International Journal of Innovative Inventions in Social Science and Humanities

ISSN(print): 3050-6921, ISSN(online): 3050-693X

Volume 03 Issue 01 January 2026

DOI: 10.58806/ijiissh.2026.v3i1n12

Page No: 103-115

Artificial Intelligence in Islamic Fatwa and Shariah Advisory: Opportunities, Limitations, and the Imperative of Human-in-the-Loop Shariah Governance

Mufti Masum Billah[1], Zahiduzzaman Zahid (CSAA, CIPA, CISA, CSCA, PMP)[2]

[1]Chairman, Shariah Advisory & Research Council-SARC (www.sarcbd.com) and Member, Shariah Advisory Council, Bangladesh Securities & Exchange Commission (BSEC), Dhaka, Bangladesh

[2]Islamic FinTech & Business Analytics Researcher, University of the Cumberlands, Kentucky, USA; https://orcid.org/0009-0009-0075-0905

ABSTRACT

The adoption of Artificial Intelligence (AI) and large language models by Islamic financial institutions is accelerating rapidly. While this offers great opportunities, it has also raised many serious concerns over Shariah compliance. This paper critically assesses the role of AI in Ifta and Shariah advisory services in Islamic banking and finance, with reference to Bangladesh's regulatory and ethical framework.

Drawing on both classical and modern Usul al-Fiqh literature, this study confirms that the institution of ifta is founded on qualities essential to humanity. These are primarily taqwa (Allah-consciousness), the spiritual eye (firasah), the contextual meaning of urf and maslaha, and accountability before Allah. This is because they are essential for achieving the aims of the shari'ah. Finally, the view is also upheld that AI is deficient and cannot possess these basic human qualities. The classical conditions (being a Muslim, mukallaf, adil, thiqah, competent in ijtihad) for a mufti are not satisfied by AI systems. In addition, technical flaws. The factors of statistical hallucination, training data bias, incomplete digitization of classical sources, and the absence of real-time socio-cultural contextualization make AI-generated fatwas, produced independently, unreliable. They can also be disastrous if used in sensitive financial contracts.

Nonetheless, the use of human-in-the-loop systems in the Ifta (Fatwa issuance) process can yield significant ancillary benefits, such as rapid retrieval of classical fatwas, comparative fiqh, drafting preliminary opinions, and improved Shariah audit efficiency. The author proposed "Shariah Governance Framework for Artificial Intelligence (AI) Integration" for the Islamic financial institutions (IFIs) of Bangladesh which mandates (a) human-mufti oversight at the final stage of decision-making of AI software, (b) regular ethical and bias audits, (c) mandatory disclosure when tools of AI are used, (d) a national oversight committee "AI-in-Ifta Oversight Committee" to be formed and operated under the Central Shariah Board (CSB), and (e) continuous and regular training on AI literacy of the Shariah advisors without undermining their original capacities of ijtihad.

The study takes a step toward a balanced use of technology by proposing the "augmented ifta" model rather than the "automated ifta," which aligns with the maqasid al-Shariah. Furthermore, the study contributes directly to the conference themes, namely AI & Fintech Innovations, legal and regulatory innovations, and the ethical foundations of sustainable finance.

KEYWORDS: Artificial Intelligence, Ifta, Fatwa, Fiqh, Islamic Jurisprudence, Shariah Governance, Human-in-the-Loop, Islamic Banking Bangladesh, AI Ethics, Fintech Regulation

ARTICLE DETAILS

Published On:
26 January 2026

Available on:
https://ijiissh.com/

[1] Mufti Masum Billah, Chairman, Shariah Advisory & Research Council-SARC (www.sarcbd.com) and Member, Shariah Advisory Council, Bangladesh Securities & Exchange Commission (BSEC), Dhaka, Bangladesh: +8801778728805.

[2] Dr. Zahiduzzaman Zahid (CSAA, CIPA, CISA, CSCA, PMP), Islamic FinTech & Business Analytics Researcher, University of the Cumberlands, Kentucky, USA; https://orcid.org/0009-0009-0075-0905

1. INTRODUCTION

The rapid integration of Artificial Intelligence (AI) and large language models into financial services has transformed operational efficiencies, risk management, and customer engagement worldwide. In Islamic finance, this technological wave is gaining momentum, driven by the pursuit of fintech innovation and sustainable growth. Bangladesh exemplifies this trend, where Islamic banking has demonstrated remarkable resilience and expansion despite broader sector challenges. As of mid-2025, Islamic banking institutions hold approximately 22-23% of total banking deposits and assets. Among these, deposits amount to BDT 457,000 crore, with steady year-on-year growth in investments and remittances, underscoring the sector's vital role in the national economy.

Islamic financial institutions (IFIs) in Bangladesh operate under a unique dual framework, characterized by regulatory oversight from the Bangladesh Bank and adherence to Shariah principles guided by the Central Shariah Board for Islamic Banks of Bangladesh (CSBIB), a national body comprising scholars, fuqaha, and experts dedicated to harmonizing Islamic banking practices. While AI offers promising tools for enhancing compliance checks, product development, and advisory processes, it raises profound fiqhi questions about the essence of ifta (fatwa issuance) and Shariah governance.

Classical Usul al-Fiqh establishes ifta as a sacred trust rooted in human qualities such as taqwa (God-consciousness), firasah (spiritual insight), and accountability before Allah (SWT), as emphasized by scholars like Imam al-Ghazali in Ihya Ulum al-Din and Imam al-Shatibi in Al-Muwafaqat. These qualities are indispensable for realizing maqasid al-Shariah – the preservation of faith, life, intellect, progeny, and wealth. The unchecked automation of fatwa generation risks diluting these objectives, potentially leading to errors in aqidah, invalid contracts, or misalignment with urf (custom) and maslaha (public interest).

This paper critically examines the opportunities and limitations of AI in ifta and Shariah advisory services, drawing primarily on Quranic injunctions (e.g., Surah al-Nisa 4:59; Surah al-Nahl 16:43; Surah al-anbiya 21:7), authentic Hadith, classical adab al-fatwa literature, and contemporary regulatory insights from Bangladesh. It argues for an “augmented ifta” model – where AI serves as a tool under strict human-mufti supervision – rather than full automation, in alignment with maqasid al-Shariah.

The study proposes a tailored Shariah Governance Framework for AI Integration specific to Bangladeshi IFIs, emphasizing human-in-the-loop mechanisms, ethical audits, and institutional oversight under the CSBIB. By advocating for balanced technological adoption, this work contributes to the discourse on AI and fintech innovations, legal and regulatory advancements, and the ethical foundations of sustainable Islamic finance.

2. THE INSTITUTION OF IFTA IN CLASSICAL ISLAMIC JURISPRUDENCE

The institution of ifta (the issuance of fatwas) occupies a pivotal position in Islamic jurisprudence, serving as the primary mechanism for applying divine guidance to emerging issues and contemporary realities. Rooted in the Qur'an and Sunnah, ifta enables the ummah to navigate novel circumstances while preserving fidelity to maqasid al-Shariah (the objectives of Islamic law).

2.1 Definition and Significance of Ifta

The Qur'an explicitly enjoins Muslims to refer matters to qualified scholars:

يٰٓاَيُّهَا الَّذِيْنَ اٰمَنُوْٓا اَطِيْعُوا اللّٰهَ وَ اَطِيْعُوا الرَّسُوْلَ وَ اُولِی الْاَمْرِ مِنْكُمْ ۚ فَاِنْ تَنَازَعْتُمْ فِیْ شَیْءٍ فَرُدُّوْهُ اِلَی اللّٰهِ وَ الرَّسُوْلِ اِنْ كُنْتُمْ تُؤْمِنُوْنَ بِاللّٰهِ وَ الْیَوْمِ الْاٰخِرِ ؕ ذٰلِكَ خَیْرٌ وَّ اَحْسَنُ تَاْوِیْلًا

"O you who have believed, obey Allah and obey the Messenger and those in authority among you. And if you disagree over anything, refer it to Allah and the Messenger..." (Surah al-Nisa 4:59).

Similarly, Allah (SWT) commands: **فَاسْأَلُوا أَهْلَ الذِّكْرِ إِنْ كُنْتُمْ لا تَعْلَمُونَ**

"So ask the people of the message if you do not know" (Surah al-Nahl 16:43; also, Surah al-Anbiya 21:7).

These verses underscore the obligation to seek knowledgeable guidance in matters of religion.

The Prophet (peace and blessings be upon him) exemplified this through his responses to queries from companions and delegations, establishing ifta as a prophetic legacy. Classical scholars define ifta as conveying Allah's ruling on a matter through ijtihad based on the sources of Shariah. Imam al-Ghazali describes the mufti as "the inheritor of the prophets" (warith al-anbiya), bearing the heavy responsibility of guiding the ummah with divine law.

Ifta thus serves multiple functions: clarifying ambiguities in texts, addressing unprecedented issues (nawazil), and ensuring that human actions align with the preservation of din (religion), nafs (life), aql (intellect), nasl (progeny), and mal (wealth), as articulated by Imam al-Shatibi in *Al-Muwafaqat*.

2.2 Classical Conditions for a Mufti

Classical Usul al-Fiqh literature meticulously outlines the qualifications for a mufti, emphasizing that ifta is not merely intellectual but profoundly spiritual and moral. These conditions, drawn from works such as Imam al-Nawawi's ***Adab al-Mufti wa al-Mustafti*** (included in the introduction to *Al-Majmu' Sharh al-Muhadhdhab*), Khatib al-Baghdadi's ***Al-Faqih wa al-Mutafaqqih***, Ibn Hamdan al-Hanbali`s ***Sifat al-Fatwa wa al-Mufti wa al-Mustafti***, Ibn al-Qayyim`s ***I`lam al-Muwaqqi`in***, Ibn Abedeen al-Shami`s ***Uqood Rasm al-Mufti*** and Mufti Taqi al-Uthmani`s ***Usool al-Ifta wa Adabuhu***, ensure the reliability and piety of fatwas.

These books state the conditions that must be met by a Mufti (An Islamic jurist qualified to issue a nonbinding opinion (Fatwa) on a point of Islamic law (Shari'ah) and a Mujtahid (an individual who is qualified to exercise ijtihad in the evaluation of Islamic law). However, nowadays, it suffices that a Mufti master one of the four Sunni Schools of Islamic Jurisprudence and know the rulings and their evidence from texts of Sharia. Moreover, the key regulator of Fatwa is Allah-Consciousness and the knowledge of evidence. As for new issues, some Islamic Fiqh academies were established to clarify their rulings, the result of a joint effort by a number of renowned scholars.

2.3 The essential conditions include:

The scholars paid great attention to the conditions of the mufti, and some of the jurists of legal theory (uṣūliyyūn) stated that issuing fatwas is akin to ijtihād**,** and that the mufti is a mujtahid. (See: *Fatḥ al-Qadīr* (vol. 7, p. 256).)

Therefore, certain conditions must necessarily be fulfilled in him. These conditions are as follows:

1. Islam

It is required that the mufti be a Muslim. A fatwa is not accepted from a disbeliever or a polytheist, because the mufti conveys rulings on behalf of Allah, acts as a representative of His Messenger ﷺ, and people receive what he says as the religion of Allah Almighty. This quality applies only to Muslims. There is scholarly consensus on this condition, as reported by Ibn Hamdān[3].

2. Legal Responsibility (Takleef)

That is, the mufti must be adult and sane. The statement of a child carries no legal weight in such matters, and the insane person is exempt from accountability. (*Al-Faqīh wa al-Mutafaqqih* (2/330).) There is consensus on this condition as well, as transmitted by Ibn Hamdān[4].

3. Scholarly Competence and Sound Juristic Insight (Fiqh al-Nafs)

Allah (SWT) said:

وَلَا تَقُولُوا لِمَا تَصِفُ أَلْسِنَتُكُمُ الْكَذِبَ هَذَا حَلَالٌ وَهَذَا حَرَامٌ لِتَفْتَرُوا عَلَى اللَّهِ الْكَذِبَ إِنَّ الَّذِينَ يَفْتَرُونَ عَلَى اللَّهِ الْكَذِبَ لَا يُفْلِحُون

"And do not say about what your tongues assert as false, 'This is lawful and this is forbidden,' to fabricate lies against Allah. Indeed, those who fabricate lies against Allah will not succeed."— Surah An-Nahl (16:116)

The mufti conveys the rulings of Allah Almighty, and one who is ignorant of His rulings cannot convey them. What is meant is that he must be knowledgeable in fiqh (Islamic jurisprudence). (*Al-Waraqāt* by al-Juwaynī, p. 29.)

Al-Juwaynī said:

يُشتَرَطُ وراءَ ذلك كُلِّه فِقهُ النَّفسِ؛ فهو رَأسُ مالِ المُجتَهِد، ولا يَتَأتَّى كَسبُه؛ فإن جُبِلَ على ذلك فهو المُرادُ، وإلَّا فلا يَتَأتَّى تَحصيلُه بحِفظِ الكُتُبِ، وعَبَّروا عن ذلك بأنَّ المُفتيَ مَن يَستَقِلُّ بمَعرِفةِ أحكامِ الشَّريعةِ نَصًّا واستِنباطًا؛ فقولُهم: "نَصًّا" يُشيرُ إلى مَعرِفةِ اللُّغةِ، والتَّفسيرِ، والحَديثِ، وقولُهم: "استنباطًا" يُشيرُ إلى مَعرِفةِ الأصولِ والأقيِسةِ وطُرُقِها، وفِقهِ النَّفسِ، والمُختارُ عِندَنا أنَّ المُفتيَ مَن يَسهُلُ عليه دَركُ أحكامِ الشَّريعةِ، وهذا لا بُدَّ فيه مِن مَعرِفةِ اللُّغةِ والتَّفسيرِ، وأمَّا الحَديثُ فيُكتَفى فيه بالتَّقليدِ وتَيَسُّرِ الوُصولِ إلى دَركِه بمُراجَعةِ الكُتُبِ المُرَتَّبةِ المُهَذَّبةِ. ومَعرِفةُ الأصولِ لا بُدَّ منه، وفِقهُ النَّفسِ هو الدُّستورُ، والفِقهُ لا بُدَّ منه، فهو المُستَنَدُ، ولَكِن لا يُشتَرَطُ أن تَكونَ جَميعُ الأحكامِ على ذِهنِه في حالةٍ واحِدةٍ، ولَكِن إذا تَمَكَّنَ مِن دَركِه فهو كافٍ

"Beyond all of that, sound juristic insight (fiqh al-nafs) is required, for it is the capital of the mujtahid. It cannot truly be acquired through effort alone; if one is naturally endowed with it, that is what is intended—otherwise it cannot be attained merely by memorizing books. They expressed this by saying that the mufti is independently capable of knowing the rulings of the Sharīʿah, both textually and by derivation.

Their statement 'textually' refers to knowledge of language, tafsīr, and ḥadīth. In contrast, their statement 'by derivation' refers to knowledge of uṣūl (legal principles), analogies, and their methods, and sound juristic insight.

Our preferred view is that the mufti is one for whom grasping the rulings of the Sharīʿah is easy. This necessarily requires knowledge of language and tafsīr. As for ḥadīth, it suffices to rely on established works and the ability to access them by consulting well-organized and refined books. Knowledge of uṣūl is indispensable, sound juristic insight is the guiding framework, and fiqh itself is essential as the foundation. However, it is not required that all rulings be present in his mind at one time; instead, if he is capable of arriving at them, that is sufficient." (*Al-Burhān* (vol. 2, pp. 1332–1333). See also: *Al-Faqīh wa al-Mutafaqqih* by al-Khaṭīb al-Baghdādī (vol. 2, p. 330).)

---

[3] A. b. H. b. Shabib al-Numayri al-Harrani al-Hanbali. (1977). Sifat al-fatwa wa al-mufti wa al-mustafti. Beirut, Lebanon: Al-Maktab al-Islami.

He said: "As for the requirement that the mufti be a Muslim, it is established by consensus, because he conveys from Allah Almighty His ruling; therefore, his Islam is taken into consideration." (*Ṣifat al-Muftī wa al-Mustaftī*, p. 147.)

قال: (أمَّا اشتِراطُ إسلامِه... فبِالإجماعِ؛ لأنَّه يُخبِرُ عنِ اللهِ تعالى بحُكمِه، فاعتُبِرَ إسلامُه). ((صفة المفتي والمستفتي) (ص: 147.)

[4] A. b. H. b. Shabib al-Numayri al-Harrani al-Hanbali. (1977). Sifat al-fatwa wa al-mufti wa al-mustafti. Beirut, Lebanon: Al-Maktab al-Islami.

It is prohibited for one who is not qualified for a fatwa to put himself forward as a mufti.
It is narrated from ʿAbdullāh ibn ʿAmr ibn al-ʿĀṣ (may Allah be pleased with them both) that the Prophet ﷺ said:

إنَّ اللَّهَ لا يَقبِضُ العِلمَ انتِزاعًا يَنتَزِعُه مِن صُدورِ الرِّجالِ، ولَكِن يَقبِضُ العِلمَ بقَبضِ العُلَماءِ، فإذا لم يَبقَ عالِمٌ اتَّخَذَ النَّاسُ رُؤَساءَ جُهَّالًا، فسُئِلوا فأفتَوا بغَيرِ عِلمٍ، فضَلُّوا وأضَلُّوا

"Indeed, Allah does not take away knowledge by snatching it from the hearts of people, but He takes away knowledge by taking the scholars. When no scholar remains, people take ignorant leaders; they are asked, and they give fatwas without knowledge, so they go astray and lead others astray." (Sahih Al-Bukhārī, No. 100, Sahih Muslim, No. 2673.)
Ibn al-Qayyim said:

مَن أفتى النَّاسَ وليس بأهلٍ للفتوى فهو آثِمٌ عاصٍ، ومَن أقَرَّه مِن وُلاةِ الأمورِ على ذلك فهو آثِمٌ أيضًا

"Whoever gives fatwas to people while not qualified for fatwa is sinful and disobedient, and whoever among the rulers allows him to do so is also sinful." (*Iʿlām al-Muwaqqiʿīn* (vol. 5, p. 103).)

4. Uprightness (ʿAdālah) in Speech and Action

This means that the mufti must be upright in his conduct, preserve his moral integrity, be truthful in his words, and be trustworthy. This condition is established by consensus (*Qawāʿid al-Fiqh* by al-Barkatī, p. 566), as reported by al-Khaṭīb al-Baghdādī.[5] and Ibn Hamdān[6].
Among the conditions of the mufti is:
"That he fully possesses the qualities of uprightness in religion, so that he trusts himself in fulfilling its rights and others trust him in meeting its requirements." (*Qawāṭiʿ al-Adillah* by al-Samʿānī (vol. 2, p. 353).)
And: "Because the sinful person, even if he understands, his statement is not suitable to be relied upon—like the statement of a child." (*Al-Burhān* by al-Juwaynī (vol. 2, p. 1333).)

5. Being from the People of Ijtihād[7]

That is, he must be fully equipped with his tools and knowledgeable of what is required for deriving rulings and interpreting the verses related to legal rulings. (*Al-Waraqāt* by al-Juwaynī, p. 29.)
Al-Māwardī said:

والمُعتَبَرُ في المُفتي... الشَّرطُ الثَّاني: أن يَكونَ مِن أهلِ الاجتِهادِ في النَّوازِلِ والأحكامِ

"What is considered regarding the mufti… the second condition is that he be from the people of ijtihād in new cases and rulings." (*Al-Ḥāwī al-Kabīr* (vol. 16, p. 50).)
This condition became the established position of the scholars of uṣūl. Ibn al-Humām said:

قَدِ استَقَرَّ رَأيُ الأصوليِّينَ على أنَّ المُفتيَ هو المُجتَهِدُ، وأمَّا غَيرُ المُجتَهِدِ مِمَّن يَحفظُ أقوالَ المُجتَهِدِ فليس بمُفتٍ

"The opinion of the scholars of uṣūl has settled upon the view that the mufti is the mujtahid. As for one who is not a mujtahid but merely memorizes the statements of the mujtahid, he is not a mufti." (*Fatḥ al-Qadīr* (vol. 7, p. 256).)

---

[5] He said: "(… he must be upright and trustworthy, because the scholars of the Muslims have not differed on the fact that a sinful person (fāsiq) is not acceptable as a mufti in the rulings of the religion, even if he is knowledgeable and insightful regarding them, and whether he is free or a slave)." *Al-Faqīh wa al-Mutafaqqih* (2/330).

قال: (... يَكونُ عَدلًا ثِقةً؛ لأنَّ عُلَماءَ المُسلِمينَ لَم يَختَلِفوا في أنَّ الفاسِقَ غَيرُ مَقبولِ الفتوى في أحكامِ الدِّينِ، وإن كان بَصيرًا بها، وسَواءٌ كان حُرًّا أو عبدًا). ((الفقيه والمتفقهـ)).(2/ 330)

[6] He said: "As for requiring that the mufti be a Muslim, legally responsible (mukallaf), and upright, this is by consensus, because he conveys from Allah Almighty His ruling; therefore, his Islam, legal responsibility, and uprightness are taken into consideration." *Ṣifat al-Muftī wa al-Mustaftī*, p. 147.

قال: (أمَّا اشتِراطُ إسلامِه وتَكليفِه وعَدالتِه فبالإجماعِ؛ لأنَّه يُخبِرُ عنِ اللهِ تعالى بحُكمِه، فاعتُبِرَ إسلامُه وتَكليفُه وعَدالتُهـ). ((صفة المفتي والمستفتي)) (ص: 147).

[7] See: *Qawāṭiʿ al-Adillah* by al-Samʿānī (vol. 2, p. 353).

Al-Bazdawī also transmitted consensus on this.[8] and Ibn al-Shiḥnah[9].

6. Considering People's Circumstances and Customs

It is incumbent upon the mufti to consider the circumstances of people, to be knowledgeable of customs and conventions, and not to rigidly adhere to a single ruling despite changes in customs and differences in social practice.

For:

"Applying rulings whose basis is custom while those customs have changed is contrary to consensus and ignorance of the religion. Rather, everything in the Sharīʿah that follows custom changes its ruling when the custom changes, according to what the new custom requires." (*Al-Iḥkām fī Tamyīz al-Fatāwā ʿan al-Aḥkām*, p. 218.)

Ibn al-Qayyim said:

ومَن أفتى النَّاسَ بمُجَرَّدِ المَنقولِ في الكُتُبِ على اختِلافِ عُرفِهم وعَوائِدِهم وأزمِنَتِهم وأمكِنَتِهم وأحوالِهم وقَرائِنِ أحوالِهم، فقد ضَلَّ وأضَلَّ، وكانت جِنايَتُه على الدِّينِ أعظَمَ مِن جِنايةِ مَن طَبَّبَ النَّاسَ كُلَّهم على اختِلافِ بلادِهم وعَوائِدِهم وأزمِنَتِهم وطَبائِعِهم بما في كِتابٍ مِن كُتُبِ الطِّبِّ على أبدانِهم، بَل هذا الطَّبيبُ الجاهِلُ وهذا المُفتي الجاهِلُ أضَرُّ ما على أديانِ النَّاسِ وأبدانِهم

"Whoever gives fatwas to people merely based on what is transmitted in books—despite differences in their customs, habits, times, places, circumstances, and contextual indicators—has gone astray and led others astray. His harm to the religion is greater than the harm of a physician who treats all people, despite differences in their lands, habits, times, and temperaments, according to a single medical book. Indeed, this ignorant physician and this ignorant mufti are among the most harmful to people's religions and bodies." (*I'lām al-Muwaqqi'īn* (vol. 3, p. 549).)

Al-Khaṭīb al-Baghdādī said:

الفقيهُ يَحتاجُ أن يَتَعَلَّقَ بطَرَفٍ مِن مَعرِفةِ كُلِّ شَيءٍ مِن أمورِ الدُّنيا والآخِرةِ، وإلى مَعرِفةِ الجِدِّ والهَزلِ، والخِلافِ والضِّدِّ، والنَّفعِ والضُّرِّ، وأمورِ النَّاسِ الجاريةِ بَينَهم، والعاداتِ المَعروفةِ مِنهم؛ فمِن شَرطِ المُفتي النَّظَرُ في جَميعِ ما ذَكَرناه...

"The jurist needs to have some familiarity with every matter of this world and the Hereafter, and knowledge of seriousness and jest, agreement and opposition, benefit and harm, the affairs that commonly occur among people, and their recognized customs. Thus, among the conditions of the mufti is examining all that we have mentioned…" (*Al-Faqīh wa al-Mutafaqqih* (vol. 2, p. 334).

2.4 Beyond these formal qualifications, scholars emphasize spiritual attributes indispensable to humanity:

- **Taqwa (God-consciousness)** → Imam al-Ghazali in *Ihya Ulum al-Din* stresses that taqwa safeguards the mufti from error and self-interest, enabling rulings that prioritize divine pleasure.

Allah Subhanahu wa ta`ala said:

يَـٰٓأَيُّهَا ٱلَّذِينَ ءَامَنُوٓاْ إِن تَتَّقُواْ ٱللَّهَ يَجْعَل لَّكُمْ فُرْقَانًا وَيُكَفِّرْ عَنكُمْ سَيِّـَٔاتِكُمْ وَيَغْفِرْ لَكُمْ ۗ وَٱللَّهُ ذُو ٱلْفَضْلِ ٱلْعَظِيمِ (٢٩)

O you who have believed, if you fear Allah, He will grant you a criterion (to judge between right and wrong), remove from you (all) evil (that may afflict) you, and forgive you: for Allah is the Lord of grace unbounded. (Surah al-Anfal 8:29)

Indeed, those who have Taqwa of Allah by obeying what He ordained and abstaining from what he forbade will be guided to differentiate between the truth and the falsehood. This will be a triumph, safety, and a way out for them from the affairs of this life, all the while acquiring happiness in the Hereafter. They will also gain forgiveness, thus having their sins erased, and pardon, thus having their sins covered from other people, as well as being directed to a way to gain Allah's tremendous rewards,

يأَيُّهَا الَّذِينَ ءَامَنُواْ اتَّقُواْ اللَّهَ وَءَامِنُواْ بِرَسُولِهِ يُؤْتِكُمْ كِفْلَيْنِ مِن رَّحْمَتِهِ وَيَجْعَل لَّكُمْ نُوراً تَمْشُونَ بِهِ وَيَغْفِرْ لَكُمْ وَاللَّهُ غَفُورٌ رَّحِيمٌ

O you who believe! Have Taqwa of Allah, and believe in His Messenger, He will give you a double portion of His mercy, and He will give you a light by which you shall walk (straight). And He will forgive you. And Allah is Oft-Forgiving, Most Merciful. (Surah al-Hadeed 57:28)

---

[8] He said: "The jurists and scholars have reached consensus that the mufti must be from the people of ijtihād, for he cannot issue fatwas to people if he is not from the people of ijtihād. Ijtihād is indispensable for him. If he is not from the people of ijtihād, it is only permissible for him to issue fatwas by way of reporting—that is, narrating what he has memorized from the statements of the jurists. It is not permissible for him to give fatwas regarding matters for which he does not have any memorized statement from the predecessors." Reported by al-ʿAynī in *Al-Bināyah Sharḥ al-Hidāyah* (vol. 9, p. 5).

قال: (أجمَعَ الفُقَهاءُ والعُلَماءُ أنَّ المُفتيَ يَجِبُ أن يَكونُ مِن أهلِ الاجتِهادِ؛ فإنَّه لا يَقدِرُ أن يُفتيَ النَّاسَ إذا لَم يَكُنْ مِن أهلِ الاجتِهادِ؛ فإنَّه يَحتاجُ إلى الاجتِهادِ لا مَحالةَ، وإن لَم يَكُنْ مِن أهلِ الاجتِهادِ لا يَحِلُّ له أن يُفتيَ إلَّا بطَريقِ الحِكايةِ، فيَحكي ما يَحفَظُ مِن أقوالِ الفُقَهاءِ، ولا يَحِلُّ لَه أن يُفتيَ فيما لا يَحفَظُ فيه قَولًا مِن أقوالِ المُتَقَدِّمينَ). نَقَلَه عنه العَينيُّ في ((البناية شرح الهداية)).(5 /9)

[9] He said: "The jurists have reached consensus that the mufti must be from the people of ijtihād."*Lisān al-Ḥukkām*, p. 218.

قال: (أجمَعَ الفُقَهاءُ أنَّ المُفتيَ يَجِبُ أن يَكونَ مِن أهلِ الاجتِهادِ). ((لسان الحكام)) (ص: 218).

Thus, through taqwa (God-consciousness), knowledge increases. (Ash-Shams Ar-Ramli, Ghayat al-Bayan Sharh Zubd Ibn Raslan, p. 4.)

- **Firasah (spiritual insight)** → A discerning heart illuminated by piety, allowing perception of subtle realities and contextual nuances.

Allah Subhanahu wa ta`ala said:

﴿إِنَّ فِي ذَٰلِكَ لَآيَاتٍ لِّلْمُتَوَسِّمِينَ﴾ [الحجر: 75]

Indeed in that are signs for those who discern. (Surah al-Hijr 15:75)

The Prophet ﷺ said:

عن أبي سعيد الخدري – رضي الله عنه– قال : قال رسول الله - صلى الله عليه وسلم - : اتقوا فراسة المؤمن فإنه ينظر بنور الله - ثم قرأ - إن في ذلك لآيات للمتوسمين . قَالَ أَبُو عِيسَى هَذَا حَدِيثٌ غَرِيبٌ إِنَّمَا نَعْرِفُهُ مِنْ هَذَا الْوَجْهِ وَقَدْ رُوِيَ عَنْ بَعْضِ أَهْلِ الْعِلْمِ فِي تَفْسِيرِ هَذِهِ الآيَةِ : إِنَّ فِي ذَلِكَ لآيَاتٍ لِلْمُتَوَسِّمِينَ قَالَ لِلْمُتَفَرِّسِينَ . (أخرجه الترمذي (3127)، والبخاري في ((التاريخ الكبير)) (9/ 144)، والعقيلي في ((الضعفاء الكبير)) (4/ 129) دون ذكر الآية، والطبري في ((جامع البيان)) (14/ 96) جميعا بلفظه. وحسنه السخاوي والعجلوني والهيثمي. [10])

Narrated Abu Sa'eed Al-Khudri: that the Messenger of Allah (ﷺ) said: "Beware of the believer's intuition, for indeed he sees with Allah's Light." Then he recited: Surely in this are signs for those who see (15:75). (Jami` al-Tirmidhi, Hadith: 3127)

The Prophet ﷺ said:

عن أنس بن مالك– رضي الله عنه – قال : قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: «إِنَّ لِلَّهِ عِبَادًا يَعْرِفُونَ النَّاسَ بِالتَّوَسُّمِ» (أخرجه الطبراني في ((الأوسط)) (2935). وقال الهيثمي : رواه البزار والطبراني في الأوسط وإسناده حسن . مجمع الزوائد (10 / 268) . وحسَّنه الشيخ الألباني في السلسلة الصحيحة (1693) .

“Indeed, among the servants of Allah are those who recognize people through insight (tawassum).” (Al-Tabrani, al-Awsat, Hadith 2935, Majma al-Zawaid, Al-Haythami, Nur al-Deen, 10/268, Silsilat al-ahadith al-sahihah, Al-Albani, Nasir al-Deen, Hadith 1693)

- **Ikhlas (sincerity)** → Pure intention for Allah's sake, free from worldly gain.

Allah Subhanahu wa ta`ala said:

وَمَا أُمِرُوا إِلَّا لِيَعْبُدُوا اللَّهَ مُخْلِصِينَ لَهُ الدِّينَ حُنَفَاءَ

And they were not commanded except to worship Allah, [being] sincere to Him in religion, inclining to truth. (Surah al-Bayyena 98:5)

عَنْ أَمِيرِ الْمُؤْمِنِينَ أَبِي حَفْصٍ عُمَرَ بْنِ الْخَطَّابِ رَضِيَ اللهُ عَنْهُ قَالَ: سَمِعْتُ رَسُولَ اللَّهِ صلى الله عليه وسلم يَقُولُ: " إنَّمَا الْأَعْمَالُ بِالنِّيَّاتِ

It is narrated on the authority of Amirul Mu'minin, Abu Hafs 'Umar bin al-Khattab (ra), who said: I heard the Messenger of Allah (ﷺ) say: 'Verily, Actions are judged by motives (niyyah). [Sahih Bukhari: 01, Sahih Muslim: 1907]

- **Fear of divine accountability** → The mufti bears amanah (trust), knowing that erroneous guidance misleads the ummah and invites severe reckoning, as per the hadith:

إِنَّ الْعُلَمَاءَ وَرَثَةُ الأَنْبِيَاءِ إِنَّ الأَنْبِيَاءَ لَمْ يُوَرِّثُوا دِينَارًا وَلاَ دِرْهَمًا إِنَّمَا وَرَّثُوا الْعِلْمَ فَمَنْ أَخَذَ بِهِ أَخَذَ بِحَظٍّ وَافِرٍ "

"Indeed, the scholars are the heirs of the Prophets, and the Prophets do not leave behind Dinar or Dirham. The only legacy of the scholars is knowledge, so whoever takes from it, then he has indeed taken the most able share." (Jami` al-Tirmidhi, Hadith 2682; As-Sunan, Ibn Majah, Hadith 223; As-Sunan, Abu Daud, Hadith 3641, Al-Musnad, Ahmad ibn Hanbal, Hadith 21715).

قال مجالد ، عن الشعبي :إن مسروقا قال : لأن أقضي بقضية وفق الحق أحب إلي من رباط سنة في سبيل الله . أو قال : من غزو سنة.

---

[10] رواه الترمذي (3127) من حديث أبي سعيد الخدري – رضي الله عنه - ، وإسناده ضعيف ، فيه عطية بن سعيد العوفي ضعَّفه أحمد وأبو زرعة ، وفيه مصعب بن سلاَّم ضعَّفه علي بن المديني ، ولابن معين فيه قولان ، وقال ابن حبان : كثير الغلط لا يحتج به ، وقال ابن عدي : ولمصعب أحاديث غير ما ذكرت غرائب وأرجو أنه لا بأس به وأما ما انقلبت عليه فإنه غلط منه لا تعمد . والظاهر أن حديثه هذا مما غلط فيه ، وانقلب عليه ، فقد روى الحديثَ سفيانُ عن عمرو بن قيس – الراوي عنه مصعب هذا الحديث – قال : كان يقال \" اتقوا فراسة المؤمن \" ، وهو الذي صوَّبه العقيلي في \" الضعفاء \" (4 / 129) ، والخطيب البغدادي في \" تاريخ بغداد 191 / 3) "\ ، 192 . (ورواه الطبراني في \" الكبير \" من حديث أبي أمامة – رضي الله عنه - ، وإسناده ضعيف ، فيه : عبد الله بن صالح وهو كاتب الليث بن سعد ، ضعَّفه أحمد وابن المديني والنسائي وصالح جزرة وابن حبان .ورواه ابن جرير الطبري في \" التفسير \" (14 / 46) ، وأبو نعيم في \" حلية الأولياء \" (4 / 94) من حديث ابن عمر – رضي الله عنه - ، وإسناده ضعيف جدّاً ، فيه فرات بن السائب ، قال البخاري : منكر الحديث ، تركوه ، وقال الدارقطني : متروك.

ورواه ابن جرير – أيضاً – (14 / 46) من حديث ثوبان – رضي الله عنه - ، وإسناده ضعيف جدّاً ، فيه مؤمل بن سعيد وسليمان بن سلمة ، وكلاهما منكر الحديث كما قال أبو حاتم الرازي ، وقال ابن حبان عن مؤمل بن سعيد : منكر الحديث جدّاً ، روى عنه سليمان بن سلمة الخبائري ، فلا أدري البلية منه أو من سليمان . والحديث : حكم عليه الحافظ ابن الجوزي بالوضع ، والشيخ الألباني بالضعف – كما في \" السلسلة الضعيفة \" (1821) - ، وحسنه السخاوي والعجلوني والهيثمي .ويغني عن هذا الحديث : حديث أنس – رضي الله عنه – قال : قال النبي صلى الله عليه وسلم :\" إن لله عباداً يعرفون الناس بالتوسم \" ، رواه الطبراني في \" الأوسط \" (3 / 207) ، وابن جرير الطبري في \" التفسير. (46 / 14) \" قال الهيثمي : رواه البزار والطبراني في الأوسط وإسناده حسن \". مجمع الزوائد / 10) "\ 268وحسَّنه الشيخ الألباني في \" السلسلة الصحيحة. (1693) "\ .

Majald, quoting al-Sha'bi, said: Masrūq said – Allāh have mercy on him – said: "To judge a case according to the truth is more beloved to me than spending a year in jihad in the path of Allah." Or he said: "…than participating in a year-long military expedition (ghazw) in the way of Allah." (Al-Dhahabī, *Siyar A'lām Al-Nubalā`*, 4:64.)
Allah Subhanahu wa ta`ala said:

وَّاَنْ تَقُوْلُوْا عَلَى اللهِ مَا لَا تَعْلَمُوْنَ (الأعراف :٣٣)

"and that you attribute to Allah anything about which you do not have sure knowledge." **(**Al-A'raf 7: 33**)**

عَنْ أَبِي هُرَيْرَةَ يَقُولُ قَالَ رَسُولُ اللَّهِ صلى الله عليه وسلم : " مَنْ أُفْتِيَ بِغَيْرِ عِلْمٍ كَانَ إِثْمُهُ عَلَى مَنْ أَفْتَاهُ " زَادَ سُلَيْمَانُ الْمَهْرِيُّ فِي حَدِيثِهِ " وَمَنْ أَشَارَ عَلَى أَخِيهِ بِأَمْرٍ يَعْلَمُ أَنَّ الرُّشْدَ فِي غَيْرِهِ فَقَدْ خَانَهُ " . وَهَذَا لَفْظُ سُلَيْمَانَ.

Narrated Abu Hurayrah: The Prophet (ﷺ) said: If anyone is given a legal decision ignorantly, the sin rests on the one who gave it. Sulayman al-Mahri added in his version: If anyone advises his brother, knowing that guidance lies in another direction, he has deceived him. These are the wordings of Sulayman. **(**Sunan Abi Dawud**,** Hadith 3649**)**

عن عبدالله بن عمرو بن العاص رضي الله عنهما قال: سمعت رسول الله صلى الله عليه وسلم يقول: ((إن الله لا يقبض العلم انتزاعًا ينتزعه من العباد، ولكن يقبض العلم بقبض العلماء، حتى إذا لم يُبقِ عالِمًا اتخذ الناس رؤوسًا جهالًا، فسُئلوا، فأفتوا بغير علم، فضلُّوا وأضلُّوا)) متفق عليه [البخاري (100) ومسلم (2673)]

Abdullah bin 'Amr bin Al-'As (May Allah be pleased with them) reported: I heard the Messenger of Allah (ﷺ) saying: "Verily, Allah does not take away knowledge by snatching it from the people, but He takes it away by taking away (the lives of) the religious scholars till none of the scholars stay alive. Then the people will take ignorant ones as their leaders, who, when asked to deliver religious verdicts, will issue them without knowledge, the result being that they will go astray and will lead others astray."
Islamic Scholars are further highlighting the mufti's role in contextualizing urf and masalih, which requires lived human experience and empathy, absent in mechanical processes." (Sahih Bukhari, Hadith 100, Sahih Muslim, Hadith 2673)
These qualities ensure that fatwas not only derive technically correct rulings but also achieve the higher objectives of Shariah, promoting justice, mercy, and societal welfare.

2.5 Requirements for the Muftī (Fatwa Issuer)

Iftā should not be assumed or practiced except by those who satisfy the well-established requirements for issuing a fatwa; most important of these requirements are the following:

1. Knowledge of the Quran, the Sunnah, and related
2. Knowledge about the areas of unanimous agreement and areas of dispute, as well as the various schools and opinions of Fuqahā (Fiqh scholars).
3. Vast knowledge about the Fundamentals of Fiqh (Uṣūl al-Fiqh) and its

principles and rules, objectives of Shariah, and other supporting subjects such as grammar, morphology, rhetoric, linguistics, and logic.

4. Knowledge about the situations, customs, traditions of people, circumstances, emerging issues, and events, while considering all these (where applicable) in issuing the fatwā, as long as they are not in conflict with an Islamic original text.
5. Ability to derive Shariah rulings from the original
6. Seeking the advice of those who have the knowledge and expertise in the relevant area (e.g., Medicine, Economics, etc.) to form a clear, complete picture about the issue before issuing a fatwa.

(Resolution No. 153 (2/17) Iftā: Requirements and Ethics. The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, holding its 17th session in Amman, Hashemite Kingdom of Jordan, on 28 Jumādā al-Ūlā – 2 Jumādā al-Ākhirah 1427h / 24–28 June 2006.)

2.6 Conditions on Mufti (Fatwa Issuers)

5/1 A board member shall be well versed in Fiqh (Islamic Jurisprudence), well informed of the contributions of diligent Fiqh scholars, and have the ability to use the Shari'ah-accepted methods of deriving reasonable rulings on emerging issues. He shall also be known for his discernment, cautiousness, and knowledge about the circumstances and traditions of people, and should always remain alert against the different means of human misbehavior. Competence in Fiqh is usually manifested by the vast reputation of the scholar or his distinguishable contributions, especially in the area of financial transactions performed by institutions.

5/2 Issuing a Fatwa to institutions does not require competence in all areas of Fiqh. A fatwa can be issued by a scholar who is competent only in the area of financial transactions conducted by institutions.

5/3 The member of the Board shall have no personal interest in the matter for which the Institution seeks Fatwa.

(Accounting and Auditing Organization for Islamic Financial Institutions. (2024–2025). *Shariah standards*. No. (29), Stipulation and Ethics of Fatwa in the Institutional Framework, Manama, Bahrain: AAOIFI.

 Corresponding Author: Zahiduzzaman Zahid

3. ARTIFICIAL INTELLIGENCE: A BRIEF CONCEPTUAL AND TECHNICAL OVERVIEW

The best definition of AI was given by **Philip Jansen**, who said:

"The science and engineering of machines with capabilities considered intelligent by human intelligence standards." [Mark Coeckelbergh, AI Ethics, trans. Hiba Abdul Aziz Ghannam, p. 51.]

Artificial Intelligence (AI) refers to systems or machines that mimic human cognitive functions, such as learning, reasoning, problem-solving, and decision-making. In contemporary applications, AI encompasses a range of technologies, including machine learning (where algorithms improve through exposure to data) and large language models (LLMs)—advanced neural networks trained on vast textual datasets to generate human-like responses, translations, and analyses.

These LLMs are powerful tools capable of processing queries, retrieving information, and producing outputs that resemble scholarly discourse, leading to their experimental use in fields that require interpretive expertise, including religious advisory services.

From an Islamic jurisprudential perspective, AI falls under the category of al-alat (instruments or tools). Classical and contemporary fuqaha generally apply the principle that tools are permissible (mubah) in origin, provided their use aligns with maqasid al-Shariah and does not lead to prohibited outcomes. As articulated in Usul al-Fiqh, the ruling on means (hukm al-wasail) follows the ruling on ends: if the purpose is lawful and beneficial, the means are lawful; if they facilitate harm or transgression, they become prohibited or discouraged.

Scholars drawing on analogies from historical innovations—such as the use of writing instruments for preserving Qur'an or printing presses for disseminating knowledge—view modern tools like AI as extensions of human ingenuity (istikhraj al-insan), permissible so long as they serve the objectives of preserving religion, life, intellect, progeny, and wealth.

However, AI's deployment in sensitive domains like Ifta introduces unique technical and fiqhi challenges due to inherent limitations:

- **Hallucination** — AI systems may generate plausible but factually incorrect or fabricated outputs, stemming from probabilistic prediction rather than verified knowledge.
- **Training data bias** — Models reflect biases in their training corpora, which may include incomplete, skewed, or non-authoritative sources, potentially amplifying errors in interpretation.
- **Incomplete digitization of sources** — Classical Islamic texts (e.g., tafsir, hadith compilations, and fiqh manuals) are not fully or accurately digitized, limiting AI's access to authentic primary materials.
- **Absence of contextualization** — AI lacks real-time understanding of urf (prevailing custom), maslaha (public interest), and socio-cultural nuances essential for sound ijtihad.
- **Lack of ethical and spiritual understanding** — Issuing a fatwa requires *taqwa*, moral prudence, consciousness of Allah, and deep spiritual consideration. AI, however, is entirely devoid of these qualities.

These deficiencies render standalone AI unreliable for deriving ahkam shari'ah, as it cannot embody niyyah (intention), taqwa, or accountability—qualities reserved for human mukallafs.

4. CAN AI FULFILL THE CONDITIONS OF A MUFTI? A FIQHI ANALYSIS

The classical conditions for a mufti, as established in the adab al-fatwa literature, are not merely procedural requirements but profound safeguards ensuring that fatwas emanate from a source of piety, insight, and divine accountability. This section undertakes a systematic fiqhi comparison between these conditions and the capabilities of Artificial Intelligence (AI), demonstrating that AI fundamentally fails to meet the prerequisites of ifta.

4.1 Comparative Analysis: Classical Conditions vs. AI Capabilities

1. **Being Muslim,** Classical scholars unanimously require the mufti to be a Muslim, as ifta involves interpreting divine revelation accepted only through iman (faith). AI, being a non-sentient algorithm, possesses neither faith nor disbelief; it is an inanimate tool devoid of aqidah. It cannot affirm the Shahadah or submit to Allah's sovereignty, rendering it ineligible on this foundational condition alone.
2. **Mukallaf (Legally Responsible)** Takleef (legal responsibility) applies exclusively to human beings who have reached puberty and possess sound intellect (bulugh and aqal). The Qur'an addresses commands and prohibitions to mukallafin (e.g., Surah al-Baqarah 2:286), implying capacity for intention and accountability. AI lacks consciousness, volition, and the capacity to bear obligations; it operates deterministically or probabilistically without free will.
3. **Adil (Upright Character) and Thiqah (Trustworthy)** Adil requires abstention from major sins and persistence in righteousness, while thiqah demands precision and integrity in knowledge transmission. These are moral qualities cultivated through human struggle (mujahadah) and divine grace. AI lacks moral agency; it cannot commit sins nor attain righteousness. Its "reliability" is limited to programmed accuracy and is vulnerable to errors, biases, and manipulation.
4. **Competence in Ijtihad** While AI can process vast textual data and simulate reasoning through pattern recognition, actual ijtihad demands a holistic understanding of nas (texts), contextual application of urf and maslaha, and spiritual discernment.

AI's outputs remain derivative of training data, lacking original insight or the ability to perceive subtle linguistic nuances and higher intents (maqasid) beyond explicit patterns.

4.2 Inability to Possess Essential Spiritual Qualities

Beyond formal conditions, classical scholars emphasize spiritual attributes exclusive to human beings illuminated by divine light:

- **Taqwa (God-Consciousness)**: Taqwa is the foundation of all virtuous action, enabling the mufti to prioritize divine pleasure over personal inclination. AI has no heart to fear Allah nor consciousness to restrain from error for His sake.
- **Firasah (Spiritual Insight)**: This intuitive discernment arises from the purity of the soul and closeness to Allah—qualities that AI cannot attain.
- **Niyyah (Intention) and Ikhlas (Sincerity)**: Every act in Islam is judged by intention (hadith: "Actions are by intentions," Bukhari and Muslim). The mufti must intend guidance for Allah's sake. AI generates outputs without intention, driven solely by algorithmic processes.
- **Divine Accountability**: The mufti bears immense responsibility, as erroneous fatwas may misguide multitudes. The Prophet (peace and blessings be upon him) warned that a scholar who issues fatwas carelessly faces severe reckoning. AI faces no accountability for its actions in the afterlife; liability falls upon its human creators or users, creating a dangerous disconnect.

4.3 Fiqhi & Ijtihadi Constraints

Issuing a fatwa requires consideration of:

- Social customs (*ʿurf*)
- Human psychology and mindset
- Cultural context
- The lived realities of different social groups

In many cases, local customs play a decisive role in determining which of two valid juristic opinions should be adopted. AI cannot attain that. Instead, no dataset—no matter how large—can fully capture human lived experience, emotions, or nuanced contextual understanding.

The warning against issuing fatwas without knowledge is not limited to someone ignorant of the Shariah ruling. It also applies to a mufti who may be well-versed in Shariah rulings to the extent required for issuing fatwas but is nonetheless deficient in understanding the customs and practices specific to the country of the petitioner, which can affect the ruling. Therefore, scholars of fatwa have stated that it is impermissible for a mufti to issue fatwas on matters such as oaths, attestations, and similar issues—where the ruling depends on local customs—without being knowledgeable about the customs of the petitioner's country.

The main point is that in such fatwas or Shariah-related decisions, mere theoretical or general knowledge is insufficient; rather, it is essential to be aware of local customs, practices, and social context.

In this case, AI can never fully replace the complex, contextual, and nuanced understanding of social and Shariah matters. Therefore, AI can only serve as an assistant, while the actual decision or fatwa depends on the experience and wisdom of a human mufti.

4.4 Issues of Responsibility and Liability

In Shariah, the issuer of a fatwa is liable for moral and potential legal responsibility (daman) if negligence causes harm. If an AI-generated fatwa leads to invalid contracts or prohibited transactions, who bears the sin and compensation?

Islamic jurisprudence is capable of resolving all such issues related to errors or crimes committed by machines, by providing proper Shariʿah characterization and issuing appropriate rulings. Jurists, from the earliest formative period of fiqh in the second century Hijri, discussed analogous cases involving actions committed through instruments under the chapter of the concurrence of a direct actor (*mubāshir*) and an indirect cause (*mutasabbib*).

Among these examples is the case in which a person throws another from a high place, and a second person receives him with a sword and cuts him down—the liability falls upon the one who received him with the sword. If, however, he throws him into deep water and a fish receives him and swallows him, the liability falls upon the thrower. (*Mukhtaṣar al-Taḥrīr: Sharḥ al-Kawkab al-Munīr* by Ibn al-Najjār al-Ḥanbalī, vol. 1, p. 448.)

because the fish is not capable of bearing legal responsibility.

Accordingly, a machine may be analogized to the fish in the latter example based on their shared absence of legal accountability and legal capacity (*عدم التكليف وعدم الأهلية*).

There is also juristic recourse for such matters in the legal maxim: "The harm caused by a dumb animal is without liability (jabar)." Its meaning is that any harm inflicted by an animal upon life or property is considered void of legal consequence and carries no liability if it does not originate from the action of a legally responsible, deliberate human agent—such as a driver, leader, rider, striker, prodding individual, or one who intentionally causes fear. (*Sharḥ al-Qawāʿid al-Fiqhiyyah* by Aḥmad al-Zarqā, p. 457.)

So, the machine cannot be held accountable, violating the principle that obligations correspond to capacity (al-takleef bi ma la yutiq). (Al-Musayarah, Ibn al-Humam, p 156). This undermines the trust (amanah) inherent in ifta.

4.5 Potential Harms of Independent AI-Generated Fatwas

Permitting autonomous AI in the field risks grave consequences:

- Errors in aqidah and ibadah due to hallucination or biased interpretations, potentially leading to deviation or innovation (bid'ah).
- Invalidation of financial contracts in Islamic banking (e.g., misclassification of riba or gharar), causing economic loss and disputes.
- Misalignment with maqasid al-Shariah, as AI cannot weigh contextual maslaha or prioritize higher objectives like justice (adl) and mercy (rahmah) in novel situations.

In light of these deficiencies, fully automated ifta must be deemed impermissible, akin to delegating sacred trusts to unqualified entities.

5. OPPORTUNITIES: AUGMENTED IFTA THROUGH HUMAN-IN-THE-LOOP SYSTEMS

While Artificial Intelligence cannot independently fulfill the conditions of a mufti or assume the sacred responsibility of ifta, its judicious application as a supportive tool under rigorous human supervision offers significant benefits. This approach aligns with the established fiqhi principle that permissible means may be employed to facilitate lawful and beneficial ends, provided they do not transgress Shariah boundaries or undermine higher objectives.

Classical scholars permitted the use of instruments (alat) to aid scholarly endeavors—such as writing materials for recording hadith, compilations for organizing knowledge, and later, printing presses for disseminating fatwas—provided the final authority remained with qualified human scholars. By analogy, AI may serve as an advanced tool to enhance efficiency and accuracy in the preparatory stages of ifta, without encroaching upon the spiritual and decision-making role of the mufti.

5.1 Permissible Supportive Roles of AI in Ifta

When integrated within a **human-in-the-loop** framework—wherein qualified muftis retain ultimate oversight and approval—AI can provide valuable ancillary functions:

- **Rapid Retrieval of Classical Texts and Fatwas**: AI systems can index and search digitized collections of Qur'an, major hadith compilations (e.g., Sahih al-Bukhari, Sahih Muslim), tafsir works, and classical fiqh manuals far more quickly than manual methods. This accelerates access to primary sources and previous scholarly opinions, enabling muftis to focus on deeper analysis rather than exhaustive searching.

However, constant caution and critical vigilance are essential because AI can independently generate source texts or interpretations that many may not readily recognize as false or erroneous.

- **Comparative Fiqh Analysis across Madhahib**: AI tools can systematically present rulings from the Hanafi, Maliki, Shafi'i, and Hanbali schools (and contemporary positions) on a given issue, highlighting points of agreement (ijma) and divergence. This supports the mufti in conducting tarjih (preferring one opinion) based on the strength of the evidence and contextual suitability.

However, constant caution and critical vigilance are essential because AI can independently generate source texts or interpretations that many may not readily recognize as false or erroneous.

- **Drafting Preliminary Opinions**: Under Mufti guidance, AI can generate initial drafts summarizing relevant texts, arguments, and potential conclusions. These drafts serve merely as working documents for review, refinement, and final authentication by the human scholar, preserving the integrity of ijtihad.
- **Enhancing Efficiency in Shariah Audits and Compliance Checks.** In Islamic financial institutions, AI can identify potential non-compliance issues in contracts, transactions, or products by cross-referencing them against the AAOIFI Shariah Standards and established fatwas. This enhances audit thoroughness and timeliness, enabling Shariah boards to devote more attention to complex or novel matters.

However, AI is not capable of identifying ethical dimensions—such as the proper execution of possession (*qabḍ*) in murābaḥah transactions—or reliably detecting such errors. Therefore, a Shariah review cannot be considered sound if it relies entirely on AI.

These applications do not delegate authoritative ruling-making to the machine but harness its computational strengths to augment human scholarship.

5.2 Distinction between “Augmented Ifta” and “Automated Ifta.”

A critical distinction must be maintained between the two models:

- **Automated Ifta** refers to fully independent AI generation and issuance of fatwas without meaningful human intervention. As demonstrated in the preceding analysis, this model is incompatible with classical conditions of ifta and poses unacceptable risks to Shariah compliance and maqasid.

- **Augmented Ifta,** in contrast, positions AI as a subordinate tool within a human-centered process. The qualified mufti initiates queries, evaluates outputs, exercises ijtihad, and bears final responsibility. This preserves taqwa, firasah, niyyah, and accountability while leveraging technological efficiency.

The augmented model mirrors historical precedents in which scholars employed assistants (e.g., students or scribes) for preparatory tasks, while retaining sole authority over the final fatwa.

5.3 Alignment with Maqasid al-Shariah

The augmented Ifta approach supports the higher objectives of Shariah as articulated by Imam al-Shatibi and subsequent scholars:

- **Hifz al-Din** (Preservation of Religion): By ensuring human oversight, it safeguards the authenticity and piety of fatwas, preventing deviation or bid'ah.
- **Hifz al-Mal** (Preservation of Wealth): Enhanced compliance and audit efficiency in Islamic finance protect assets from riba, gharar, and invalid contracts.
- **Facilitation of Maslaha**: Greater speed and accuracy in scholarly processes serve public interest by making reliable guidance more accessible in a fast-paced world.

Thus, when properly governed, AI serves as a means of realizing ease (taysir) and mercy (rahmah) without compromising the sacred trust of ifta.

6. PROPOSED SHARIAH GOVERNANCE FRAMEWORK FOR AI INTEGRATION IN BANGLADESHI ISLAMIC FINANCIAL INSTITUTIONS

Bangladesh's Islamic banking sector continues to play a significant role in the national financial landscape, holding approximately 22-23% of total banking deposits as of mid-2025, despite facing challenges such as liquidity pressures and governance reforms in certain institutions. The sector is regulated by Bangladesh Bank, with Shariah-specific guidelines outlined in BRPD Circular No. 15 (2009) and subsequent directives.

Current Shariah governance primarily revolves around institution-level Shariah Supervisory Committees (SSCs), which individual Islamic banks and Islamic banking branches/windows are required to establish. These committees, comprising qualified fuqaha, scholars, and experts, provide guidance on product development, contract review, and compliance monitoring. In 2025, Bangladesh Bank further strengthened this by mandating SSCs for all Islamic banks and issuing detailed guidelines on member qualifications, responsibilities, and the reporting of non-compliance directly to the central bank.

At the national level, the Central Shariah Board for Islamic Banks of Bangladesh (CSBIB)—a non-governmental body comprising representatives from Islamic banks—serves as a coordinating and advisory platform. It promotes uniformity in Shariah interpretations, conducts research, and facilitates dialogue among the SSCs of its member institutions. However, CSBIB lacks statutory enforcement powers, and there remains no centralized regulatory Shariah board within Bangladesh Bank itself, distinguishing Bangladesh's model from those in countries with more integrated central Shariah authorities.

This decentralized approach has supported sector growth but highlights the need for enhanced frameworks to address emerging technologies, such as AI, ensuring alignment with classical ifta principles while harnessing supportive benefits.

6.1 Proposed Shariah Governance Framework for Artificial Intelligence (AI) Integration

To institutionalize the "augmented ifta" model advocated in this study, the author proposes a dedicated **Shariah Governance Framework for Artificial Intelligence (AI) Integration** tailored to Bangladeshi Islamic financial institutions (IFIs). This framework builds upon existing structures (Bangladesh Bank guidelines and CSBIB coordination). It incorporates human-in-the-loop safeguards to preserve the spiritual integrity of Ifta and alignment with Maqasid al-Shariah.

The key components are:

a. **Mandatory Final Oversight and Approval by Qualified Human Muftis.** All AI-assisted processes in ifta, product advisory, or compliance must culminate in a review and final approval by qualified human muftis who meet classical conditions (e.g., taqwa, ijtihad competence). No fatwa, advisory opinion, or Shariah certification shall be issued solely based on AI output, ensuring accountability rests with mukallaf scholars.

b. **Regular Ethical Reviews and Bias Audits of AI Systems:** IFIs shall conduct periodic independent audits of AI tools for biases, hallucinations, and alignment with authentic Shariah sources. These audits, performed by combined teams of Shariah experts and technical specialists, shall verify that training data prioritizes classical texts and avoids skewed interpretations.

c. **Compulsory Disclosure to Stakeholders When AI Tools Are Used in Advisory Processes:** Transparency (amanah) requires IFIs to disclose in annual reports, product documentation, and fatwa certifications the extent of AI involvement (e.g., "This opinion was prepared with AI-assisted research and finalized by the Shariah Supervisory Committee"). This fosters trust and allows stakeholders to assess reliance on human ijtihad.

d. **Establishment of a National "AI-in-Ifta Oversight Committee" Under the Central Shariah Board:** A specialized subcommittee under CSBIB—comprising prominent fuqaha, Usul al-Fiqh experts, regulators from Bangladesh Bank, and AI ethics specialists—shall be formed to develop unified guidelines, review institutional AI implementations, resolve disputes, and recommend standards for permissible tools. This body could evolve into an empowered entity, backed by Bangladesh Bank, to enhance enforcement.

e. **Continuous AI Literacy Training for Shariah Scholars Without Compromising Their Ijtihad Capacity**: Mandatory ongoing training programs, organized collaboratively by CSBIB and IFIs, shall equip Shariah advisors with an understanding of AI functionalities and limitations. Emphasis shall be placed on using technology as a servant (alat) to enhance, rather than replace, traditional scholarly methods, thereby preserving the spiritual depth of taqwa and firasah.

Implementing this framework would require amendments to the Bangladesh Bank guidelines and collaboration with CSBIB, positioning Bangladesh as a leader in the adoption of ethical AI within Islamic finance.

7. CONCLUSION

This study has demonstrated that while AI offers valuable opportunities to augment scholarly processes in Islamic finance, it cannot replicate the essential human and spiritual qualities required for ifta. Rooted in Quranic injunctions to seek guidance from qualified scholars and classical adab al-fatwa literature, the analysis underscores the impermissibility of fully automated fatwas.

By advocating the "augmented ifta" model and proposing a comprehensive governance framework, this paper calls for a balanced approach to technological integration that serves the maqasid al-Shariah—preserving religion through authentic guidance, protecting wealth through robust compliance, and promoting societal welfare through ethical innovation.

Regulators, IFIs, and scholars in Bangladesh are urged to adopt these recommendations to foster a resilient Islamic banking sector aligned with divine principles in an era of rapid digital transformation. Future research may explore the empirical impacts of human-in-the-loop systems and compare them with those of comparative models from other jurisdictions.

REFERENCES

1) Abu Dawud, S. b. al-Ashath al-Azdi al-Sijistani. (2009). Sunan Abi Dawud. Beirut, Lebanon: Dar al-Risalah al-Alamiyyah.
2) Accounting and Auditing Organization for Islamic Financial Institutions. (2024–2025). Shariah standards. No. (29), Stipulation and Ethics of Fatwa in the Institutional Framework, Manama, Bahrain: AAOIFI.
3) Ahmad ibn Hanbal. (2001). Musnad al-Imam Ahmad ibn Hanbal. Beirut, Lebanon: Muassasat al-Risalah.
4) Al-Albani, M. N. D. (1995–2002). Silsilat al-ahadith al-sahihah.Hadith 1693. Riyadh, Saudi Arabia: Maktabat al-Ma'arif lil-Nashr wa al-Tawzi.
5) Al-Amidi, S. al-D. (1983). Al-Ihkam fi usul al-ahkam. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
6) Al-Ayni, M. b. A. b. M. b. A. b. al-Husayn. (2000). Al-binaya sharh al-hidaya. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
7) Al-Barkati, M. A. I. (1986). Qawaid al-fiqh. Karachi, Pakistan: Al-Sadaf Publishers.
8) Al-Bukhari, M. ibn Ismail. (2001). Sahih al-Bukhari. Beirut, Lebanon: Dar Tawq al-Najah.
9) Al-Dhahabi, M. b. A. b. Uthman. (1985). Siyar aʿlam al-nubala. Beirut, Lebanon: Muassasat al-Risalah.
10) Al-Ghazali, A. H. (n.d.). Ihya ulum al-din. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
11) Al-Haythami, N. D. A. ibn A. B. ibn S. (1994). Majma al-zawaid wa-manba al-fawaid.Cairo, Egypt: Maktabat al-Qudsi.
12) Al-Juwayni, A. b. A. b. Y. b. M. (n.d.). Al-Waraqat (A. L. M. al-Abd, Ed.).
13) Al-Juwayni, A. b. A. b. Y. b. M. (1997). Al-burhan fi usul al-fiqh. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
14) Al-Khatib al-Baghdadi, A. b. A. b. T. (n.d.). Al-faqih wa al-mutafaqqih. Riyadh, Saudi Arabia: Dar Ibn al-Jawzi.
15) Al-Mawardi, A. b. M. b. M. b. H. (1999). Al-hawi al-kabir fi fiqh madhhab al-imam al-Shafii wa huwa sharh Mukhtasar al-Muzani (Vols. 1–19). Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
16) Al-Nawawi, Y. Ibn S. (1997). Al-Majmu' sharh al-Muhadhdhab (with introduction on Adab al-mufti wa al-mustafti). Beirut, Lebanon: Dar al-Fikr.
17) Al-Sama'ani, A. M. M. b. M. b. A. (1999). Qawati al-adilla fi al-usul. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
18) Muslim ibn Hajjaj al-Qushayri al-Naysaburi. (1955). Sahih Muslim (M. Fuad Abd al-Baqi, Ed.). Cairo, Egypt: Matbaʻat Isa al-Babi al-Halabi wa Shurakahu.
19) Al-Shahrazuri, I. S. (1986). Adab al-mufti wa al-mustafti (M. Abdullah, Ed.). Beirut, Lebanon: Alam al-Kutub.
20) Al-Shatibi, I. ibn M. (1969). Al-Muwafaqat fi usul al-shariah (A. Diraz, Ed.). Cairo, Egypt: Dar al-Kutub al-Hadithah.
21) Al-Tabarani, S. ibn A. (1995). Al-Muʿjam al-Awsat. Cairo, Egypt: Dar al-Haramayn. Al-Muwafaqat fi usul al-shariah (A. Diraz, Ed.). Cairo, Egypt: Dar al-Kutub al-Hadithah.
22) Al-Tirmidhi, M. ibn I. (1975). Jami' al-Tirmidhi. Cairo, Egypt: Mustafa al-Babi al-Halabi Library and Printing Company.
23) Al-Qarafi, A. b. I. (1995). Al-ihkam fi tamyiz al-fatawa an al-ahkam wa tasarrufat al-qadi wa al-imam. Beirut, Lebanon: Dar al-Bashair al-Islamiyyah.
24) Bangladesh Bank. (2009). Guidelines for Islamic banking (BRPD Circular No. 15, November 9, 2009, and subsequent amendments/directives on Shariah Supervisory Committees, 2025).

25) Bangladesh Bank. (2025). Islamic Banking Financial Stability Report (or Quarterly Islamic Banking Statistics, June 2025). https://www.bb.org.bd/en/index.php/financialactivity/islamicbanking
26) Central Shariah Board for Islamic Banks of Bangladesh. (n.d.). Official guidelines and publications. https://www.csbib.org
27) Hassan, M. K., et al. (2023). AI in Islamic banking: Regulatory perspectives. Journal of Islamic Accounting and Business Research, 14(3), Article 3.
28) Ibn Abidin, M. A. (2009). Uqud rasm al-mufti. Karachi, Pakistan: Maktabat al-Bushra.
29) Ibn al-Shihna, A. b. M. b. M. (1973). Lisan al-hukkam fi marifat al-ahkam. Cairo, Egypt: Al-Babi al-Halabi.
30) Ibn Hamdan, A. b. H. b. Shabib al-Numayri al-Harrani al-Hanbali. (1977). Sifat al-fatwa wa al-mufti wa al-mustafti. Beirut, Lebanon: Al-Maktab al-Islami.
31) Ibn Majah, M. b. Y. al-Qazwini. (2009). Sunan Ibn Majah.Dar al-Risalah al-Alamiyyah.
32) Ibn al-Najjar al-Futuhi, M. b. A. b. A. b. A. (1997). Sharh al-Kawkab al-Munir: Al-Mukhtabar al-Mubtakar sharh al-Mukhtasar (2nd ed.; M. al-Zuhayli & N. Hammad, Eds.; Vols. 1–4). Maktabat al-Obeikan.
33) Ibn Qayyim al-Jawziyyah, M. b. A. B. b. A. b. S. (1991). Ilam al-muwaqqiin an Rabb al-alamin. Beirut, Lebanon: Dar al-Kutub al-Ilmiyyah.
34) Islamic Financial Services Board. (2009). Guiding principles on Shariah governance systems for institutions offering Islamic financial services (IFSB-10). Kuala Lumpur, Malaysia: IFSB.
35) Kamal ibn al-Imam al-Hanafi. (n.d.). Al-musayarah fi ilm al-kalam wa al-aqaid al-tawhidiyyah.Egypt: Al-Maktabah al-Mahmudiyyah al-Tijariyyah.
36) Khatib al-Baghdadi. (2014). Al-Faqih wa al-mutafaqqih (A. A. al-Rahman, Ed.). Beirut, Lebanon: Dar Ibn Hazm.
37) Laldin, M. A. (2022). Maqasid al-Shariah and technological innovation [Paper presentation]. International Shariah Scholars Forum (ISSF).
38) Mark Coeckelbergh (n.d.). AI Ethics, trans. Hiba Abdulaziz Ghannam, p. 51
39) OpenAI/Grok. (2024–2025). Technical reports on large language models (for understanding hallucination, bias, and limitations).
40) Ramli, S. al-Din Muhammad ibn Abi al-Abbas Ahmad ibn Hamzah. (n.d.). Ghayat al-bayan sharh Zubad Ibn Raslan. Beirut: Dar al-Ma‘rifah.
41) The Council of the International Islamic Fiqh Academy of the Organization of the Islamic Conference, Resolution No. 153 (2/17) Iftā: Requirements and Ethics. holding its 17th session in Amman, Hashemite Kingdom of Jordan, on 28 Jumādā al-Ūlā – 2 Jumādā al-Ākhirah 1427h / 24–28 June 2006.)
42) The Holy Qur’an (various references: Surah al-Nisa 4:59; al-Nahl 16:43; al-Anbiya 21:7; al-Baqarah 2:286; al-Hijr 15:75; al-Hadeed 57:28; al-Anfal 8:29; al-Bayyina 98:5; al-A’raf 7:33).
43) Usmani, M. T. (2014). Usul al-ifta wa aadabuhu. Damascus, Syria: Dar al-Qalam.
44) Zarqa, A. ibn al-Shaykh M. (1989). Sharḥ al-qawaid al-fiqhiyyah . Damascus, Syria: Dar al-Qalam.
45) Zubair, M. (2023). Artificial Intelligence and Shariah Compliance: Opportunities and Challenges. ISRA International Journal of Islamic Finance, 15(1), 45–62.