



EVALUATING THE USE OF ARTIFICIAL INTELLIGENCE FOR ISSUING FATWAS IN ISLAMIC INHERITANCE CASES: A JURISTIC STUDY WITH A COMPARISON TO GPT-3.5

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Abstract: The objective of this research is to explore the potential of Artificial Intelligence, specifically GPT-3, in the process of issuing fatwas within the context of Islamic inheritance law. The study assesses GPT-3's capability to issue fatwas that are consistent with Islamic legal principles, as well as its potential to offer faster response times compared to traditional methods. Additionally, the research investigates whether GPT-3 can make fatwas more accessible to a broader, global audience. It also evaluates the compliance GPT-3.5 with Islamic legal standards, considering the economic impact on social welfare development. The study employs qualitative methods, gathering data from various sources such as books, journal articles, reports, conference papers, and jurisprudence academies. It provides a comprehensive analysis of fatwa significance, the historical development of fatwa issuance, traditional methodologies, and the role of technology in Islamic contexts, including AI and natural language processing. Existing research on the intersection of technology, Islamic jurisprudence, and fatwa issuance is reviewed, with a specific focus on GPT-3's applications in Islamic inheritance. The paper also outlines the research methodology, presenting the rationale for adopting a mixed-methods approach. It details the data collection process, which focuses on inheritance cases involving issues such as homicide, religious differences, Qur'anic heirs, residuary heirs, distant kindred, exclusion, *al-Minbariyyah*, *al-Radd*, *al-Umariyyah*, *al-Akdariyyah*, missing persons, and multiple deaths. The findings indicate that GPT-3 provides faster response times compared to conventional methods. However, GPT-3.5 demonstrates inconsistencies, particularly in issuing fatwas related to inheritance distribution in cases involving homicide, religious differences, Qur'anic heirs, residuary heirs, distant kindred, exclusion, *al-Minbariyyah*, *al-Radd*, *al-Umariyyah*, and *al-Akdariyyah*.

Key Words: Fatwas; Islamic Inheritance; Artificial Intelligence; GPT-3.5.

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Introduction

A Fatwa is an answer to a question or situation that requires a religious verdict. A Fatwa can only be issued by a qualified person. Based on this, the predecessors (may Allah be pleased with them) used to strongly denounce those who issued Fatwas without the proper qualifications, considering it a breach of Islam and a highly reprehensible act that must be prevented.¹ The Prophet Mohammad (SAW) said, "Allah does not take away knowledge by removing it from men, but takes it away by taking away the learned so that when He leaves no learned man, men will take ignorant men as leaders. Cases will be presented to them, and they will pass judgment without knowledge, erring and leading others into error."² Hence, Muslim scholars have stated that anyone who issues a fatwa without the proper qualifications is considered a disobedient sinner. Furthermore, anyone who issues a fatwa without knowledge will be questioned and held accountable. Allah (SWT) says, "Do not follow what you have no 'sure' knowledge of. Indeed, all will be called to account for 'their' hearing, sight, and intellect."³ In addition to deterring those who issue fatwas without knowledge, Shari'a threatens them 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."⁴ As the Prophet made clear, the one who dares to issue a fatwa without knowledge will be responsible for the sin of those who follow him in his fatwa. Abu Huraira reported God's messenger as saying, "If anyone is given a legal decision ignorantly, the sin rests on the one who gave it."⁵

Issuing fatwa went through several stages. It is traced to the era of Prophet Muḥammad (SAW), who took this responsibility on himself. After the demise of the Prophet, the intensity of his companions' dedication to issuing fatwas was categorized into three: high, average and the low. After some time, different schools of thought, including the *Hanafi*, *Maliki*, *Shafi'i*, and *Hanbali*, developed their own rules and methodologies regarding the issuance of fatwas.

The evolution of the practice of issuing fatwas was in three stages. The first stage involved the reliance on existing fatwas for guidance. In the second stage, societies experienced significant changes in economic and social systems, marking the transition to the modern age of fatwa. This period saw the emergence of specialized institutions for fatwa research and issuance, with Egypt's *Dār al-Iftā* being the world's first institution in this regard. The final stage, known as the institutional stage, witnessed a rapid transformation of societies and marked the formalization of fatwa institutions, led by a grand Mufti responsible for providing comprehensive fatwa-related services to the global Islamic community.⁶

¹ Mohammad bin Saleh Al-'Uthaymeen, *Majmu' Al-Fatawa*, vol. 22, last edition (Saudi: Dar Al-Watan, 1413), p. 66

² Abū Bakr Aḥmad ibn Ḥusayn ibn 'Alī al-Bayhaqī, *Al-Sunan al-Kubrā lil Bayhaqī*, vol. X, 1st edition (Makkah al-Mukarramah: Maktabah Dār al-Baz, 1994), p. 543.

³ QS, Al-Isra: 36

⁴ Abū Muḥammad Abd al-Ḥaqq al-Ishbīlī, *Al-aḥkām Ashri'a al-Kubrā*, vol. I. 1st edition (al-Riyad: Maktabah al-Rushd, 2001), p. 344.

⁵ Abū Abd-Allah Muḥammad ibn Abd-Allah al-Ḥakīm al-Nishapuri, *Al-Mustadrak 'ala al-Sahihayn*, vol. I, 1st edition (Beirūt: Dār al-Kutub al-Ilmiyyah, 1990), p. 184.

⁶ Abd Allah bin Muḥammad bin Sa'īd al-Khani, *Al-Fatawa fī al-Shari'ah al-Islamiyyah*, 1st edition (al-Riyad: Maktabat al-'beikān, 2008), pp.75-83

In contemporary society, the issuance of fatwas regarding marriage, divorce, and inheritance is crucial because it largely touches the lives of all people. Traditionally, these fatwas have been provided by human scholars, relying on their expertise in Islamic law. However, with the advent of advanced artificial intelligence, such as GPT-3.5, there is a growing opportunity to explore the integration of technology in this 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. It examines the reliability of AI-driven systems, particularly GPT-3.5 in issuing correct fatwas. The research project holds significant importance for several reasons; It Investigates the integration of advanced technology, such as GPT-3.5 in the issuance of fatwas as an innovative approach within the field of Islamic inheritance. It reveals the reliability of AI to respond to questions related to Islamic family law which is one of the significant fields for humanity. The outcomes of this study can inform discussions not only within the Islamic community but also in the broader context of technology's potential to provide correct information on matters of Islamic law.

Muslim jurists held different opinions on the term "Fatwa," but all of these definitions revolve around a singular meaning, which is a "legal decision" or "verdict." Imam al-Shāṭibī defined fatwa as "informing of a legal ruling, not as an obligation."⁷ Ibn al-Najjār defined a Fatwa as "clarifying the legal ruling."⁸ Imam Al-bahūtī (d. 1051AH) encapsulates a Fatwa as "Explaining the legal ruling for the questioner."⁹ Sheikh Yūsuf al-Qaraḍāwī described a Fatwa 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."¹⁰

The fatwa holds a significant position in Islamic law. It is considered one of the most important religious pronouncements and maintains a high status. Within it, the rulings of the Islamic faith are expounded 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. There are several legal verses from the Quran and hadith on the legality of Fatwa. Allah (SWT) says, "Remember, O Prophet, when Allah took the covenant of those who were given the Scripture to make it known to people and not hide it, yet they cast it behind their backs and traded it for a fleeting gain. What a miserable profit!"¹¹

Ibn Kathīr comment emphasizes the danger faced by the People of the Book (Jews and Christians) when they stay silent despite knowing about Prophet Muhammad's mission. It's a cautionary message to scholars who also hide knowledge, warning them of similar consequences. This validates the legitimacy of the fatwa by drawing from historical parallels.¹² Another verse from Qur'an, "Those who hide the clear proofs and guidance

⁷ Abū Ishāq Ibrāhīm ibn Mūsā Al-Shāṭibī, "Fatawa Al-Shāṭibī, 2nd Edition" (Kairo: Dār ibn Afan, 1997), 68.

⁸ Taqī Al-Dīn Muḥammad bin Ahmad bin Abdul Aziz Ibn al-Najjār, Muntahā al-Irādāt, 1st edition (Beirut: Mu'assasat al-Risālah, n.d.), p. 261.

⁹ Maṣūf Ibn Yūnus al-Buhūtī, Sharḥ Muntahā al-Irādāt, 2nd edition (Beirut: Ālim al-Kuttab, 1996), p. 483.

¹⁰ Yūsuf al-Qaraḍāwī, Al-fatwa Bayn Al-Indibāt Wa al-tasayyub, 1st edition (Kairo: Dār Ṣahwa, 1988), p. 9.

¹¹ QS, Al-Imran: 187

¹² 'Imād ad-Dīn Ismā'īl ibn 'Umar ibn Kathīr, Tafsir al-Qur'ān al-'Aẓīm, 2nd edition (Jeddah: Dār Taibah, 1999), p. 181.

that We have revealed—after We made it clear for humanity in the Book—will be condemned by Allah and all those who condemn.”¹³

Muslim jurists categorized fatwa as a *Fardh Kifāyah* (collective obligation). Therefore, the state must appoint Muftis to issue rulings of Shari'ah in emergency cases and calamities that impact the affairs of individuals and groups in both religious and worldly matters. The originality in the fatwa is that it is a collective obligation (*Fardh Kifāyah*) if there are many Muftis in one country, and they discharge the obligation, the remaining Muslims are freed from the responsibility before Allah. On the contrary, it is *Fardh 'aīn* (individual obligation) if there is no one to discharge the obligation.¹⁴ Furthermore, Imam al-Shawkānī emphasized the crucial necessity for each nation to have individuals who possess the capability to effectively fulfill this communal responsibility.¹⁵ Furthermore, Fatwa becomes *Fardh 'aīn* to anyone who is appointed by the state to issue a legal ruling. Ibn Hamdānī stated that issuing fatwas is considered "*Fardh 'aīn*" when there is only one Mufti in the country. However, if there are two or more Muftis, whether one or both of them are present, it transitions to being "*Fardh Kifāyah*."¹⁶

On the other hand, a fatwa will be deemed *Ḥaram* (forbidden) if the Mufti is ignorant of the ruling and gives a fatwa without knowledge. Similarly, it will be considered *ḥaram* if Mufti loses the element of justice. Ibn Qayyim al-Jawziyya asserted that if the Mufti is ignorant, it is impermissible for him to issue a fatwa without proper knowledge. Should he proceed despite this, he incurs a sin equivalent to that of the one seeking the response.¹⁷ Furthermore, it is not permissible to respond to questions on issues that did not occur, and thus, he is not obligated to respond. In this context, Ibn Hamdānī articulated that when the intent of the *Mustaftī* (the one posing the question) is to ascertain the hypothetical question then there is no objection to responding.¹⁸

Issuing a fatwa can take various forms. A fatwa may be delivered: (i) verbally: Issuing a fatwa verbally is considered the most effective and well-known way to respond to a questioner, as it allows for clear communication and understanding. In this method, the questioner poses a question directly to the mufti, who then seeks clarification to fully understand the inquiry. This 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 fatwa, stating, "So ask the people of the message if you do not know." This verse emphasizes that when seeking a fatwa, one should consult a scholar, and receiving a verbal response from the mufti is often more reassuring.¹⁹ (ii) Action: One of the key methods for conveying meaning to the questioner is through issuing a fatwa, which serves to answer their inquiry and clarify the intended meaning.

¹³ QS, Al-Baqarah: 159.

¹⁴ 'Abd Allah ibn Aḥmad ibn Maḥmud al-Nasafi, al-Baḥr al-Rā'iq Sharḥ Kanz al-daqa'iq fi furū' al-Ḥanafiyah (Beirut: Dār al-Kutub al-Ilmiyah, n.d.), p. 488.

¹⁵ Muḥammad ibn 'Alī ibn Muḥammad ibn 'Abd Allah al-Shawkānī, Irshād al-Fuḥūl ilā Taḥqīq al-Ḥaq min 'Ilm al-Uṣūl, 1st edition (Beirut: Dār Al-Kitāb Al-'Arabi, n.d.), p. 222.

¹⁶ Aḥmad bin Ḥamdan al-Ḥarrānī, *Ṣifāt al-Fatwa wa al-Mufti wa al-Mufti*, 3rd edition (Beirut: al-Maktab al-Islāmī, 1397), p. 6.

¹⁷ 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 (Beirut: Dār al-Jeīl, 1973), p. 157.

¹⁸ al-Ḥarrānī, *Ṣifāt al-Fatwa*, p. 30.

¹⁹ Abdu Ḥāī Azb Abdul-Ālī, *Al-Fatwa wa Ahkamuha*, (Egpy: University of Cairo, n.d), p. 9

This was the approach followed by the Messenger of God, peace and blessings be upon him. He issued fatwas and employed various methods to convey the message, including issuing fatwas through action. In this context, the Prophet Mohammad (SAW) said, “Pray as you have seen me pray,”²⁰ and in another hadith, “Learn your rituals from me.”²¹ Fatwas by action have existed both in the past and continue to be relevant today. (iii) Writing has long been a valuable means of conveying the desired meaning to the questioner. It plays a crucial role in recording and preserving knowledge, and its impact on safeguarding information is significant. The virtue of writing is immense, and its benefits are widespread, as it serves as the foundation of learning. Allah (SWT) says, “Read, O Prophet, in the Name of your Lord Who created...”²² Writing is essential as a method of communicating fatwas, especially in cases where the questioner may be mute, located in a distant place, or likely to forget the answer. In such instances, written fatwas enable the questioner to review and learn from the response. (iv) Gestures: This is a permissible method that may be required in certain situations to convey meaning to the questioner. The mufti may resort to gestures in specific circumstances, such as when the questioner is mute or in a place where they cannot hear. In these cases, gestures become a necessary means to communicate and clarify the intended meaning when other methods are not possible.

This method was used by the Prophet Muhammad (SAW), as narrated by Ibn Abbas (may Allah be pleased with them both). A questioner once asked the Prophet (SAW) during Hajj, “I shaved before I slaughtered,” to which the Prophet gestured with his hand and said, “There is no harm.” The questioner then said, “I slaughtered before I threw the pebbles,” and the Prophet again gestured with his hand and said, “There is no harm.”²³ (v) Acknowledgment is a method of issuing fatwas that has been used both in the past and present to convey legal rulings to the questioner. Acknowledgment can be verbal, serving as a means of confirming the ruling, or it may occur through silence, implying approval without objection. An example of this is Ma’iz’s confession of adultery before the Prophet (SAW). Abu Bakr (RA) said, “If you confess a fourth time, the Messenger of God (SAW) will stone you,” yet the Prophet remained silent, indicating that Ma’iz’s confession was valid and his ruling was correct.²⁴ Acknowledgment also applies to actions not involving worship, where silence may signify the absence of hardship or prohibition, such as the Prophet’s acknowledgment of eating monitor lizards and locusts, even though he himself did not eat them.²⁵

According to Hossam and Yunus, the response to a fatwa may follow the following procedure:

²⁰ Mohammad bin Hiban, *Al-Ihsan fi Taqrib Sahih ibn Hiban*, vol 4, 1st edition, (Beirut: Muasasat Al-Risalah, 1988), p. 543

²¹ Mohammad bin Idris Al-Shafi’, *Musnad Imam Al-Shafi’*, vol 1, 1st edition, (Beirut: Dar Al-Kutoub Al-Ilmiyah, 1951), p. 350

²² Qs, Al-Alaq: 1

²³ Ahmad bin Hanbali, *Musnad Imam Ahmad*, vol 3, 1, 1st edition, (Cairo: Dar Al-Hadith, 1995), 188, Hadith No: 2648

²⁴ Muslim ibn al-Hajjāj ibn Muslim ibn Ward al-Qushayrī an-Naysābūrī, *Sahih Muslim*, Vol 3, 1st ed, (Beirut: Dar Al-Ihyau Al-Turath Al-Arabī, n.d) 1321, Hadith No: 1694

²⁵ Malik bin Anas, *Muwata Imam Malik*, 1st edition, (Beirut: Dar Ihyau At-Turath Al-Arabī, 1985), p. 967

“The mufti begins by praising Almighty Allah (SWT) and sending peace and blessings upon the Prophet Muhammad (SAW). Supporting the legal ruling related to a particular case with verses from the Qur'an and Sunnah, while providing evidence, helps reassure the questioner's heart and increases the likelihood of acceptance with an open heart and understanding of the ruling's basis, which, in turn, leads to greater obedience and compliance. When addressing controversial issues, the mufti should mention the differing jurisprudential opinions and highlight the most preponderant view. The fatwa should be stated in clear and simple terms that everyone can understand, 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 temporal or spatial changes that may occur. Finally, the mufti should take into account the situation and reality of the person seeking the fatwa, ask them relevant questions about the issue, and study it carefully and thoroughly.”²⁶

The Mufti is the head of religious matters because he is the one who conveys the divine rulings of Allah Almighty to the people. Sometimes, these rulings are clear, allowing the Mufti to easily communicate them. However, at other times, these rulings may be concealed, demanding intellectual exertion and special qualifications. These qualifications are obtained through a set of conditions established by scholars, which the Mufti is required to fulfill. Among these conditions, the following are the most crucial: (i) He should be a devoted Muslim, and this condition is a consensus among scholars.²⁷ The Mufti is an informant about the Shari'ah rulings for the people, so it is not permissible for someone who does not profess Islam to assume this position because he cannot be trusted for Shari'ah rulings to be taken from him. This is due to the inherent lack of reliability in seeking Shari'ah guidance from someone whose faith cannot be assured, irrespective of their level of expertise. The testimony of a person who is not held accountable is not deemed valid, and their input is not acknowledged. In this context, the term "Mukallaf who is held accountable" refers to a mature, mentally sound Muslim, regardless of gender. Allah (SWT) says, “O believers! Do not associate closely with others who would not miss a chance to harm you.”²⁸ In this context, Allah (SWT) has forbidden Muslims from establishing intimate and steadfast associations with Hostile non-Muslims. This principle extends to them assuming the role of a Mufti, responsible for issuing religious verdicts on behalf of Allah. (ii) He must know the Holy Qur'an. Knowledge of the Qur'an takes various forms. It is essential for him to grasp its general (‘Āmm) and specific (Khās) principles, the concise (Al-Mujmal) and the elaborate (Al-Mubayyan) aspects, the unrestricted (Mutlaq) and the restricted (Muqayyad) interpretations, the uttered (Mantūq) and the understood (Mafhūm) meanings, among others. Furthermore, he must possess a thorough understanding of the abrogating (Naskh) and abrogated (Mansūkh)

²⁶ Hossamdin Mustafa and Yunus Abdille, *Al-Fatawa Al-Shari'a abra wasail Al-Ilam At-Tanzania: Waqi'uha Waatharuha*. Sumait University Journal, (2022) 10 (1)14-15

²⁷ Ibid., al-Khani, p. 99.

²⁸ Quran.com, “Surah Ali 'Imran - Verse - 118,” Quran.com, <https://quran.com/ali-imran>., accessed 30 November 2023.

verses of the Qur'an. Muslim jurists differed regarding the requirement of memorizing the Qur'an. While we find that al-Shafi'i stipulated that the Mufti must have memorized the entire Qur'an, comprehending everything it contains, we also find that some scholars believe that memorization is not a necessary condition. Instead, it is considered sufficient for the Mufti to be familiar with the placement of verses within the surahs, enabling them to refer to them when needed. (iii) He should have a comprehensive understanding of the Sunnah, which refers to the way of life and legal precedents set by the Prophet Muhammad. It is crucial for him to be well-versed in all aspects. It is essential for him to grasp both its general (ʿĀmm) and specific (Khās) principles.

Furthermore, he must 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 the various types of narrators. (iv) He should be mindful of the points of consensus: This requirement is among those established by Muslim scholars. This ensures that he does not issue fatwas that contradict consensus, and he refrains from claiming consensus when there is actually disagreement.²⁹ (v) He must know the Arabic language: He should be proficient in its rules, as it has a significant impact on deriving Shari'ah rulings. The Qur'an, as a source of legislation, was revealed in the Arabic language. Allah (SWT) says, "And so We have revealed to you a Qur'an in Arabic, so you may warn the mother of Cities and everyone around it, and warn of the Day of Gathering—about which there is no doubt—when a group will be in Paradise and another in the Blaze."³⁰ But most jurists believe that it is sufficient for the Mufti to have a working knowledge of the Arabic language, enabling him to understand the Qur'an and the Sunnah. In this regard, Imam Ghazali (d. 505AH) illustrated the level of understanding of the Arabic language as follows: "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 its complete import, its essence and its 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." (372) (vii) He must know the Qiyās (analogical reasoning) which is an extension of sharia value from an original case (Asl) to a new case (far'ū), because the latter has the same effective cause (ʿilla) as the former.³¹ (vi) He must possess an understanding of the objectives of Sharia rulings, including extensive knowledge of what serves the collective interests of all Muslims, in alignment with the principles of Darūriyāt (necessities), Tahsīniyyāt (Enhancements), and Hajjiyyāt (luxuries). Ibn Ashūr illustrates that the intent of Islamic Sharia is to uphold the harmony of the world and regulate human behavior in a manner that safeguards it from corruption and decline. This objective is achieved through the promotion of benefits and the prevention of hardships.³² (viii) To be characterized by piety and solidity in his religion, unafraid of rightful criticism while carrying out the commands of Allah. (ix) He should be

²⁹ Maḥmūd Muḥammad al-Ṭanṭāwī, *Uṣūl al-Fiqh al-Islāmī*, 3rd edition (Cairo: Maktabat Wahbah, 2001), p. 481.

³⁰ QS, Ash-Shuraa: 7

³¹ Muḥammad Abū Zuhra, *ʿIm Usūl al-Fiqh*, 1st edition (Kairo: Dār al-Kitāb al-ʿArabī, n.d.), p. 335.

³² Muḥammad al-Ṭāhir ibn ʿĀshūr, *Maqāṣid al-Shari'ah al-Islāmiyyah*, 1st edition (Beirut: Dār al-Jeil, n.d.), p. 299.

characterized by moderation and non-extremism, and should not be fanatical towards a particular school of thought. Fanaticism toward a single school of thought and disregarding the others can lead to errors on the path to forming valid interpretations (fatwas). In this regard, Imam al-Shāṭibī stated that a Mufti who has attained the highest levels of education is someone who delivers rulings based on moderation. Such a Mufti should avoid leaning towards extremism and bias towards a specific school of thought. If these principles are not upheld, the Mustafti (the person posing the question) may develop aversion towards the religion or be enticed by temptation and whims.³³ If a person meets the aforementioned conditions, He will become a Mufti, and it is compulsory for them to deliver a legal ruling. He will be rewarded based on the accuracy of their fatwa, whether it is correct or not. The prophet Muhammad (SAW) said, 'If a judge passes judgment and strives to reach the right conclusion and gets it right, he will have two rewards; if he strives to reach the right conclusion but gets it wrong, he will still have one reward.'³⁴

Due to the elevated importance of the fatwa, Allah (SWT) assigned it as a responsibility to the prophets (May Allah bless him and grant him peace). The Prophet Muhammad (peace be upon him) held this position during his lifetime. His fatwa was concise but comprehensive in meaning. Allah (SWT) says, "Should you disagree on anything, then refer it to Allah and His Messenger, if you truly believe in Allah and the Last Day. This is the best and fairest resolution."³⁵ The Fatwas (religious rulings) of Prophet Muhammad were transmitted to us, and he also allowed them to be written down. This is exemplified in the story of Abu Shah, who requested the Prophet Muhammad to write down a Ḥadīth Hadith for him. In this regard, Imam Ibn Qayyim presents an example of a fatwa given by Prophet Muhammad in his book: "I'lām al-Muwaqqi'īn 'an Rab al-'Ālamīn." There were many companions of the Prophet Muhammad (SAW) who 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). According to Ibn Qayyim, the fatwas of one hundred and thirty companions were recorded.³⁶ In addition, these fatwas were also recorded by Abdulrazak Al-San'ānī in his book *al-Musannaf* and by Ibn Abi Shaiba in his book *al-Musannaf*.

The conditions associated with a mufti do not apply to AI, such as systems like GPT-3.5, which function as technologies that analyze information and produce responses using algorithms and data. Unlike a mufti, AI lacks consciousness, comprehension, and personal experiences. Additionally, while AI systems are trained on extensive datasets that may include texts from various fields, including Islamic law, they do not have an inherent understanding or the capacity to interpret subtlety, context, or human emotions. In contrast, the process of issuing a fatwa by a mufti involves critical thinking, reasoning, and often collaboration with other scholars, allowing them to consider diverse opinions and interpretive traditions. Conversely, AI operates on predefined algorithms and models,

³³ al-Shāṭibī, *Fatawa al-Shāṭibī*, p. 276.

³⁴ 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), p. 223.

³⁵ QS, An-Nisaa: 59

³⁶ Ibn Qayyim al-Jawziyya, *I'lām al-Muwaqqi'īn*. P. 214.

generating responses by predicting the most probable answer based on its training data, without engaging in critical reasoning or evaluating different scholarly perspectives.

In terms of legitimacy, the use of AI in issuing fatwas is allowed because it provides a benefit that aligns with reasonable principles, known as *Maslahah Mursalah* (public interest). However, caution is needed, as the information provided by AI may be incorrect due to potential errors in fatwa preparation technology. Additionally, AI-based fatwas may rely on unverified or unreliable sources, as the technology aggregates information from both credible and non-credible sources. Therefore, fatwas issued by AI hold no legal authority since a fatwa's purpose is to inform about a legal ruling rather than enforce it as a mandatory obligation.

The intensity of the companions' dedication to issuing fatwas was categorized into three ways: the high, the average, and the low. Those in the first category were seven and these are 'Umar bin Khattāb, 'Alī 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). Those in average included thirteen companions and these were Abubakar Aswidiq, Umu Salama, Anas bin Mālik, Abu Said Al-Khudhrī, Abu Huraira, Othman ibn Affān, Abdullah ibn 'Amru ibn al-'āsī, Abdullah bin Zubair, Abu Musa al-Asharī, Saad ibn Abī Waqqās, Salman al-Fāris, Jābir ibn Abdullah, Muadh bin Jabal (May Allah be pleased with them). Those in the low category issued one or two fatwas. Their names were mentioned by Ibn Hazm in his book entitled 'As-hāb al-fatāwa mina Sahaba wa Tabi'in 'an marātibihim.³⁷

The jurisprudence of the Companions spread throughout the world. The people of Mecca acquired knowledge from Abdullah bin Abbās, while the people of Iraq received it from Abdullah bin Masoud, and the people of Medina received it from Zaid bin Thābit and Abdullah bin 'Umar. Each of them had their own characteristics, rules, and schools of thought. Some of them leaned toward strict adherence to commandments, while others opted for concessions and mitigations. Some adhered to the apparent meaning of the text, while some delved into the goals and purposes behind the text. Subsequently, the Tābi'ūn also began to issue fatwas in the presence of the companions, as reported by Ibn Qayyim. Abdulrahman bin Zaid said, when 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 Basra, Mak-hūl for Shāmi, Atā al-Khurāsānī for Khurāsān was, and Said bin Musaib for Medina was Said bin Musaib.³⁸

After the end of the era of the Companions and Tābi'ūn, the commencement of codification of jurisprudence began. During this period, the eight schools of jurisprudence were established in the Islamic state. These schools included the four Sunni schools of thought (Hanafi, Maliki, Shafi'i, and Hanbali), the Shiite ones (Imāmi and Zaidi), and the Ibadi and Zahiri schools of thought. These distinct schools of thought developed their own origins, rules, and methodologies.³⁹

³⁷ al-Khani, *Al-Fatawa*, p. 78.

³⁸ Ibn Qayyim al-Jawziyya, *I'lām al-Muwaqqifin*, p. 22.

³⁹ Ali Juma, *Nashat Al-Ifṭā fi Al-Islam*, Official website: <https://www.draligomaa.com/index.php/الوكند/المكتبة/مقالات/الوكند/item/799> --الإفتاء في الإسلام نشأة الإفتاء في -- accessed 9 September 2023.

The school of thoughts still live on in the Islamic world today. Following that, the imitation phase commenced and persisted until the onset of our contemporary era, known as the institutional stage. The imitation phase commenced during a period when reality was gradually evolving, indicating that significant alterations were not occurring in people's lives. To illustrate, individuals who wished to undertake a pilgrimage in the year 1100 hijri followed the same procedures as 'Umar Ibn al-Khattāb did in the year 20 hijri. This suggests that there were no novel challenges necessitating the issuance of new religious decrees (fatwas). Consequently, scholars relied on existing fatwās as their primary sources of guidance. Following that, the imitation phase commenced and relied on existing fatwās as their primary sources of guidance. The last stage began (institutional stage), people's realities were shifting at a higher rate than in the previous ages. Societies have started to develop economic and social systems. The age of our modern society contributed to institutionalism, which also represents the new age of fatwa. This stage marks the beginning of fatwa institutions specializing in fatwa research and issuing fatwa.

The first fatwa institution in the entire world is Egypt's Dār al-Iftā. The grand Mufti (a Mufti is someone who performs iftā) comes at the top of the fatwa institutions and administers a comprehensive system for issuance of fatwas and other fatwa related services for the Islamic world. At the onset of the final phase, known as the institutional stage, there was a notable acceleration in the transformation of people's realities compared to earlier periods. Societies commenced the development of both economic and social systems. This era, characterizes our modern society, played a pivotal role in the rise of institutionalism, which also signifies the emergence of a new era for fatwas. This phase marks the inception of specialized institutions dedicated to the study and issuance of fatwas. Egypt's Dār al-Iftā stands as the world's first institution of such establishment. At the helm of these fatwa institutions is the grand Mufti, responsible for overseeing a comprehensive framework for delivering fatwās and providing related services to the global Islamic community.⁴⁰

Issuing of Fatwa through AI: Over time, people began to rely on fatwās published through social media and technologies, including GPT 3.5. Chat GPT, also known as Chat Generative Pre-Trained Transformer, is a sophisticated chatbot created by Open AI. It was introduced on November 30, 2022, and allows users to shape and guide conversations to meet specific criteria such as length, format, style, level of detail, and language. This process involves using a series of prompts and responses, referred to as prompt engineering, to maintain context and progress the conversation at each stage. The aspects of AI include natural language processing, knowledge representation, automated reasoning, and machine learning.⁴¹

⁴⁰ Egypt's Dar Al Iftaa | Dar al-Iftaa | Dar al-Iftaa al-Misriyyah, "History of Fatwa," Egypt's Dar Al-Ifta, <https://www.dar-alifta.org/en/fatwa/history-of-fatwa>, accessed 6 December 2023.

⁴¹ Foundation/A brief history of AI, official Website: <https://web.pdx.edu/~arhodes/AI_history.pdf> accessed 16 October 2024.

Shortly, GPT 3.5 is used for the following: answering questions, summarizing text, translating text to other languages, generating code, generating blog posts, stories, conversations, and other content types.⁴² On the other hand, GPT-3.5 has several key operational features including: Natural Language Processing (NLP), Contextual Understanding, Text Generation, Knowledge Representation, Automated Reasoning, Adaptability Across Domains, Machine Learning, Task Generalization and Interactive and User-Driven. This model has been trained on a wide range of datasets, allowing it to understand patterns, context, and subtle language details. By processing large amounts of text data, GPT-3.5 can predict the next word in a sentence, enabling it to produce full paragraphs or even entire articles. Its sophisticated abilities support the generation of both structured and unstructured content, making it a flexible tool for various sectors.⁴³



Without a doubt, the fatwa spreads through social media and GPT-3.5 has several impacts, such as the dissemination of knowledge and jurisprudential culture, guiding people towards what will benefit them in their religious and worldly affairs through the broadcast of questions and answers. Additionally, it fosters cohesion among the people and their leadership, as a sound fatwa has a unifying effect on the nation's stance, contributing to order and stability in society. When the fatwa aligns with the provisions of Shari'ah, the state of the nation remains steadfast, and its governance is based on God's law.

Expanding on the previously mentioned details, it's important to note that GPT-3.5 currently has 100+ million users, and the website sees nearly 1.5 billion visitors per month.⁴⁴ These users include Muslims seeking information on Muslim family law, which encompasses the legal aspects of marriage, divorce, and inheritance within the context of Islamic family law. Therefore, it is important to evaluate GPT-3.5 regarding the delivery of accurate fatwas in accordance with Islamic law.

Research Methodology

The research method applied is Qualitative research. The main objectives are to comprehend and analyze the subtleties, context, and underlying meaning of human experiences related to the topic. This section summarizes the study methodology which includes: (i) Research Design: The study will take an analytical approach by outlining research questions, objectives, and the scope of the study. In this regard, I will explore the significance of technology, particularly GPT-3.5, on the issuance of fatwas related to estate distribution. (ii) Sampling: The researcher will select a sample of cases from Islamic inheritance. Further, involving Islamic scholars, legal experts, technology specialists, and individuals with personal experiences related to estate distribution and fatwas to evaluate the capabilities of GPT-3 in processing and issuing fatwas to determine whether it can offer

⁴² Abid Ali Awan, "What Is GPT-4 and Why Does It Matter?," DataCamp, Inc, <https://www.datacamp.com/blog/what-we-know-gpt4>, accessed 6 December 2023.

⁴³ Sebastian Hughes, Understanding OpenAI GPT-3.5: Features, Benefits, and Applications of Advanced AI Technology, Official Website: < <https://xchatgpt-ai.com/blog/openai-gpt-3-5> > accessed 16 October 2024.

⁴⁴ Fabio Duarte, Number of ChatGPT Users (Oct 2024), Official Website: < <https://explodingtopics.com/blog/chatgpt-users> > accessed 9 September 2023.

correct fatwas that are consistent with Islamic law. (iii) Data Collection: The researchers gathered information from jurisprudence books, articles, websites, among other sources. (iv) Data Analysis: The researcher plans to employ content analysis techniques to examine the gathered data. This examination will involve analyzing GPT's responses regarding the inheritance cases. Within this research, potential themes may emerge concerning the pros and cons of technology utilization in religious settings, the significance of human interpretation, and ethical considerations. (v) Interpretation and Discussion: The author will interpret the findings in the context of inheritance cases, discussing the opportunities, challenges, and implications of integrating technology, such as GPT-3.5, as a suitable AI model to test its ability to process and respond to legal questions, particularly those related to fatwas. The study focuses on inheritance rulings, which can have significant consequences, including financial injustice or family disputes. Therefore, it is essential to assess whether AI, like GPT-3.5, can be reliably used to assist in such sensitive legal matters. (vi) Ethical Considerations: The authors will make sure that ethical issues have been considered throughout the research, especially when dealing with delicate religious subjects and people. Obtain participants' consent after providing them with information, keep all information private, and respect their opinions and beliefs. (vii) Validity and Reliability: The validity and reliability of the research findings will be upheld through collaboration with Islamic scholars who will review interpretations to verify their accuracy. Additionally, a systematic coding and data analysis approach will be employed to bolster the dependability of the results.

The following table illustrates responses to the inheritance cases⁴⁵ from GPT-3.5, as shown below:

Table 1.

| No | Case | Questions | GPT-3.5 Responses |
|----|--------------------|--|---|
| 1 | Homicide (al-Qatl) | 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 own wrongdoing. It's |

⁴⁵ 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>.

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| | | | 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.” |
| 2 | Difference of Religion | Does the Christian father inherit anything from the inheritance according to Islamic law? | “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.” |

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| 3 | Qur'anic heirs (Ashab al-Furudh) | A Muslim dies and survived by 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 are 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: Wife receives $(3/24) \times 100,000$ KSH = 12,500 KSH. Daughter receives $(12/24) \times 100,000$ KSH = 50,000 KSH. Mother receives $(4/24) \times 100,000$ KSH = 16,667 KSH. The total distribution adds up to 79,167 KSH. The remaining amount, $100,000$ KSH - 79,167 KSH = 20,833 KSH, 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 (Asabat) | A Muslim dies and survived by husband, father, mother, three germane | <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</p> |

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| | brothers, and a son; his estate is estimated at 240,000 ksh, How will they inherit? | Kenyan Shillings (KSH). Determine the shares: The husband is entitled to $\frac{1}{4}$ (25%) of the estate. The father is entitled to $\frac{1}{6}$ (16.67%) of the estate. The mother is also entitled to $\frac{1}{6}$ (16.67%) of the estate. The son is entitled to $\frac{1}{2}$ (50%) of the estate. Calculate each heir's share: Husband: $(\frac{1}{4}) * 240,000$ Ksh = 60,000 Ksh Father: $(\frac{1}{6}) * 240,000$ Ksh = 40,000 Ksh Mother: $(\frac{1}{6}) * 240,000$ Ksh = 40,000 Ksh Son: $(\frac{1}{2}) * 240,000$ Ksh = 120,000 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 (Zawul arham) If a Muslim dies 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, peace be upon him). 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 $\frac{1}{2}$ (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 | Hajb (exclusion) If a Muslim dies and is survived by his father and grandfather and no other heirs, his estate is estimated at 100,000 ksh. | “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 ($\frac{1}{6}$) of the estate. In this case, one-sixth of 100,000 KSH is 16,667 KSH. Grandfather: The paternal grandfather, as a |

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| | | How will they inherit? | 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 $100,000 \text{ KSH} - 16,667 \text{ KSH}$ (father's share) = $83,333 \text{ KSH}$ for the grandfather.” |
| 7 | Al-Minbariyah (The podium) | If a Muslim dies 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? | <p>“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:</p> <p>Wife: The wife is entitled to $\frac{1}{8}$th (12.5%) of the deceased's estate.</p> <p>Daughters: The daughters collectively are entitled to $\frac{2}{3}$rd (66.67%) of the estate. Since there are two daughters, each daughter would receive $\frac{1}{3}$rd (33.33%) of the estate.</p> <p>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 $\frac{1}{6}$th (16.67%) of the estate.</p> <p>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 $\frac{1}{6}$th (16.67%) of the estate.</p> <p>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.”</p> |
| 8 | Al-Umariyyah | A Muslim dies and leaves behind his wife, mother, and father with 120,000 ksh. How will they inherit? | “In Islamic law, inheritance is governed by specific rules outlined in the Quran and Hadith (sayings and actions of the Prophet Muhammad, peace be upon him). 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 $\frac{1}{8}$ th (12.5%) of the deceased husband's |

estate if there are no children. If there are children, her share 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.”

- 9 Radd (return) A deceased Muslim left only a mother and daughter. How will they inherit 100,000 Ksh?
- “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: $\text{Mother's share} = (1/6) * \text{Total Estate}$
 Calculate the daughter's share: $\text{Daughter's share} = (5/6) * \text{Total Estate}$
 Given that the total estate is 100,000 Ksh, you can now calculate their respective shares:
- Mother's share = $(1/6) * 100,000 \text{ Ksh} = 16,666.67 \text{ Ksh}$ (rounded to the nearest whole number)
 Daughter's share = $(5/6) * 100,000 \text{ Ksh} = 83,333.33 \text{ Ksh}$ (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. Please note that these calculations

10 Al-Akdariyah

A deceased Muslim left only a husband, mother, grandfather, and full sister. How will they inherit 100,000 Ksh?

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.”

“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: $(1/4) * 100,000 \text{ Ksh} = 25,000 \text{ Ksh}$ 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.”

Source: author framework

Results and Discussion

A total of ten cases on distribution of estate were tested to GPT 3.5. The names of the cases are Homicide (al-Qatl), a difference of religion, Qur'anic heirs, residuary heir, distant kindred, Hajb (exclusion), al-Minbar, al-Ummariyyah, Radd (return), and al-Kadariyyah. The study labeled Information obtained as Q, while data from respondents are labeled as R1, R2, R3, R4 to R10. The analysis and interpretation of the data in this study is represented as N.

N 1. Homicide (al-qatl): Muslim jurists concur that a killer does not inherit from the person he purposefully killed (Muwarriḥ) for the reason accelerate and lead to universal chaos for the reason accelerate and lead to universal chaos, for the same reasons stated in GPT 3.5, "actions go against the fundamental principles of justice and morality in Islam, Furthermore, GPT 3.5 cited the verse in the wrong place (Surah An-Nisa, 4:12). In addition, GPT 3.5 failed to cite the prophetic traditions that can be referred to as authoritative sources, which state that killing impedes a person from inheritance. These traditions are as follows: "A murder does not inherit anything."⁴⁶ In another hadith, it is reported that "there is no inheritance for a murderer".⁴⁷ Additionally, GPT 3.5 fails to present a school of thought regarding types of murder, which impedes the killer from inheriting the property. In Islamic criminal law, there are three types of killing: (i) 'amd (intentional), (ii) shibhu 'amid (semi or quasi-intentional), and al-Khata (mistake). The type of killing would be determined based on the intention and weapon used in causing the death of the victim.

Based on the aforementioned, Muslim jurists agree that intentional murder impedes the killer from inheriting, as stated in GPT 3.5: "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". In summary, there is a consensus among Islamic legal scholars that intentional and deliberate killing disqualifies a person from inheriting. Nevertheless, most of them assert that if the killing occurs accidentally or for a legitimate reason, the individual will be disqualified from inheriting.⁴⁸

N2. Differences in religion are one of the impediments to inheritance. This is because inheritance has a religious specificity in Islamic law, so a non-Muslim does not inherit from a Muslim. The prophet Mohammad (SAW) said, "A Muslim does not inherit from a non-Muslim and the non-Muslim does not inherit from a Muslim".⁴⁹ another hadith is reported, "Person from two religions do not inherit each other forever".⁵⁰ The important issue concerns the matter of inheritance in the event of a person's death. If an individual who was not a Muslim (an infidel) converts to Islam after the death of their Muslim relative, they do not inherit from the deceased, even if their conversion to Islam took place before the estate was divided, as per the majority opinion. However, in contrast to Imam Ahmad's view, they

⁴⁶ Abd Allah ibn Abd al-Rahman al-Darimi, Sunan ad-Dārimī, Vol 4, 1st edition (Saudi: Dār Al-Mughni, 2000), p. 1988

⁴⁷ Muḥammad ibn Yazīd ibn Mājāh, Sunan Ibn Majāh, Vol 3, 1st edition (Beirut: Dār Al-Risalah Al-Alamiyah, 2009), p. 662

⁴⁸ Wan Noraini Mohd Salim, Islamic Law of Succession, 1st edition, (Malaysia: Printmate Sdn Bhd, 2012), p. 31

⁴⁹ Abū Bakr Ibn Abī Shaybah, Musnad Abu Shaybah, Vol 1, 1st edition (Riyadh: Dar Al-Watan, 1997) p. 113

⁵⁰ Abd al-Razzaq al-San'ani, Musannaf Abd al-Razzaq al-San'ani, Vol 6, 2 edition (Beirut: Al-Maktab Al-Islami, 1403) 14

would inherit from the infidel if their conversion to Islam occurred before the distribution of the inheritance. This is done to incentivize and encourage their conversion to Islam.⁵¹

Regarding the question pose, 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. However, come with the scenario that "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." Instead, Islamic law would prioritize the will of the deceased, if one exists, and allocate a portion of the estate to the *Beit al-Mal* (Islamic national treasury) as a form of charitable distribution, while other scholars said the priority would go to the distant kindred. Allah (SWT) said, "For men there is a share in what their parents and close relatives leave"⁵² Another verse from Qur'an, "But only blood relatives are now entitled to inherit from one another".⁵³

N 3. Qur'anic Heirs: A Muslim dies and is survived by his wife, mother, one daughter, and one German sister; his estate is estimated at 100,000 ksh. How will they inherit? Based on the question above, a share of the wife is $1/8$, a share of the mother is $1/6$, and a share of the daughter is $1/2$, so the wife is entitled to receive 12,500, a daughter is 50,000, and a mother is 16,667. There is no difference between the GPT 3.5 responses, but the problem emerged with the share of 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 may be used to settle any outstanding debts or as the deceased had willed in his bequest, if any. Nevertheless, the full sister's share, in accordance with Islamic inheritance laws, is the residue of the estate, which is 20,833 ksh. Finally, it is obvious that GPT 3.5 does not comprehend the laws governing residue. To summarize, the inheritance distribution would be as follows: Wife: 12,500 ksh Mother: 16,667 ksh Daughter: 50,000 ksh Full Sister: 20,833 ksh (the residue)

N 4. Residuary heirs (*Asabat*): A Muslim dies and is survived by her husband, father, mother, three German brothers, and a son; his estate is 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 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: $(1/4) * 240,000 \text{ Ksh} = 60,000 \text{ Ksh}$. Father: $(1/6) * 240,000 \text{ Ksh} = 40,000 \text{ Ksh}$. Mother: $(1/6) * 240,000 \text{ Ksh} = 40,000 \text{ Ksh}$. Son: $(1/2) * 240,000 \text{ Ksh} = 120,000 \text{ KSH}$, while the three German brothers are not mentioned in the Quranic inheritance rules. Based on the analysis above, the shares of the husband, father, and mother are correct, but GPT 3.5 does not justify the reasons for inheriting those shares. Furthermore, the son is entitled to receive the residue of the remaining balance, not $1/2$, which is 100,000 ksh, not 120,000, as captured in GPT 3.5. In addition, the son blocks Full Brother from receiving any share, which is known as *Hajb Nuqsan*, because their shares are not mentioned in the Quranic inheritance rules. To summarize, the inheritance distribution would be as follows: Husband: 60,000 Ksh, Father: 40,000 Ksh, Mother: 40,000 Ksh, Son: 100,000 Ksh (the residue) Three German brothers: excluded by son.

⁵¹ Sidiq Mohammad Al-Amin Dharir, *Al-Mirath fi Sharia Al-Islamiyyah*, 2nd edition, (Sudan: Dar Jamia Al-Qur'an I-Karim, 1999), p. 34

⁵² QS, An-Nisa: 7

⁵³ QS, Al-Anfal: 75

N 5. Distant Kindreds (Zawul arham): If a Muslim dies and is survived by his uncle and daughter and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit? According to GPT 3.5, the daughter would receive 1/2 (or 50%) of the total estate, which is 100,000 Ksh. The uncle would not inherit a specific share of the estate. Based on the analysis above, the uncle is among the Zawal arham (distant kindreds); he is the relative of the deceased by blood but is not mentioned in the Qur'an and Sunnah as entitled legal heirs. Therefore, the uncle is not entitled to inherit in the presence of one of the primary legal heirs, who is his daughter, not as mentioned in the GPT 3.5. Due to this, he is not a direct heir in this scenario.

N 6. Hajb (exclusion): If a Muslim dies and is survived by his father and grandfather and no other heirs, his estate is estimated at 100,000 ksh. How will they inherit? According to GPT 3.5, 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. The paternal grandfather, as a surviving relative in the absence of other heirs, does not receive a fixed share under Islamic inheritance law and continues to respond. 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 (the father's share) = 83,333 KSH for the grandfather. In this regard, the father will inherit the entire estate and will exclude the grandfather from inheritance, and this is known as Hajb Nuqsan.

N. 7 Al-Minbariyah (Pulpit Case): If a Muslim dies and is survived by his wife, two daughter, father and mother, His estate is estimated at 600,000 Ksh. How will they inherit? According to GPT 3.5 a wife is entitled to 1/8th (12.5%) of the deceased's estate. Daughters collectively are entitled to 2/3rd (66.67%) of the estate. The father is entitled to 1/6th (16.67%) of the estate. 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 and Mother: 100,000 Ksh. The origin of awl is the case decided by Sayyidina Ali (RA) known as the case of al-Minbariyyah. Sayyid Ali was delivering a sermon in the mosque when a man asked him of wives rights of his two daughters. Sayyid Ali (RA) confidently replied that the wife's one eighth becomes one ninth. The share of wife is 1/9 th of the deceased's estate and the rest share is correct as indicated in the GPT 3.5 father 1/6 th, mother 1/6th and two daughters is 2/3rd. so wife is entitled to 66,660, the father 88,888, the mother 88,888 and two daughters 355,552. In conclusion, GPT 3.5 made a mistake in giving rights to those who did not deserve them.

N 8. Al-Umariyyah: A Muslim dies and leaves behind his wife, mother, and father with 120,000 ksh. How will they inherit? Al-Umariyyah are two hypothetical issues that have a special status and a special ruling in the science of inheritance because the normal rules regarding the parents do not apply. These two issues were given the name Al-Umariyyah in reference to Omar bin Al-Khattab (RA) because he was the first to render a verdict on them. The remaining heirs are either one of the spouses, mother or husband. Also, the same case is known as Gharawein. According to GPT 3.5 the wife is entitled to 1/8th (12.5%) of the deceased husband's estate which is 15,000 Ksh. The mother is entitled to 1/6th (16.67%). of

the estate. In this case, the mother will inherit 16.67% of the estate, which is 20,000 Ksh. The father is entitled 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. Based on the above analysis, GTP 3.5 mistakenly distributed the share. The share of the wife is 1/4, the mother is 1/3 al-baqī, and the father is al-baqī (residue). So, the share of the wife is 30,000 Ksh. The share of the mother is 30,000 Ksh, and the share of the father is 60,000 Ksh.

N 9. Al-Radd “returned to”: A deceased Muslim left only a mother and daughter. How will they inherit 100,000 Ksh? According to GPT 3.5 “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: Mother's share = (1/6) * Total Estate Calculate the daughter's share: Daughter's share = (5/6) * Total Estate Given that the total estate is 100,000 Ksh, you can now calculate their respective shares: Mother's share = (1/6) * 100,000 Ksh = 16,666.67 Ksh (rounded to the nearest whole number) Daughter's share = (5/6) * 100,000 Ksh = 83,333.33 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.” GTP 3.5 mistakenly distributed the share. The share of the daughter is 1/2 according to the Qur’anic verse "and if she was one, she is entitled to half" (Suratul An-Nisa 11), while the share of the mother is one-sixth (1/6). Allah (SWT) says, "But if you leave siblings, then your mother will receive one-sixth" (Suratul An-Nisa 11). So their respective shares of daughter is 1/2 and mother is 1/6, and the denominator is 6, but the total of the prescribed shares does not exhaust the entire estate, so the denominator is 4. For this case, we take the estate amount of Ksh 100,000 divided by the denominator of 4, which will give (25,000). We multiply each heir's share by 25,000 to get their total share. $3 \times 25000 = 75,000$ share of daughter and share of mother is $1 \times 25000 = 25000$.

N. 10 Al-Akdariyah: A deceased Muslim left only a husband, mother, grandfather, and full sister. How will they inherit 100,000 Ksh? This case was named Al-Akdariyah due to its complexity in the field of inheritance law. The Al-Akdariyah case deviated from the established rules of inheritance between grandfathers and brothers in three distinct ways, as detailed below: (i) According to inheritance rules, when brothers are involved alongside a grandfather, and only one-sixth of the inheritance remains, the brothers' entitlements are extinguished, and the grandfather inherits the entire remaining share. However, in the Al-Akdariyah case, the sister was not excluded but instead shared in the inheritance alongside the grandfather. (ii) Inheritance rules for cases involving brothers and grandfathers do not typically involve the concept of "Awl" (adjustment), yet in the Al-Akdariyah case, this adjustment factor came into play, altering the distribution. (iii) In regular inheritance cases, no obligations are placed on the sister's share. However, in the Al-Akdariyah case, certain obligations were imposed upon her share of the inheritance. According to the response of the GPT 3.5 “The husband is entitled to a share of one-fourth (1/4) of the estate if the deceased wife has no children. The mother is entitled to a share of one-sixth (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 a share of one-half ($1/2$) 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: $25,000 \text{ Ksh}$ (husband) + $16,666.67 \text{ Ksh}$ (mother) + 0 Ksh (grandfather) + $50,000 \text{ Ksh}$ (sister) = $91,666.67 \text{ Ksh}$ 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". GTP 3.5 mistakenly distributed the share. The share of the husband is $1/2$, the share of the mother is $1/3$, the share of the grandfather is $1/6$, and the share of the full sister is $1/2$. This was divided by Zaid bin Thabit (RA).

According to the rules of inheritance, if only one-sixth of the inheritance remains, the grandfather inherits the entire remaining share, and the full sister will receive nothing, but Zaid opposes this rule and imposes on the sister $1/2$ so the denominator increases from 6 to 9, then he harmonizes the shares of the grandfather and sister after he discovers that the sister received more than the grandfather. Unfortunately, 4 can be divided into 3 people (grandfather and full sister), and to get a denominator, we will multiply $3*9=27$. The share of the husband is $3*3=9$, the share of the mother is $3*2=6$, the share of the grandfather and full sister is $3*4=12$, and we will use the double share principle here, so the share of the grandfather is 8 and the full sister is 4. To calculate the actual amounts inherited by each heir, you need to add up the shares allocated to them: Husband: 33,330 ksh; mother: 22,220; grandfather: 29,630; and full sister: 14,810.

Conclusion

This study critically reviews the role of technology in issuing fatwas on the distribution of estate, exploring opportunities, challenges, and implications using GPT-3.5. The most significant finding is that GPT-3 provides faster reaction times than conventional techniques. Furthermore, GPT-3.5 provides incorrect fatwas related to the distribution of estate, especially in cases of homicide, differences in religion, Qur'anic heirs, residuary heirs, distant kindred, exclusion, al-Minbariyyah, al-Radd, al-Umariyyah, and al-Akdariyyah due to the following: (i) It lacks the religious expertise, contextual understanding, and deep knowledge of Islamic jurisprudence that human scholars possess. (ii) AI models can misinterpret questions, leading to incorrect or inappropriate responses. (iii) AI models can inherit biases present in their training data, which may lead to biased or unfair fatwa issuance. (iv) Fatwa issuance often involves a dialogue between the questioner and the scholar to clarify and tailor the response. AI models cannot engage in such interactive conversations effectively. Based on the above, GPT-3.5 can play a significant role in improving the efficiency, access to expertise, and dissemination of fatwas through the following: GPT-3.5 enables scholars to access a vast array of Islamic texts, including the Quran, Hadith, and classical jurisprudential works, quickly and efficiently. This can expedite research and the formulation of legal opinions. GPT-3.5 allows individuals from remote or underserved areas to seek fatwas from

qualified scholars without the need for physical presence. In addition, GPT-3.5 allows for the creation of searchable databases of fatwas, making it easier for individuals to find relevant rulings on specific topics. Finally, GPT-3.5 can host interactive Q&A sessions with scholars, fostering a better understanding of Islamic jurisprudence and encouraging a dialogue between scholars and the public. In summary, the integration of technology into the fatwa issuance process presents both opportunities and challenges. It can enhance efficiency, accessibility, and knowledge sharing, but it also raises concerns about incorrect fatwas circulating widely, leading to confusion and potential harm to individuals and society. Therefore, it is recommended to input all data and cases of Islamic inheritance into GPT-3.5, along with online inheritance calculators. Furthermore, to consider the application of technology, such as GPT-3.5, to assist with the fatwa issuance process regarding estate distribution, several aspects warrant further investigation: (i) investigating the compatibility of AI-generated guidance with the legal framework of Sharia law. (ii) Evaluating the role of AI in interpreting religious texts and jurisprudential opinions related to estate distribution. (iii) Investigating the capacity of AI systems to handle complex cases, such as missing persons, children in the womb, multiple deaths, and hermaphrodites, among others.

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