah, n.d.

Uthaymeen, Mohammad bin Saleh Al-. *Majmu' Al-Fatawa, Vol. 22, Last Edition*. Saudi: Dar Al-Watan, 1413.

Whyte, Shaheen. "Are Fatwas Dispensable? Examining the Contemporary Relevance and Authority of Fatwas in Australia." *Oxford Journal of Law and Religion* 11, no. 2–3 (July 25, 2023): 314–42. <https://doi.org/10.1093/ojlr/rwac015>.

Yahya, Imam, and Sulistiyono Susilo. "Conservative Muslims in Indonesia's Religious and Political Landscapes: Ahok's Blasphemy Case as a Political Leverage." *Cogent Social Sciences* 10, no. 1 (December 31, 2024). <https://doi.org/10.1080/23311886.2024.2392293>.

Zaini Yahaya, Mohammad, Muhammad Adib Samsudin, and Hayatullah Lalulddin. "An Overview of the Principles of Jurisprudence Vis-A-Vis Legal Maxim." *Asian Social Science* 10, no. 2 (December 29, 2013). <https://doi.org/10.5539/ass.v10n2p157>.

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