

ChatGPT and Ijtihad in Shariah Economic Law

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Abstract

ChatGPT, as an AI representation, can understand human language and provide responses simulating human interactions. In the context of Islamic law, this technology can assist scholars in interpreting Shariah economic laws by processing information from primary sources such as the Quran, Hadith, and Islamic literature. However, the use of ChatGPT in *ijtihad* for Shariah economic law poses complex challenges. This technology has limitations in understanding the context of Islamic legal principles and the nuanced language crucial for interpreting Islamic law. Additionally, ethical aspects are crucial, particularly in issuing fatwas or *ijtihad* related to Shariah Economic Law. This research aims to explain the concept of *ijtihad* from the perspective of Islamic law and address whether ChatGPT can act as a giver of fatwas in the aspect of Shariah Economic Law. This research employs a descriptive qualitative approach with a normative phenomenological approach. Primary data is gathered from literature sources and references on Islamic law, while secondary data is obtained from ChatGPT responses to the given prompts. The research concludes that ChatGPT, as a technological advancement, offers an *ijtihad* model that transcends time. However, ChatGPT has not yet been capable of being utilized as a giver of fatwas in the aspect of Shariah Economic Law. This is due to: (a) ChatGPT's difficulty in recognizing and comprehending words with specific and profound contexts, and (b) input data sourced from big data cannot guarantee the authenticity of the data when used for making legal decisions, particularly in Shariah Economic Law. There has not been a detailed study discussing ChatGPT as a means of *ijtihad*, specifically as a provider of fatwas in the domain of Shariah Economic Law.

Introduction

The presence of Artificial Intelligence (AI) technology has significantly impacted various areas of life, including the realms of law and religion. (Randall Reed, 2023) In Islam, the concept of '*ijtihad*,' which involves an interpretive process to uphold Sharia law in situations not directly addressed by primary sources, (Al-Ghazali, n.d.) has become an intriguing focus of study. Amid technological advancements, (Muthoifin, 2021) such as the existence of ChatGPT based on natural language processing, questions arise regarding its potential use as a tool for '*ijtihad*' in the context of Shariah economic law.

ChatGPT, as an AI technology capable of understanding human language and providing responses resembling human interaction, (Randall Reed, 2023) holds the potential to serve as an intermediary in understanding Islamic law, (Steele, 2023) particularly in the field of Shariah economics. With its ability to process information from relevant sources like the Quran, Hadith, and classical Islamic literature, ChatGPT can aid scholars in interpreting the context of Shariah economic law.

However, the use of ChatGPT in '*ijtihad*' regarding Shariah economic law presents several complex challenges. One of these is the technological limitations in comprehending historical, cultural, and linguistic contexts that are often crucial in Islamic legal interpretation. (Takhim et al., n.d.) Understanding these contexts is frequently necessary to grasp the subjective and contextual nature of Shariah law. Additionally, ethical considerations become crucial, especially in issuing fatwas or interpretations related to the daily lives of the Muslim community. (Imron Rosyadi dan M Muinudinillah, 2020)

The utilization of ChatGPT as a tool for '*ijtihad*' in Shariah economic law requires a meticulous methodological approach. This involves developing models or frameworks enabling technology to access, comprehend, and interpret Islamic legal sources with high accuracy. It necessitates active collaboration between Islamic legal experts and technology specialists to produce suitable approaches and avoid potential distortions or errors in Shariah legal interpretation.

The evolution of AI increasingly involves the use of various extensive alternative data sources and data analysis techniques known as big data. This abundant data is based on machine learning models that use it to autonomously learn, improve predictive capabilities, and enhance performance, all without human programming intervention. (Organisation for Economic Co-operation and Development., n.d.)

User-generated data, derived from various digital platforms, falls into at least three categories: data from social media platforms like YouTube, Facebook, Instagram, Twitter, etc.; data from service application platforms like Gojek, Grab,

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Netflix, Spotify, Google, etc.; and data from digital devices such as smartwatches, smartphones, etc. (Muhammad Djindan, Suzanna Eddyono, Amalinda Savirani, Rajiyem, 2022)

Much literature discussing the economic concept in the technological context of Artificial Intelligence primarily focuses on how AI has transformed human life across various aspects. For instance, studies by Yogesh K Dwivedi et al. in "So What If ChatGPT Wrote It?" extensively examine how AI technology has influenced numerous facets of human life, including computer technology, marketing, information systems, education, policy, tourism, printing, and healthcare. (Dwivedi et al., 2023) However, these studies do not delve deeper into the aspect of using ChatGPT as a means to gather information about Shariah economic law, particularly 'murobahah'.

Related topics like Artificial Intelligence and Religion have been studied by researchers like Randall Reed, (Randall Reed, 2023) whose research focuses on the work of Jonathan Z. Smith. Randall explores how AI, which plays a narrow role in classification according to Smith's perspective on religious studies, can aid in the development of religious studies. However, this study does not explore the use of ChatGPT as a means to gather information about 'murobahah'.

Research by Jennifer L. Steele from the School of Education at American University in Washington focuses on the threat of ChatGPT in the education sector. The researcher proposes teaching methods that acknowledge technological advancements based on reading comprehension, knowledge aggregation, and genre conventions. (Steele, 2023) However, Jennifer does not explain how ChatGPT impacts religious teachings, specifically 'murobahah,' and only focuses on educational aspects.

From the aforementioned background, the problem statement in this article can be summarized as: (a) What is the concept of 'ijtihad' from the perspective of Islamic Law? (b) Can ChatGPT serve as a source for issuing fatwas regarding Shariah Economic Law?

Result and Discussion

Ijtihad

Ijtihad originates from the word "juhdun," which carries another meaning, "al-masyaqqah," signifying difficulty or hardship (Muhammad Syukri Albani Nasution, 2020). Etymologically, ijtihad signifies difficulty and hardship (al-masyaqqah) but also interpreted as capability and ability (at-thaqah) (Syafe'i, 1991). According to Abu Yahya Zakaria Bin Muhammad Bin Ahmad Bin Zakaria Al-Anshari, ijtihad is: "*Utilizing the wide range of knowledge by a jurist to deduce judgment*". (Al-Anshari, n.d.) Imam Al-Ghazali defines ijtihad as: "*The effort of a mujtahid to deploy their capabilities in the pursuit of knowledge concerning the rulings of the Shari'a*" (Al-Ghazali, n.d.).

According to al-Amidi, ijtihad is the employment of the capacity to obtain a strong presumption about the Sharia law in a manner in which the person feels incapable of performing otherwise (Syaifudin al-Amidi, 1967). Meanwhile, Imam As-Syaukani explains ijtihad as the deployment of abilities to obtain practical Sharia law through istinbath method (Syaukani, n.d.). Ijtihad is also defined as the endeavor or task of deriving Sharia law or religious laws from detailed evidence in Islamic Sharia (Wahbah az-Zuhaili, 2019). From these various definitions, scholars of Islamic jurisprudence interpret ijtihad as: 1) Engaging the thoughts of fuqaha or ushuliyin, 2) Utilizing reason earnestly, 3) Related to practical Sharia law, 4) Delving into the content of Sharia law through various efforts and approaches, 5) The available evidence is detailed to the extent that presumptions are eliminated, 6) The outcome of ijtihad forms into jurisprudence for easy implementation (Khalaf, 1977).

These six characteristics illustrate that ijtihad is one of the methods for extracting laws using reason or ra'yu, and the primary tool for ijtihad is reason. Arabs commonly use the term ra'yu to signify an opinion or respond to issues faced (Hasan, 1993). The role of reason is crucial in ijtihad; therefore, scholars of jurisprudence stipulate conditions to be fulfilled by those who engage in ijtihad. The conditions include: (Syarifudin, 2008) 1) Understanding the content of the Quran and ulumul quran (Quranic sciences), 2) Knowledge of the Sunnah, understanding hadiths, sanad, rawi, matan, and the reasons behind them, 3) Awareness of all issues that have been established by ijma' (consensus), 4) Understanding and being able to apply the method of istinbath in law, 5) Proficiency in the Arabic language and its intricacies, 6) Knowledge of Islamic legal maxims and the ability to process and analyze legal evidence to reach the intended legal conclusions, 7) Familiarity with the objectives of Sharia, 8) Possession of virtuous morals and sincere intentions in engaging in ijtihad (Djazuli, 1991).

Ijtihad from the perspective of the executor is divided into two: individual ijtihad and collective ijtihad. Individual ijtihad refers to ijtihad performed by an individual or only a few mujtahids. For instance, ijtihad conducted by eminent mujtahids such as Imam Abu Hanifah, Imam Malik, Imam Shafi'i, and Imam Ahmad bin Hanbal (Rosyadi, 2012). On the other hand, collective ijtihad is what is known as ijma' in the books of usul al-fiqh, namely, ijtihad performed by mujtahids from the ummah of Prophet Muhammad SAW after his demise in specific matters. In its development, collective ijtihad involves various disciplines besides fiqh itself according to the issues being discussed. It's nearly certain that individual ijtihad is challenging to carry out in present times with the advancement of human civilization and knowledge. Thus, collective ijtihad becomes a feasible solution.

Abu Zahrah divided mujtahids into four levels; 1) *Mujtahid Mustaqil*: These are mujtahids who possess independence in deducing rulings and formulate their own methods in shaping fiqh laws. Examples include the four eminent mujtahid

imams: Imam Abu Hanifah, Imam Malik, Imam Shafi'i, and Imam Ahmad bin Hanbal. 2) *Mujtahid Muntashib fi al-Madzhab*: They are mujtahids who fundamentally have the capacity in *usul al-fiqh* (principles of jurisprudence), yet adhere to the *usul fiqh* of one of the independent mujtahid imams. Essentially, they are free to engage in *ijtihad* without being bound to any specific mujtahid but follow the deduction methods of the independent mujtahids. Examples include the students of Abu Hanifah like Muhammad bin Hasan al-Shaybani, Qadhi Abu Yusuf, scholars from the Shafi'i school like al-Muzani, and scholars from the Maliki school like Abdurahman bin Wahhab. 3) *Mujtahid fi al-Madzhab*: They engage in *ijtihad* in matters not found in the books of the imam of their madhhab that serve as their guide. For instance, figures such as Abu Hasan al-Kharki, Abu Ja'far al-Thahtawi, and others (Zein, 2008). 4) *Mujtahid fi al-Tarjih*: They engage in the comparative analysis of various madhhabs or opinions, capable of comparing different madhhabs and preferring the strongest opinion among the existing ones. They use the methodologies previously employed by mujtahid scholars (Mardani, 2013).

Regarding the certainty of meanings in evidences (*dalil*), evidence can be categorized into two:

1. *Qoth'iy al-dalalah*: This includes verses and hadiths with explicit and definite meanings, leaving no room for alternative interpretations. Scholars of *usul* have established principles stating that no *ijtihad* is needed concerning unequivocal *nash* sources, such as pronouncing the testimony of faith, the obligation of performing five daily prayers, fasting in Ramadan, paying zakat, performing Hajj, prohibition of adultery, theft, consuming alcohol, and murder. In these aspects, *ijtihad* is unnecessary as they are clearly stipulated in the Quran and Hadiths ("*al-ma'lum min ad-din bi ad-dhoruroh*").
2. *Dzanni ad-dalalah*: This term refers to verses and hadiths with meanings that do not explicitly and distinctly indicate a specific meaning. These have the potential for various interpretations beyond the apparent meaning initially observed. Uncertainty in these cases can arise due to several factors, such as general evidence that can be interpreted broadly, while other evidence points to a specific or limited meaning. Additionally, there might be absolute evidence, but other evidence suggests a different direction (Hidayatudin, 2019).

The objects of *ijtihad* are: firstly, all Quranic verses and hadiths that are *qath'i* in existence but *dzanni* in implication; secondly, all non-mutawatir Quranic verses, which include *qira'at masyhurah* and *syadzdzah*; thirdly, all hadiths that exhibit ambiguous *wurud* and simultaneously have ambiguous *dalalah*; fourthly, legal issues absent in Quranic texts or hadiths or *ijma'* explaining their legality. In such cases, legal reasoning evidence like *qiyas*, *istihsan*, *maslahah mursalah*, *'urf*, *istishab*, and others are utilized (Suparyanto dan Rosad (2015, 2022).

The products of *ijtihad* can be distinguished into four categories: 1) *Fiqh* (Jurisprudence), 2) *Qanun* (Legislation), 3) *Qadha'* (Legal Verdicts), 4) *Fatwa* (Legal Opinion). Experts in *usul al-fiqh* often consider mujtahids and muftis (those who issue fatwas) as similar entities. These terms are often used interchangeably, suggesting that a mufti bears similar responsibilities and academic qualifications to a mujtahid. However, there is a crucial difference between them recognized by most *usul al-fiqh* scholars. A mufti is expected not only to possess fairness and reliability but also to have a deep understanding of religious issues and discussions. Additionally, a mufti has the responsibility to disseminate knowledge about religious laws, as sharing this knowledge is deemed equally important as issuing fatwas (Hallaq, 2001).

Giving a fatwa can be considered more specific than mere *ijtihad*. This is because *ijtihad* is the result of deducing laws, whether there is a question posed or not, whereas *ifta* or giving fatwas occurs when there is an actual occurrence, and scholars strive to determine its legal status (Nafis, 2011). The legal basis for *ijtihad* can be found in the Quran, specifically in Surah An-Nisa, verse 59, urging believers to refer disputes to Allah and His Messenger. Similarly, Surah An-Nisa, verse 105, emphasizes deciding matters based on what Allah has revealed.

Moreover, several Quranic verses serve as the foundation for the command to exercise *ijtihad*, such as in Surah Ar-Ra'd, verse 3, Surah An-Nahl, verse 11, Surah Ar-Rum, verse 21, Surah Az-Zumar, verse 42, and Surah Al-Jasiyah, verse 13. The legal grounds for *ijtihad* also stem from the hadith describing the dialogue between the Prophet Muhammad and Muadh bin Jabal when the Prophet sent him to Yemen.

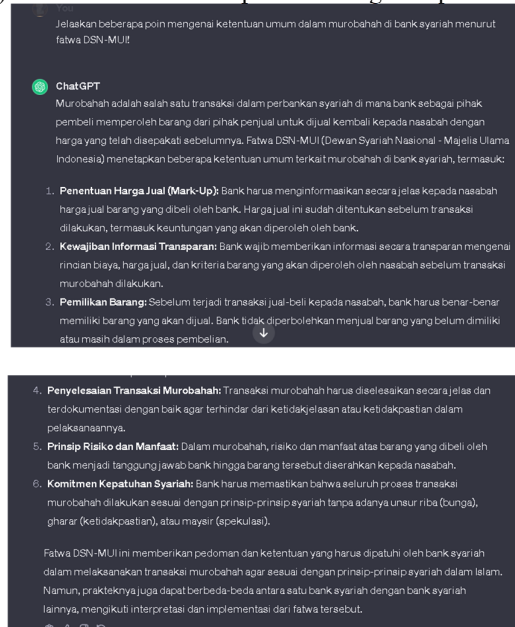
Regarding the legal aspects of *ijtihad*, it can be examined from three perspectives: 1) In terms of the outcome of *ijtihad* for personal practical use, such as determining the qiblah direction for prayer, 2) Examining a mujtahid as a mufti whose fatwa will be followed by the community, 3) Analyzing the *ijtihad* of a jurist in general principles of establishing laws, regardless of any specific circumstances (Farid et al., 2023).

Verses like Surah Al-Hasyr, verse 2, and hadiths like the one narrated by Abu Hurairah highlight the obligation and reward for making correct decisions through *ijtihad*. The role of a jurist, whose opinion serves as guidance for the Muslim community, influences the legal aspect of *ijtihad*. The jurisprudential principles demonstrate how the law of *ijtihad* can change based on the context and urgency of a given case. These principles depict the flexibility in the process of *ijtihad* in Islamic law and the importance of considering environmental and situational factors in determining whether *ijtihad* is mandatory, recommended, prohibited, or permissible in a specific case.

ChatGPT

ChatGPT and the Potential of *Ijtihad* in Sharia Economics Law Since its launch in November 2022, ChatGPT has been receiving criticism and feedback. One of the critiques revolves around the accuracy of using Natural Language Processing (NLP) language programming models based on big data (Alkaissi & McFarlane, 2023). These models lack real understanding of existing concepts, posing a limitation in generating responses that might contain misconceptions. The

limited understanding relies on inputs from big data with low information validity or biased data, marking another weakness (Baidoo-Anu & Owusu-Ansah, 2023). Here is ChatGPT's response to the given question:



ChatGPT (Chat-Generated Pretrained Transform), with its basis in big data information and its NLP language programming model, in this context, represents a form of *ijtihad* aimed at facilitating humans in addressing their life problems. With its extensive understanding of various topics, it allows users to ask questions, seek explanations, and issue other commands through text (Dwivedi et al., 2023). Up to this point, ChatGPT seems to still encounter difficulties in recognizing and understanding the meanings of more specific and profound words (Steele, 2023), especially in situations with high complexity, often found in Islamic law. Additionally, the input data sourced from social media platforms, service application platforms, and digital tool platforms cannot ensure the authenticity of data when used for the purposes of legal decision-making, particularly in religious law. This is because the input sources do not originate from authoritative entities to address doctrinal religious issues.

Conclusion

Ijtihad as one of the methods for legal reasoning employs intellect or reasoning (*ra'yu*). *Ijtihad* uses the primary tool of intellect grounded in the sources of the Quran and Hadith. Legal *ijtihad* is related to the context and situations that occur. The model of *ijtihad* can change based on the circumstances and the urgency of the given case. This illustrates the flexibility in the process of *ijtihad* in Islamic law, emphasizing the importance of considering environmental and situational factors in determining the law in a particular case. ChatGPT, as a form of technological innovation, offers an *ijtihad* model that transcends eras.

However, the use of ChatGPT is considered inadequate for providing Shariah Economic Law fatwas. ChatGPT still struggles to recognize and understand the meanings of words that have more specific and profound contexts. Additionally, data inputs originating from big data sources cannot guarantee the authenticity of the data when used for the purposes of legal decisions, especially in Shariah economic law.

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