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TOWARD A HYBRID *MAQĀṢID*-BASED ARTIFICIAL INTELLIGENCE *FATWĀS* GOVERNANCE MODEL: Rethinking *Ijtihad* Authority, Accountability, and Legitimacy

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Abstract

This article seeks to discuss the transformation of fatwā authority in the artificial intelligence (AI) context, specifically addressing the critical tension between AI-driven efficiency and the legitimacy of ijtihād, religious authority, and accountability. Employing normative legal article with conceptual, comparative, Maqāṣid-based, and techno-legal approaches, this study examines the opportunities and limitations of AI-assisted fatwas and formulates a Maqāṣid-driven accountability framework. The findings demonstrate that while AI enhances legal source retrieval, semantic analysis, and reasoning consistency, it fundamentally lacks legal responsibility, scholarly integrity, contextual understanding, and moral consciousness preventing it from replacing a qualified Mujtahid. To address this, the study proposes a Hybrid Maqāṣid-Based AI Fatwās Governance model that positions AI merely as a supportive tool under human supervision, collective ijtihād, and ethical oversight, ensuring that epistemic responsibility remains strictly with competent scholars.

[Artikel ini bertujuan untuk mendiskusikan transformasi otoritas fatwā dalam konteks kecerdasan buatan (artificial intelligence/AI), secara khusus menyoroti

ketegangan kritis antara efisiensi berbasis AI dan legitimasi ijtihād, otoritas keagamaan, serta akuntabilitas. Dengan menggunakan penelitian hukum normatif melalui pendekatan konseptual, komparatif, berbasis Maqāṣid, dan tekno-legal, studi ini menganalisis peluang dan keterbatasan fatwa berbasis AI serta merumuskan kerangka akuntabilitas berbasis Maqāṣid. Temuan penelitian menunjukkan bahwa meskipun AI meningkatkan efisiensi penelusuran sumber hukum, analisis semantik, dan konsistensi penalaran, AI secara mendasar tidak memiliki tanggung jawab hukum dan moral, integritas keilmuan, pemahaman kontekstual, serta kesadaran moral sehingga tidak dapat menggantikan peran seorang Mujtahid yang kompeten. Untuk mengatasi hal ini, studi ini mengajukan model Hybrid Maqāṣid-Based AI Fatwās Governance yang menempatkan AI murni sebagai alat bantu di bawah pengawasan manusia, ijtihād kolektif, dan pengawasan etis, guna memastikan tanggung jawab epistemik tetap berada sepenuhnya pada otoritas ulama yang kompeten.]

Keywords: *Artificial Intelligence; Fatwās Authority, Ijtihad, Maqāṣid al-sharīʿah*

Introduction

The expansion of artificial intelligence technology into various social sectors has created new dynamics in Islamic practice and studies, especially those related to the production, distribution, and authorization of religious knowledge.[1] The emergence of innovative applications such as *fatwās* chatbots and AI-assisted legal reasoning systems has sparked critical discourse around the transformation of religious authority in the digital era. This phenomenon marks a paradigmatic shift in the way digital technology interacts with the religious domain. Instead of simply being a medium for storing and disseminating Islamic information, artificial intelligence is now beginning to adopt interpretive, consultative, and argumentative roles that have traditionally been the exclusive domain of scholars, *muftis*, and *fatwā* institutions.

[1] Nadirsyah Hosen, "Nahdlatul Ulama and Collective Ijtihad," *New Zealand Journal of Asian Studies* 6, no. 1 (2004): 5–26.

The development of artificial intelligence and chatbots allows the production and personalization of religious content and *fatwās*, which in turn can lead to inequality and shifts in the structure of religious authority.[2] Ismail Fajrie Alatas argues that religious authority is not merely an inherited status, but a continuous process of articulating and assembling Islamic knowledge across social contexts through recognizable epistemic networks.[3] Latifi identified issues of authority, trust, accountability, transparency, and acceptance as the main challenges of using AI in the *ijtihād* process and the issuance of *fatwās*.[4] Abdelnour asserts that AI can help with technical functions, but it lacks some of the epistemic and moral prerequisites underlying authentic religious authority.[5]

Therefore, algorithmic mediation not only expands access to religious guidance, but also changes the mechanism for the establishment, recognition, and contestation of *fatwā* authorities, including by shifting part of the authority-filtering functions from scholarly institutions to digital platforms, algorithmic systems, and user assessments.[4]

Previous studies has explored the relationship between religion and technology,[6] the transformation of authority in the digital age,[7] and

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[2] Bouziane Zaid, "Digital Islam and Muslim Millennials: How Social Media Influencers Reimagine Religious Authority and Islamic Practices," *Religions* 13, no. 4 (2022): 335, https://doi.org/10.3390/rel13040335.

[3] Ismail Fajrie Alatas, *What is Religious Authority? Cultivating Islamic Communities in Indonesia* (Princeton: Princeton University Press, 2021), 15.

[4] Latifi, Hasan, "Challenges of Using Artificial Intelligence in the Process of Shi'i Ijtihad", *Religions* 15, no. 5 (2024): 541. https://doi.org/10.3390/rel15050541.

[5] Mohammed Gamal Abdelnour, "Artificial Intelligence and the Islamic Theology of Technology: From 'Means' to 'Meanings' and from 'Minds' to 'Hearts,'" *Religions* 16, no. 6 (2025): 796, https://doi.org/10.3390/rel16060796.

[6] Gary R Bunt, "Surfing the App Souq: Islamic Applications for Mobile Devices," *CyberOrient* 4, no. 1 (2010): 3–18, https://doi.org/10.1002/j.cyo2.20100401.0001.

[7] Heidi A Campbell, "Understanding the Relationship between Religion Online and Offline in a Networked Society," *Journal of the American Academy of Religion* 80, no. 1 (2012): 64–93, https://doi.org/10.1093/jaarel/lfr074.

the application of AI in Islamic studies.[8] However, *article* that specifically examines the implications of AI on *fatwā* authority in the perspective *of Maqāṣid is* still limited to discussing the potential of AI as an *Ijtihad* tool, but has not been comprehensively analyzed from the point of view of epistemology, accountability, and legitimacy of Islamic law.

To address these gaps, this article examines the transformation of *fatwā* authority in the AI era by evaluating the epistemic opportunities and limitations of artificial intelligence as an instrument of *ijtihād*. It further analyzes the legal accountability and legitimacy of AI-assisted *fatwās* through the lens of *Maqāṣid al-sharī'ah*, ultimately proposing a comprehensive governance framework that integrates AI ethically and in alignment with Islamic law.

Between Charisma and Algorithm: The Contested Authority of *Fatwā* in the Age of Artificial Intelligence

The discourse on religious authority in the digital age cannot be separated from broader global debates regarding the role of religion in the modern public sphere. Jose Casanova states that religion has increasingly migrated into public sphere, challenging traditional boundaries and privatized forms of faith.[9] In the contemporary context, this public re-emergence is mediated by digital technologies. Heidi A. Campbell highlights that the proliferation of digital media reshapes religious practice and restructures traditional authority, giving rise to new forms of "networked religion" where algorithmic systems and online platforms compete with established religious institutions.[10]

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[8] Nadirsyah Hosen, "Online Fatwa in Indonesia: From Fatwa Shopping to Googling a Kiai," in *Expressing Islam: Religious Life and Politics in Indonesia*, ed. Greg Fealy and Sally White (Singapore: ISEAS–Yusof Ishak Institute, 2008), 159–73, https://doi.org/10.1355/9789812308528-013.

[9] Jose Casanova, *Public Religions in the Modern World* (Chicago: University of Chicago Press, 1994), 3–6.

[10] Heidi A. Campbell, *Digital Religion: Understanding Religious Practice in New Media Worlds* (London: Routledge, 2012), 59–65.

Within this shifting global landscape, the emergence of AI technology has triggered a significant transformation in the landscape of religious authorities, including *fatwā* authority in Islamic law. The phenomenon of digital religion and algorithmic authority is changing the way the Muslim public interacts with sources of religious authority.[11] The development of online *fatwā* institutions, which are now equipped with chatbot features and artificial intelligence (AI) systems to provide instant responses to legal issues, has given rise to a crucial discourse around the legitimacy of *fatwā* authority in the digital era. This phenomenon presents an epistemological dilemma: can AI, as a non-human entity, have the authority to issue valid and binding *fatwās*?

The authority of traditional *fatwās*, centered on the figure of *Mujtahid* scholars, is based on expertise, moral integrity, and community recognition. However, the presence of AI has shifted the relationship between scholars and the public. Instead of consulting directly with the *Mujtahid*, some Muslims now rely on algorithms for their legal problems.[12] This authority is personal and based on trust that is built through the direct relationship between the *muftī* and the *mustaftī* (*fatwā* requester). However, with the adoption of AI systems in online *fatwā* institutions, this trust relationship has undergone a significant shift.

Referring to Max Weber's theory of authority, traditional *fatwā* authority can be categorized as a charismatic authority that rests on the qualities of individual *Mujtahids*.[13] Meanwhile, the authority of algorithms tends to be rational-legal, where their legitimacy comes from systematic calculations and codified procedures. Talal Asad argues that this shift

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[11] Early Ridho Kismawadi, Mohammad Irfan, and Isnaini Harahap, "Integrating Artificial Intelligence in Islamic Financial Management: Opportunities and Challenges in Maintaining Shariah Compliance," in *Indigenous Empowerment through Human-Machine Interactions*, ed. Indrajit Ghosal et al. (Bingley: Emerald Publishing, 2025), 273–88.

[12] Cut Diamonds et al., "Artificial Intelligence in Islamic Fatwa: A Maqasid Al-Shariah and Hadith Perspective," *Al-Mu'ashirah Scientific Journal*, 23, no. 1 (2026): 201–22.

[13] Max Weber, *Economy and Society: An Outline of Interpretive Sociology*, ed. Guenther Roth and Claus Wittich (Berkeley: University of California Press, 1978).

reflects a change in the discursive structure of religious authority.[14]

However, the authority of *fatwā* is not solely determined by the mastery of the sources and methodologies of Islamic law, but is also shaped by moral, social, and institutional dimensions. By adapting Heidi A. Campbell's framework of religious authority, religious legitimacy needs to be understood as a multidimensional construct that involves the position or role of authority holders, the institutional structure that supports them, the belief system that is the basis for their legitimacy, and the religious texts referenced in the formation of opinions.[15]

In the context of *fatwā*, the legitimacy of a *Mujtahid* or *muftī* comes not only from textual erudition and the ability to perform *istinbāṭ al-aḥkām*, but also from moral integrity, recognition and social beliefs, as well as his connection with authoritative scientific traditions and institutions. Abdelnour emphasized that the authority to issue *fatwās* requires strict scientific education and moral integrity, while AI works through computational correlation and does not meet these moral and spiritual prerequisites.[16] AI also lacks social capital and institutional standing intrinsically; the legitimacy attached to its output is essentially the derivative legitimacy sourced from the developers, platforms, training data, or human institutions that use and validate it.[17] Therefore, while AI can help with the search for evidence, the organization of literature, and the comparison of legal opinions, the output of AI does not by itself have *fatwā* authority without verification, supervision, and accountability from a competent *muftī* or *fatwā* institution.

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[14] Talal Asad, *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, CA: Stanford University Press, 2003).

[15] Heidi A. Campbell, "Who's Got the Power? Religious Authority and the Internet," *Journal of Computer-Mediated Communication* 12, no. 3 (2007): 1043–62.

[16] Mohammed Gamal Abdelnour, "Artificial Intelligence and the Islamic Theology of Technology: From 'Means' to 'Meanings' and from 'Minds' to 'Hearts'", *Religions*, 16, no. 6 (2025): 796.

[17] Fouad Ahmed Atallah, "Digital Mediation and Fatwa Authority in Contemporary Islam: A Critical Islamic Legal and Media-Theoretical Framework," *Religions* 17, no. 3 (2026): 350.

Nevertheless, Gary Bunt argues that development of information technology also opens space for the emergence of new religious authorities that are more distributed and participatory.[18] In this context, AI has the potential to be a supporting instrument that expands public accessibility to Islamic legal sources. Although it cannot replace the role of *Mujtahid*, AI can be used to provide more efficient and standardized legal information, under the supervision and validation of scholars. Thus, the transformation of *fatwā* authority in the AI era requires a reconceptualization of the relationship between technology, scholars, and society. Instead of opposing the authority of human expertise and algorithmic authority, an integrative approach is needed that places AI as an instrument to support *ijtihād*, while maintaining the centrality of the role of the *Mujtahid* as the main authority stakeholder. This reconfiguration should be based on the considerations of *Maqāṣid al-sharīʿah* to ensure that the adoption of AI in *fatwā* practice is in line with the main objectives of Islamic law.

Artificial Intelligence and the *Mujtahid*: Toward a Collaborative Model of *Ijtihad*

The application of AI in the field of law, including Islamic law, has grown rapidly in recent years. Machine *learning*, generative AI, and *legal analytics technology* opens new opportunities for the efficiency and standardization of the *Ijtihad* process. However, on the other hand, the use of AI in *legal istinbāṭ* also faces several epistemological limitations that need to be critically examined.

In the Islamic legal tradition, *Ijtihad* is understood as an intellectual process carried out by a legal expert to build legal formulation on certain issues using methodological tools sourced from the Qur'an, *Sunnah*, *ijma'*, and *qiyās*. This process involves a set of reasoning methods such as *qiyās*

[18] Paul K McClure, "Review of Hashtag Islam: How Cyber-Islamic Environments Are Transforming Religious Authority, by Gary R. Bunt," *Sociology of Religion* 80, no. 4 (2019): 542–43.

(analogy), *istiḥsān* (legal preference), *maṣlaḥah mursalah* (consideration of benefits), and *sadd al-dharā'i* (closure of the way/means to evil).[19] In this context, the artificial intelligence system allows a number of technical stages in the legal reasoning process to be done faster through computational capabilities in managing and connecting large amounts of legal data, such as searching hadiths, semantic analysis of legal texts, and comparing the opinions of scholars.

For example, *natural language processing technology* can be used to analyze the corpus of hadith and assess its authenticity based on the criteria of the validity of sanad and matan.[20] AI can also help map the semantic relationships between fiqh concepts using *ontological modeling techniques*.[21] In the case of *qiyās*, textual similarity algorithms such as *Cosine Similarity* and *TF-IDF* can be leveraged to identify similarities between new cases and established legal precedents, thereby speeding up the process of identifying *'illah* and strengthening the consistency of legal analogies.[22] These opportunities show the potential of AI as a supporting instrument that can improve the efficiency and consistency of *Ijtihad*.

However, the application of artificial intelligence in *the ijtihād* process faces several significant epistemological limitations. First, *ijtihād* is not just a process of logical deduction from the text to a legal conclusion, but a reasoning activity that also considers the social context, benefits,

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[19] Mohammad Hashim Kamali, "Methodological Issues in Islamic Jurisprudence," *Arab Law Quarterly* 11, no. 1 (1996): 3–33.

[20] Sukarni Sukarni, Aulia Mutiah, and Fitri Al Kadumi, "Artificial Intelligence and Islamic Legal Reasoning: Developing an Ethical Framework for AI Governance from Indonesian Usul Al-Fiqh Perspectives," *Indonesian Journal of Digital Islamic Studies* 1, no. 1 (2026): 11–24, https://shariajournal.com/index.php/ijdis/article/view/1798.

[21] Meryem Soysaldı Şahin and Sedat Akleylek, "A Constant-Size Lattice-Based Partially-Dynamic Group Signature Scheme in Quantum Random Oracle Model," *Journal of King Saud University–Computer and Information Sciences* 34, no. 10 (2022): 9852–66, https://doi.org/10.1016/j.jksuci.2021.12.014.

[22] Abdul Halim, "The Implementation of Artificial Intelligence in Contemporary Ijtihad: Opportunities and Challenges of Islamic Law in the 5.0 Era," *Scholastica: Journal of Education and Culture* 6, no. 2 (2024): 75–83, https://jurnal.stitnualhikmah.ac.id/index.php/scholastica/article/view/2758.

consequences of applying the law, and the purpose that underlies the provisions of the sharia.[23] In this process, a *Mujtahid* is required to understand the historical context of the emergence of the text, the socio-cultural conditions of the community, the intention of the question, and the possibility of changes in the meaning and application of the law in different situations.

Meanwhile, AI models essentially work through pattern recognition and statistical correlations so that they still face limitations in understanding the intention, complexity of the social context, and the concrete consequences of a legal provision as a whole.[24] Second, *ijtihād* requires a holistic understanding of *Maqāṣid al-sharī'ah*, which is the normative goals of the sharia that include the protection of human interests, the realization of justice, the common good, dignity, moral responsibility, and spiritual values that cannot be reduced to a purely utilitarian calculation of benefits.[25] Abdelnour distinguishes the computational capabilities of AI from the awareness, intentionality, moral wisdom, and spiritual dimensions that underlie human religious reasoning. Third, *ijtihād* involves the use of *maṣlaḥah* and *sadd al-dharā'i'*, which requires prospective consideration of the benefits, risks, possible abuses, and potential for future *mafsadah*.[26]

While AI can help make projections based on historical data, it does not guarantee the identification of new risks, changes in social behavior, and negative impacts that have never been represented in the data; therefore, AI management still requires the identification and monitoring

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[23] J Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (International Institute of Islamic Thought, 2008).

[24] Latifi, "Challenges of Using Artificial Intelligence in the Process of Shi'i Ijtihad."

[25] Jasser Auda, *Maqasid Al-Shariah as Philosophy of Islamic Law: A Systems Approach* (London: The International Institute of Islamic Thought, 2008), https://books.google.co.id/books?id=5sKQF16gdWgC..

[26] Abdelnour, "Artificial Intelligence and the Islamic Theology of Technology: From 'Means' to 'Meanings' and from 'Minds' to 'Hearts.'"

of emergent and unforeseen risks. Fourth, the validity and acceptance of *ijtihād results* do not only depend on the coherence of argumentation, but also on the competence, authority, integrity, and credibility of the *Mujtahid* as an interpreter of the law.

In the Islamic legal tradition, the position of the *Mujtahid* is built through a comprehensive mastery of the Qur'an, hadith, Arabic, *uṣūl al-fiqh*, nasakh theory, substantive law, and the disagreements of legal scholars.[27] As a non-human entity, AI does not have the moral-religious responsibility, personal integrity, life experience, or scientific track record that is the basis of a *Mujtahid*'s authority. Therefore, AI is more appropriately placed as a supporting instrument under the supervision of a jurist than as an independent subject that replaces the *Mujtahid* authority in the implementation of *ijtihād*.

These limitations show that AI cannot completely replace the role of *Mujtahid*. As a supporting instrument, AI can strengthen the efficiency and consistency of *Ijtihad* in certain technical aspects. However, the contextual considerations, benefits, and *Maqāṣid* that are at the core of *Ijtihad* still require the active involvement of the *Mujtahid* as the main authority holder. Thus, collaboration between *Mujtahid* and AI systems within the framework of structured and ethical collective *Ijtihad* is a more appropriate approach than the total substitution of the role of *Mujtahid* by AI.

Accountability for AI-Based *Fatwās*: An Islamic Legal Perspective

The use of AI in the *fatwā* making process raises a crucial question about legal accountability: who is responsible when there is an error or loss due to *fatwās* involving an AI system? Is it the programmer, *fatwā* institution, user, or *Mujtahid* who supervises? The issue of accountability gap needs to be studied from the perspective

[27] Nadirsyah Hosen, "Hilal and Halal: How to Manage Islamic Pluralism in Indonesia?," *Asian Journal of Comparative Law* 7, no. 1 (2012): 1–18, https://doi.org/10.1515/1932-0205.1418.

of Islamic law to ensure that the integration of AI in *fatwā* practice does not obscure the principles of sharia accountability.

The framework of accountability in Islamic law cannot be separated from the concepts of amanah, mas'uliyyah, and taklif which together form the normative basis of the relationship between human actions and their legal consequences. *Amānah* refers to the responsibility entrusted by Allah to man to obey His provisions, fulfill obligations, safeguard rights, and avoid abuse of authority; The Qur'an describes trust as a moral burden that is accepted and borne by humans.[28] Meanwhile, *mas'ūliyyah* refers to the accountability of man for his choices and actions, both in the legal and social dimensions of the world and in the eschatological dimension before Allah.

This principle is reflected in the Qur'an's affirmation that hearing, sight, and heart will be held accountable and that every soul is bound by the deeds it has done.[29] *Taklīf* is the imposition of sharia provisions on humans in the form of orders, prohibitions, recommendations, or legal choices that cause moral and legal consequences for the party who is the target of these provisions.[30] The full legal burden can only be addressed to *mukallaf*, namely legal subjects who have the capacity to understand the demands of sharia and account for their actions.

In the theory of Islamic legal capacity, this ability is related to *ahliyyat al-adā'*, that is, the ability to perform actions that are recognized and cause legal consequences, which at the perfect level requires the ability to reason and maturity. Nonetheless, legal capacity is not always binary, but it can develop gradually according to age, maturity, and the ability to distinguish between good and bad (*tamyīz*).[31] Thus, accountability in

[28] *Al-Qur'an, Al-Aḥzāb [33]:72.*, n.d.

[29] Habib Ahmed, "Islamic Normative Legal Theory: Framework and Applications," *Journal of Law and Religion* 40, no. 1 (2025): 28–58, https://doi.org/10.1017/jlr.2025.10056.

[30] *Al-Qur'an, Al-Isrā' [17]:36; Al-Muddaththir [74]:38*, n.d.

[31] Jonathan G Ercanbrack, "Legal Capacity (Ahliyya)," in *Islamic Contract Law* (Oxford: Oxford University Press, 2024), 49–84, https://doi.org/10.1093/

Islamic law is not only based on the occurrence of an act, but also on the existence of trust, intellectual capacity, freedom of action, and the ability of the subject to understand the moral and legal consequences of his actions.

Meanwhile, users of AI-based *fatwās* remain shouldered with the responsibility to use technology with caution, especially by examining the source, context, and authority that warranted the answer. This obligation is in line with the principle that a *mustaftī* should seek the opinion of a truly competent jurist, rather than accept every religious output without verification.[32] The principle *of al-ghunm bi al-ghurm*, which links the acquisition of benefits with willingness to take risks, can be used to a limited extent to assert that the use of AI does not remove the responsibility of the user for the decisions he makes; however, it does not in itself justify the imposition of all negative impacts on the user, especially if the losses are derived from system errors, misleading design, or negligence of the organizing agency. [33]

The main epistemic responsibility for the validity of *fatwās* remains with the *Mujtahid* or *fatwā* institution that conducts the verification, because legal authority comes from human competence and accountability, not from algorithms. Therefore, AI should be placed as a supporting instrument whose results must be examined based on the evidence, *istinbāṭ* methodology, the context of the problem, and the possible impact before being conveyed to the public. To ensure such accountability, *fatwā* institutions need to establish procedures that clearly divide the responsibilities of developers, system managers, supervisory *Mujtahid*s, and users, along with documentation of data sources, output explanation

law/9780192893796.003.0004.

[32] Egypt's Dar al-Ifta, "The Craft of Issuing Fatwas," *Dar Al-Ifta Al-Misriyyah*, July 19, 2026, https://www.dar-alifta.org/en/article/details/77/the-craft-of-issuing-fatwas.

[33] Nasrun Mohamad Ghazali, "The Fiqh Maxim Al-Ghunm Bi Al-Ghurm: A Critique on the Interpretation of the Maxim Relating to the Risk-Return Concept in Islamic Banking and Finance," *ISRA International Journal of Islamic Finance* 16, no. 2 (2024): 4–19, https://doi.org/10.55188/ijif.v16i2.412.

mechanisms, periodic testing, error logging, feedback channels, and continuous human supervision. The principles of transparency, clarity, accountability, and monitoring throughout the AI use cycle are critical elements of trustworthy AI system governance.

With a clear accountability framework and aligned with sharia principles, the use of AI in *fatwās* can be managed ethically and responsibly. Synergistic collaboration between *Mujtahid*, *fatwā* institutions, programmers, and the public in adopting AI will encourage the birth of *Ijtihad* innovations that are more responsive, inclusive, and accountable in the digital era.

Maqāṣid al-Sharī'ah as an Evaluative Framework for AI-Based *Fatwās*

After examining the transformation of authority, epistemology, and accountability around AI-based *fatwās*, the equally crucial question is whether *fatwas* involving algorithms can be considered legitimate from the perspective of *Maqāṣid al-sharī'ah*? In other words, how to ensure that the adoption of AI in *Ijtihad* is in line with the main goals of sharia?

The idea *of Maqāṣid* developed through the contributions of a number of Islamic legal thinkers, ranging from al-Ghazali to Ibn Ashur, who sought to explain the rationality and purpose behind the formation of sharia provisions.[34] Al-Ghazālī interprets *maṣlaḥah* as everything that maintains the five essential interests (*al-ḍarūriyyāt al-khams*), namely religion (*ḥifẓ al-dīn*), soul (*ḥifẓ al-nafs*), intellect (*ḥifẓ al-'aql*), heredity (*ḥifẓ al-nasl*), and wealth (*ḥifẓ al-māl*); on the other hand, everything that damages these five elements is *mafsadah* that must be prevented.[35]

Contemporary scholars such as Jasser Auda developed *the theory of Maqāṣid* by including new dimensions such as *human dignity*, digital

[34] Congratulations to Meta Maria Opwis, *Maṣlaḥah and the Purpose of the Law: Islamic Discourse on Legal Change from the 4th/10th to 8th/14th Century*, *Studies in Islamic Law and Society*, vol. 31 (Leiden: Brill, 2010).

[35] Abū Ḥāmid Muḥammad al-Ghazālī, *Al-Mustaṣfā Min 'Ilm Al-Uṣūl* (Beirut: Dār al-Fikr, n.d.), 286–287.

justice, and *algorithmic fairness*.[36] In the context of AI-based *fatwās*, these five *traditional Maqāṣids* and contemporary *Maqāṣid* can be an evaluative framework to test the legitimacy of *fatwās* from the perspective of benefits.

From the *aspect of ḥifẓ al-dīn*, the output of AI must be sourced from authoritative Islamic references and verified by competent scholars. The principle *of ḥifẓ al-nafs* requires that the resulting recommendations do not endanger human health or safety, while *ḥifẓ al-'aql* requires the openness of sources and arguments so that users can critically assess answers. In addition, AI systems must consider the protection of families and children's rights within the framework *of ḥifẓ al-nasl*, as well as prevent fraud, exploitation, and financial losses in accordance with *ḥifẓ al-māl*.[37]

In the contemporary context, such assessments also need to include respect for human dignity, privacy, justice, inclusivity, and the principle of non-discrimination. Given that AI is still vulnerable to data bias, hallucinations, and contextual errors, its use must be accompanied by transparency, periodic audits, and adequate human supervision. Thus, AI should be placed as a supporting instrument, not as an independent mufti, while the authority and accountability of *fatwā* remain with competent scholars or *fatwā* institutions.

A Hybrid Model of *Ijtihad* Governance

Based on an analysis of changes in authority, epistemology, accountability, and legitimacy of *fatwas* in the era of artificial intelligence, this article proposes a *Hybrid Maqāṣid-Based AI Fatwa Governance* (HMAFG) model as a framework for AI-assisted *fatwā* governance. This model places AI as a supporting instrument, not a substitute for the *Mujtahid*, as interpretive authority and ultimate

[36] Jasser Auda, "A Maqāṣidī Approach to Contemporary Application of the Sharī'Ah," *Intellectual Discourse* 19, no. 2 (2011), https://doi.org/10.31436/id.v19i2.231.

[37] Abdelnour, "Artificial Intelligence and the Islamic Theology of Technology: From 'Means' to 'Meanings' and from 'Minds' to 'Hearts.'"

responsibility must remain with competent humans.[38]

HMAFG consists of five interintegrated components: AI Decision *Support System* (AI DSS) to assist in proof tracing, semantic analysis, and legal consistency testing; *Human Mujtahid* (HM) as the holder of the final authority in verifying AI outputs and considering the socio-religious context; *Collective Ijtihad Council* (CIC) which brings together scholars with experts in the social sciences, humanities, science, and technology in solving contemporary problems;[39] *Ethical Review Board* (ERB) which ensures transparency, traceability, fairness, data protection, accountability, and human oversight;[40] and *the Maqāṣid Compliance Framework* (MCF) to test the impact of *fatwās* based on the protection of religion, soul, intellect, heredity, property, human dignity, and the public welfare.[41] Through this structure, each AI output must undergo sharia verification, ethical checks, and *Maqāṣid* evaluations before being passed as a *fatwā*. Outputs that are not accountable, cause harm, or are contrary to the purpose of the Shari'ah must be corrected or rejected.

To operationalize the proposed Hybrid *Maqāṣid*-Based AI Fatwa Governance (HMAFG) framework, Table 1 synthesizes the structural division of labor among its five core components. The model establishes a clear hierarchy and functional balance between technological instruments and human authority. While the AI Decision Support System (AI-DSS) focuses on technical and computational efficiency in legal reasoning, ultimate epistemic authority and final decision-making remain with the Human *Mujtahid*. This human supervision is complemented by institutional oversight through the Collective *Ijtihad* Council (CIC) and

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[38] Latifi, "Challenges of Using Artificial Intelligence in the Process of Shi'i Ijtihad." https://doi.org/10.3390/rel15050541.

[39] International Islamic Fiqh Academy, "Objectives and Means," July 19, 2026, https://iifa-aifi.org/en/objectives-means.

[40] Scientific and Cultural Organization United Nations Educational, "Recommendation on the Ethics of Artificial Intelligence" (Paris: UNESCO, 2021), https://unesdoc.unesco.org/ark:/48223/pf0000381137.

[41] Jasser Auda, *Maqasid_Al_shariah_as_Philosophy_of_Islam*.

the Ethical Review Board (ERB), which ensure procedural integrity and ethical compliance. Finally, the *Maqāṣid* Compliance Framework (MCF) acts as the overarching evaluative standard to guarantee that all AI-assisted fatwas preserve public welfare (*maṣlaḥah*) and align with the higher objectives of Islamic law.

Table 1. Roles, Authorities, and Responsibilities of Components in the Hybrid Model of Maqāṣid-Based AI Fatwa Governance (HMAFG)

Components	Role	Authority	Responsibilities
AI-DSS	Instruments to support ijtihād	Limited to technical aspects	Efficiency and consistency of legal reasoning
Human Mujtahid	Supervisor and final decision-maker	The highest in ijtihād	Validity, contextuality, and wisdom of fatwā
CIC	Methodology formulators and impact evaluators	Collective on behalf of the institution	Process integrity and results of collective ijtihād
ERB	Ethical examiner	Independent advisor	Ethical compliance in AI development and applications
MCF	Conformity test kit with Maqāṣid	Evaluative standards	Benefits and legitimacy of AI fatwā

Source: *Developed by the author based on the proposed Hybrid Maqāṣid-Based AI Fatwa Governance (HMAFG) framework.*

This governance model is hybrid because it combines the roles of humans and machines in the *Ijtihad* process and incorporates ethical considerations and *Maqāṣid* as a layer of accountability. Through synergistic collaboration between components, it is hoped that an *Ijtihad* ecosystem can be created that is more responsive, inclusive, and contextual in the AI era.

However, the application of the HMAFG model in the real world also faces a few challenges, such as methodological standardization, cross-sectarian alignment, cultural resistance, and the need for adequate

resources. Further studies and experiments are therefore needed to refine and adapt this model in diverse contexts.

Despite these challenges, the HMAFG model can be a starting point for building more adaptive and accountable *Ijtihad* governance in the era of digital disruption. By prioritizing ethical human-machine collaboration based on *Maqāṣid*, Muslims can harness the potential of AI to enrich the treasures of Islamic legal thought, without losing the essence and wisdom of the *Ijtihad* tradition itself.

Conclusion

This study shows that while AI can enhance the efficiency and consistency of Islamic legal reasoning, it cannot replace the authority of the *Mujtahid*. Algorithmic systems lack *taklīf* (legal capacity), moral agency, and the holistic grasp of *Maqāṣid al-sharī'ah* that sound *istinbāṭ* requires. Legal accountability must therefore remain anchored in human scholars and *fatwā* institutions, not in autonomous technology.

Building on this argument, the study proposes the Hybrid Maqāṣid-Based AI Fatwa Governance (HMAFG) model—integrating AI as a decision-support tool, human *Mujtahids*, a collective *ijtihād* council, an ethical review board, and a *Maqāṣid* compliance framework. Rather than positioning AI as a rival authority or rejecting it outright, HMAFG treats AI as an instrument of collective *ijtihād*, operating under scholarly supervision to strengthen legal reasoning while safeguarding maṣlaḥah and the higher objectives of Islamic law.

As a conceptual study, this article is limited by the absence of empirical testing on operational AI *fatwā* platforms. Future work should empirically validate the HMAFG model across institutional and sectarian contexts, develop cross-sectarian AI *ijtihād* protocols, and design AI architectures grounded in Islamic ethical values.

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