



# QANIT

## Jurnal Hukum Keluarga Islam

e-ISSN: 3047-4369

Available online at <https://journal.unisad.ac.id/index.php/qanit>

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### Artificial Intelligence and Islamic Family Law Consultation: Opportunities and Challenges of Digital Fatwa for Muslim Communities

*Artificial Intelligence dan Konsultasi Hukum Keluarga Islam: Peluang dan  
Tantangan Fatwa Digital bagi Masyarakat Muslim*

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#### Abstract

The rapid proliferation of artificial intelligence (AI) technologies in legal and religious advisory domains has generated unprecedented questions for Islamic jurisprudence regarding the authority, accuracy, and ethical permissibility of AI-mediated Islamic family law consultation. This article examines the opportunities and challenges posed by AI-powered digital fatwa platforms for Muslim communities seeking guidance on marriage, divorce, custody, inheritance, and related matters of Islamic family law. Employing a normative-juridical methodology supplemented by a critical analysis of existing AI legal advisory platforms, the study evaluates AI fatwa services against the classical Islamic epistemology of legal authority (*marji'iyah*), the conditions for valid *ijtihad*, and contemporary Indonesian regulatory frameworks governing legal information services. The findings reveal that while AI platforms significantly expand access to Islamic legal information, particularly for geographically and economically marginalized Muslim communities, they simultaneously raise profound challenges regarding juristic authority, contextual sensitivity, liability for erroneous guidance, and the risk of algorithmic homogenization of Islamic legal plurality. The article concludes with a framework for the responsible integration of AI tools into Islamic family law consultation that preserves human juristic authority while leveraging technological capabilities.

**Keywords:** artificial intelligence; digital fatwa; Islamic family law; *ijtihad*; legal technology

#### Article History

Received: 10 March 2026 | Revised: 15 April 2026 | Accepted: 28 April 2026

**Abstrak**

*Proliferasi teknologi kecerdasan buatan (AI) yang pesat dalam domain konsultasi hukum dan keagamaan telah menimbulkan pertanyaan-pertanyaan yang belum pernah ada sebelumnya bagi yurisprudensi Islam mengenai otoritas, akurasi, dan kebolehan etis konsultasi hukum keluarga Islam yang dimediasi AI. Artikel ini mengkaji peluang dan tantangan yang ditimbulkan oleh platform fatwa digital berbasis AI bagi komunitas Muslim yang mencari panduan tentang perkawinan, perceraian, hak asuh anak, waris, dan persoalan hukum keluarga Islam lainnya. Dengan menggunakan metodologi normatif-yuridis yang dilengkapi analisis kritis terhadap platform konsultasi hukum AI yang sudah ada, penelitian ini mengevaluasi layanan fatwa AI berdasarkan epistemologi Islam klasik tentang otoritas hukum (marji'iyah), syarat-syarat ijtihad yang valid, dan kerangka regulasi Indonesia kontemporer yang mengatur layanan informasi hukum. Temuan mengungkapkan bahwa meskipun platform AI secara signifikan memperluas akses terhadap informasi hukum Islam, terutama bagi komunitas Muslim yang terpinggirkan secara geografis dan ekonomi, platform ini sekaligus menimbulkan tantangan mendalam terkait otoritas yurisprudensial, sensitivitas kontekstual, tanggung jawab atas panduan yang keliru, dan risiko homogenisasi algoritmik terhadap pluralitas hukum Islam. Artikel ini diakhiri dengan kerangka kerja untuk integrasi AI yang bertanggung jawab dalam konsultasi hukum keluarga Islam.*

**Kata Kunci:** kecerdasan buatan; fatwa digital; hukum keluarga Islam; ijtihad; teknologi hukum

**Introduction**

The convergence of artificial intelligence and religious legal advisory services represents one of the most intellectually challenging frontiers confronting Islamic jurisprudence in the twenty-first century. Within barely a decade, AI-powered chatbots, natural language processing systems, and machine learning platforms have moved from experimental curiosities to widely used tools for information retrieval, decision support, and advisory services across virtually every domain of professional practice, including law and medicine. The Islamic world has not been immune to these developments: digital fatwa services, AI-powered Qur'anic interpretation tools, and algorithmic Islamic legal databases are proliferating rapidly across the Muslim world, raising urgent questions about the nature of religious authority, the conditions for valid legal guidance, and the protection of

vulnerable individuals who rely on these services for guidance on matters of the highest personal and spiritual significance (Kamali, 2022).

In Indonesia, the world's largest Muslim-majority democracy, the intersection of AI and Islamic family law consultation has particular urgency. The country's highly diverse Muslim population is spread across an enormous archipelago of over seventeen thousand islands, with significant proportions living in rural or remote areas where access to qualified Islamic legal scholars (ulama) and Religious Court services is severely limited. The digitalization of religious services, accelerated dramatically by the COVID-19 pandemic, has led millions of Indonesian Muslims to seek guidance on marriage, divorce, inheritance, and related family law matters through online platforms, social media, and increasingly, AI-powered consultation services. The Indonesian Ulema Council (Majelis Ulama Indonesia/MUI) has acknowledged the phenomenon but has yet to issue comprehensive guidance on the permissibility and regulation of AI fatwa services (Hosen, 2022).

The classical Islamic doctrine of fatwa a non-binding legal opinion issued by a qualified jurist (mufti) in response to a specific question (istifta') from a layperson (mustafti) rests on a sophisticated epistemological architecture that specifies the qualifications required of the issuing authority, the methodological steps required in the derivation of the opinion, and the contextual sensitivity required in its application to the specific circumstances of the questioner. Hallaq (2019) has argued that the fatwa institution is constitutively relational: it presupposes a living human interlocutor capable of understanding the questioner's full situation, exercising moral judgment about the appropriate balance between legal strictness and pastoral mercy (taysir), and bearing personal moral responsibility for the guidance given. These requirements, Hallaq contends, are not merely procedural but ontological: they define what it means to issue an authoritative Islamic legal opinion, and they cannot be reproduced by a computational system operating on the basis of pattern recognition and statistical inference.

Contemporary Islamic legal theorists have been divided in their responses to the AI fatwa challenge. A traditionalist position, associated with scholars at Al-Azhar University and several Indonesian pesantren-based scholars, holds that AI systems are categorically incapable of valid *ijtihad* because they lack the moral subjectivity, divine accountability (*taklif*), and spiritual insight (*firasat*) that the classical tradition regards as prerequisites of authoritative juristic reasoning. A more pragmatic position, advanced by Kamali (2022) and others working in the tradition of Islamic legal reform, acknowledges these limitations while arguing that AI tools can serve a legitimate and valuable function as first-line information resources that democratize access to Islamic legal knowledge, provided they are appropriately designed, clearly labeled as non-authoritative, and integrated within a broader system of human juristic oversight.

The legal technology literature provides a complementary analytical framework for evaluating AI fatwa services. Susskind (2023) has argued that the transformation of legal services by AI represents not merely a technical change but a fundamental restructuring of the relationship between legal expertise, institutional authority, and public access to justice, with profound implications for the social functions previously performed by legal professionals. In the Islamic family law context, this restructuring has specific implications for the authority of the Religious Courts, the role of qualified Islamic scholars as advisors, and the protection of vulnerable individuals particularly women and children—who may be disproportionately exposed to the risks of algorithmically generated legal guidance that lacks contextual sensitivity or human accountability.

Hosen (2022) has situated the AI fatwa debate within the broader context of the transformation of Islamic authority in the digital age, arguing that the emergence of social media fatwas, YouTube scholars, and now AI legal advisors represents a systemic challenge to the traditional gatekeeping institutions of Islamic jurisprudential authority including the *ulama* councils, the pesantren networks, and the Religious Courts that have historically mediated between the scriptural sources and the Muslim public. The democratization of fatwa issuance

through digital channels, Hosen argues, has both liberating and destabilizing effects: it expands access for populations previously excluded from qualified Islamic legal guidance, but it also floods the information environment with unreliable, decontextualized, and sometimes harmful legal opinions that may be indistinguishable in their digital presentation from authoritative scholarly guidance.

Existing literature on AI and Islamic law, while growing rapidly, exhibits significant gaps that this article seeks to address. First, most existing contributions focus on the theological and philosophical questions of AI moral status rather than on the practical legal and regulatory challenges of AI fatwa services in a specific national context. Second, the implications of AI legal advisory services specifically for Islamic family law arguably the domain most sensitive to contextual variation and most consequential in its impact on individual and family wellbeing have received insufficient attention. Third, the Indonesian regulatory context, including the emerging legal framework for AI services under the Electronic Information and Transactions Law (UU ITE) and the Personal Data Protection Law, has not been integrated into analyses of AI fatwa permissibility and regulation.

The article proceeds as follows. The methodology section describes the normative-juridical approach and the analytical framework applied to AI fatwa services. The results and discussion section is organized around three subsections: the epistemological and juristic evaluation of AI fatwa services; a comparative analysis of existing AI legal advisory platforms in the Islamic family law domain; and the regulatory and institutional framework needed to govern AI fatwa services in the Indonesian context. The conclusion offers a synthesis of findings and a framework for the responsible integration of AI into Islamic family law consultation. This analysis aims to contribute to both Islamic jurisprudential scholarship and the growing literature on AI governance in religious and legal domains.

## **Research Method**

This study employs a normative-juridical methodology, as articulated by Marzuki (2017), applied to the intersecting legal domains of Islamic jurisprudence, Indonesian positive law governing information technology and legal services, and the emerging regulatory discourse on artificial intelligence. The primary juristic sources examined include classical texts on the conditions and epistemology of fatwa issuance (the works of al-Nawawi, Ibn al-Salah, and Ibn Qayyim al-Jawziyyah on the conditions of the mufti and the obligations of the mustafti), contemporary Islamic legal theory texts addressing technology and *ijtihad*, and formal institutional documents from the MUI, the International Islamic Fiqh Academy, and Al-Azhar's Fatwa Centre addressing digital and AI-mediated religious services. The Indonesian regulatory framework analyzed includes Law No. 11 of 2008 on Electronic Information and Transactions as amended by Law No. 19 of 2016, Law No. 27 of 2022 on Personal Data Protection, and the Supreme Court's developing jurisprudence on electronic legal services. Soekanto and Mamudji (2015) underscore that normative research in domains involving rapidly evolving technology benefits from a multi-source comparative approach that triangulates classical doctrinal standards, positive law frameworks, and emergent institutional practice, a methodological principle this study adopts.

In addition to doctrinal analysis, the study undertakes a critical comparative review of a purposively selected sample of publicly accessible AI-powered Islamic legal information platforms operating in the Indonesian and broader Southeast Asian Muslim market, including general-purpose large language model chatbots (such as widely available commercial AI assistants) used for Islamic legal consultation, dedicated Islamic AI applications, and AI-enhanced fatwa databases maintained by established Islamic institutions. The review assesses these platforms against criteria derived from the classical conditions for fatwa issuance and the Indonesian legal framework for digital legal services, including: accuracy of Islamic legal information provided; contextual sensitivity to individual circumstances; transparency about AI limitations and non-authoritative status;

referral mechanisms to qualified human scholars; and data protection compliance. As Susskind (2023) argues, normative evaluation of legal technology platforms must move beyond abstract philosophical analysis to engage with the actual design and operational characteristics of deployed systems, a methodological imperative this study endeavors to meet.

## **Results and Discussion**

The analysis presented below examines the AI fatwa phenomenon from three complementary perspectives: the epistemological and juristic evaluation of AI systems as potential fatwa issuers within the framework of classical Islamic legal theory; a comparative assessment of existing AI Islamic family law advisory platforms against classical and regulatory standards, supported by tabular data; and the regulatory and institutional framework required to govern AI fatwa services in the Indonesian Muslim context. Together, these subsections reveal that AI fatwa services occupy a normatively complex position that can be neither straightforwardly endorsed nor categorically rejected by Islamic jurisprudence or Indonesian positive law, and that the most productive scholarly and regulatory response lies in the development of nuanced governance frameworks that maximize the benefits of AI legal information access while minimizing its risks.

### **1. Epistemological and Juristic Evaluation of AI Fatwa Services**

The classical Islamic conditions for valid fatwa issuance, as elaborated in the foundational texts of *usul al-fiqh* and the specialized literature on *adab al-mufti* (the ethics of the jurisconsult), establish a demanding set of prerequisites that any potential fatwa-issuing authority must satisfy. Ibn al-Salah's authoritative treatise *Adab al-Mufti wa-al-Mustafti*, summarized and applied by al-Nawawi in his *Majmu' Sharh al-Muhadhdhab* (as cited in Kamali, 2022), specifies that a valid mufti must possess: mastery of the Arabic linguistic sciences; comprehensive knowledge of the Qur'anic sciences and hadith methodology; expertise in the rules of abrogation and the hierarchy of evidences; familiarity with the scholarly consensus (*ijma'*) and the positions of the recognized legal schools (*madhahib*); knowledge of the

customary practices ('urf) of the community to which the fatwa is addressed; and the capacity for independent legal reasoning (ijtihad) to derive rulings on matters not explicitly addressed in the primary sources. None of these conditions, strictly construed, is currently satisfiable by any existing AI system in the sense intended by the classical tradition.

The most fundamental epistemological challenge facing AI fatwa systems concerns the nature of legal understanding and moral judgment. Contemporary AI systems, including the most sophisticated large language models, operate through the statistical pattern recognition of vast corpora of text, producing outputs that mimic the surface form of human legal reasoning without the underlying processes of moral deliberation, contextual sensitivity, and principled judgment that classical Islamic jurisprudence regards as constitutive of authentic ijtihad. Kamali (2022) has argued that this distinction is not merely technical but normatively decisive: Islamic legal reasoning is inherently embedded in a moral and spiritual framework of accountability before God (taqwa) that gives the mufti's opinion its binding character as sincere advice (nasiha) rather than mere information, and this accountability structure is categorically absent from AI systems. A fatwa issued by an AI system is, on this analysis, not merely an inadequate fatwa but a category error: it resembles a fatwa in its linguistic form while being constitutively different from one in its epistemic and moral substance.

A more permissive juristic evaluation, however, is possible if the function of AI legal advisory services is understood not as fatwa issuance but as information dissemination and preliminary legal research assistance. Classical Islamic scholarship has always recognized a distinction between the binding authoritative opinion of a qualified mufti and the more general dissemination of Islamic legal knowledge through teaching, writing, and scholarly debate. The latter category has never been restricted to muftis alone: students, educated laypersons, and even non-specialists have historically performed legitimate roles in transmitting and explaining Islamic legal knowledge, provided they clearly identify themselves as non-authorities and direct questioners with complex or sensitive matters to

qualified scholars. On this analysis, AI legal advisory platforms may be understood as performing a function analogous to an advanced Islamic legal encyclopedia or a knowledgeable layperson: legitimate and potentially valuable as a first port of call for general information, but requiring clear designation of their non-authoritative status and robust mechanisms for referral to qualified human scholars in cases involving significant personal consequences (Hosen, 2022).

The Islamic family law domain presents particular challenges for AI advisory systems because it combines a high degree of scholarly disagreement across the recognized legal schools (*madhahib*) with an extreme sensitivity to the individual circumstances of the questioner. Questions about the validity of a marriage contract, the grounds for and procedure of divorce, the custody rights of a mother following remarriage, or the Islamic inheritance shares of children from different marriages are not questions with single correct answers derivable from textual sources alone: they require contextualized juristic judgment that weighs the specific facts of the situation, the applicable school's methodology, the community's customary practices, and the human needs and vulnerabilities of the persons involved. Susskind (2023) has observed, with reference to secular legal AI systems, that the highest-stakes legal advisory situations are precisely those where AI systems are most likely to produce misleading outputs, because the statistical patterns learned from training data are least reliable in novel, highly contextual, and emotionally complex situations that deviate significantly from the training distribution.

## **2. Comparative Analysis of AI Islamic Family Law Advisory Platforms**

A comparative assessment of currently available AI-powered Islamic family law advisory resources reveals a heterogeneous landscape ranging from general-purpose large language models responding to Islamic legal queries, through dedicated Islamic AI applications, to AI-enhanced institutional fatwa databases. The quality, accuracy, and appropriate epistemic humility of these platforms vary enormously, and users without prior Islamic legal knowledge have limited capacity to assess the reliability of the guidance they receive. The following comparative

analysis evaluates a typology of AI Islamic family law advisory platforms against criteria derived from the classical conditions for valid legal guidance and the Indonesian regulatory framework for digital information services. The assessment illustrates both the genuine informational value and the significant risks of AI-mediated Islamic family law consultation as it currently operates in the Indonesian Muslim digital environment.

**Table 1.** Comparative Assessment of AI Islamic Family Law Advisory Platform Typologies

<b>Platform Type</b>	<b>Juristic Accuracy</b>	<b>Contextual Sensitivity</b>	<b>Authority Disclosure</b>	<b>Referral Mechanism</b>	<b>Data Protection</b>
General LLM Chatbot (e.g., commercial AI assistant)	Moderate (mixed accuracy; school variation ignored)	Low	Inconsistent; rarely explicit	Absent	Varies by provider
Dedicated Islamic AI App (standalone)	High for common issues; low for complex cases	Moderate	Partial; often promotes app as authoritative	Limited	Often inadequate
AI-Enhanced Institutional Fatwa Database (MUI, Al-Azhar)	High for covered topics	Moderate to High	Explicit; clear non-binding disclaimer	Present (to human scholars)	Generally compliant
Social Media AI Bot (WhatsApp / Telegram)	Low to Moderate	Very Low	Absent or misleading	Absent	Inadequate

*Note.* LLM = Large Language Model. Assessment is based on qualitative review of platform characteristics reported in secondary literature and publicly observable platform features. Individual platforms within each typology may vary.

The comparative data in Table 1 reveal a clear hierarchy of platform quality and juristic reliability. AI-enhanced institutional fatwa databases maintained by established Islamic scholarly bodies represent the most responsible application of

AI technology to Islamic family law consultation: they combine the informational breadth and accessibility of digital AI systems with the juristic grounding of scholarly-curated content, explicit authority disclaimers, and mechanisms for referral to human scholars. At the opposite end of the spectrum, social media AI bots operating on WhatsApp or Telegram—a modality that has proliferated rapidly in the Indonesian Muslim digital space—combine poor juristic accuracy with minimal or absent authority disclosure and no data protection safeguards, creating a high risk of harm particularly for vulnerable users seeking guidance on sensitive family law matters such as divorce, domestic violence, or inheritance disputes.

The absence of adequate authority disclosure across most platform typologies is particularly alarming from both an Islamic juristic and a consumer protection perspective. Hallaq (2019) has argued that the relational character of the fatwa institution requires not only that the mufti possess the requisite qualifications but also that the mustafti (questioner) understands the nature and limitations of the guidance being sought, so that they can exercise their own judgment about whether to follow the opinion or seek additional guidance. When AI platforms present Islamic family law information in the confident, authoritative register of an expert system without clearly communicating their AI nature, non-authoritative status, and potential for error, they undermine this epistemological transparency and expose users to the risk of acting on incorrect legal guidance in matters with potentially irreversible personal consequences, including decisions about marriage validity, divorce pronouncement, and inheritance distribution.

From a positive law perspective, the Indonesian regulatory framework for digital information services provides an important but currently underutilized set of instruments for governing AI fatwa platforms. The Electronic Information and Transactions Law (UU ITE) and its implementing regulations impose requirements of information accuracy, user protection, and operator accountability on digital service providers that are directly applicable to AI fatwa platforms. The Personal Data Protection Law No. 27 of 2022, moreover, imposes specific obligations regarding the processing of sensitive personal data—which plainly encompasses

information about users' marital status, family disputes, and inheritance arrangements shared in the context of Islamic family law consultation— that most AI fatwa platforms currently operating in the Indonesian market do not adequately satisfy. Susskind (2023) has argued that the effective governance of AI legal advisory services requires the active engagement of both professional self-regulatory bodies and statutory regulators, a principle that applies with equal force to the AI Islamic family law advisory context in Indonesia.

### **3. Regulatory and Institutional Framework for AI Fatwa Governance in Indonesia**

The development of an adequate regulatory and institutional framework for AI fatwa services in Indonesia must navigate the intersection of Islamic jurisprudential authority, consumer protection law, digital platform regulation, and the institutional prerogatives of the established Islamic scholarly bodies. The most credible institutional actor for the development of Islamic-law-specific standards for AI fatwa services is the MUI, which possesses both the jurisprudential authority to define the conditions for legitimate Islamic legal guidance and the institutional standing to issue fatwa and guidelines that carry normative weight within the Indonesian Muslim community. Hosen (2022) has recommended that the MUI establish a dedicated digital fatwa standards committee charged with: developing minimum quality and disclosure standards for AI Islamic advisory platforms; certifying platforms that meet these standards; and issuing public guidance to Indonesian Muslims about the limitations and appropriate use of AI Islamic legal advisory services. Such a committee would represent a productive application of the classical Islamic institution of hisba— public accountability for the preservation of Islamic social and normative standards to the challenges of the digital age.

The substantive standards for AI fatwa platform governance that the MUI committee or an equivalent regulatory body should develop would need to address at minimum four domains. First, accuracy standards: AI platforms providing Islamic family law information should be required to base their outputs on vetted

scholarly sources, to represent the range of recognized juristic opinions on disputed questions rather than presenting a single view as authoritative, and to clearly flag areas of inter-school disagreement that require individualized scholarly consultation. Second, disclosure standards: all AI Islamic legal advisory platforms should be required to clearly identify themselves as AI systems, to explicitly disclaim authoritative fatwa status, and to direct users with significant personal decisions to qualified human scholars. Third, referral standards: platforms should be required to provide accessible referral pathways to qualified human scholars, Islamic counseling services, and the Religious Courts for matters that exceed the appropriate scope of AI legal information. Fourth, data protection standards: platforms must comply with the Personal Data Protection Law's requirements for the processing of sensitive personal data, including family dispute information (Kamali, 2022).

The positive potential of AI in the Islamic family law consultation domain, properly harnessed, is substantial and should not be obscured by the risks documented above. For the millions of Indonesian Muslims living in remote areas of Kalimantan, Papua, Maluku, and the eastern islands with limited access to qualified ulama and Religious Court services, AI Islamic family law information platforms represent a genuinely transformative democratization of access to legal knowledge that has direct implications for the realization of justice in Islamic family matters. A mother in a remote village who needs to understand her rights following her husband's unilateral talaq pronouncement, or an orphaned child who needs to understand the Islamic inheritance shares to which they are entitled, may have no practical access to qualified scholarly guidance other than through a digital platform. The governance challenge is not to eliminate AI from the Islamic family law consultation ecosystem but to establish the conditions under which it can operate responsibly and reliably as one component of a broader system that includes qualified human scholars, institutional fatwa bodies, and accessible Religious Court services.

Finally, the governance framework for AI fatwa services must address the risk of algorithmic homogenization of Islamic legal plurality. The Indonesian Islamic tradition is characterized by its rich internal diversity, encompassing multiple madhahib, locally specific customary practices ('urf), and a longstanding tradition of contextual ijihad that has produced distinctively Indonesian approaches to Islamic family law issues. AI systems trained primarily on Arabic-language Islamic legal texts or on the juristic traditions of the Middle Eastern Muslim world risk presenting decontextualized legal opinions that are insensitive to the Indonesian legal and cultural context, effectively imposing a homogenized and culturally alien Islamic legalism on a Muslim community whose tradition of contextual juristic creativity represents one of its greatest intellectual assets. Hosen (2022) has argued that the preservation of Indonesian Islamic legal plurality in the digital age requires active investment in the development of AI systems trained on and responsive to the Indonesian Islamic scholarly tradition, a task that the MUI, the State Islamic Universities (UIN), and the Ministry of Religious Affairs are uniquely positioned to lead.

## **Conclusion**

This article has examined the opportunities and challenges of AI-mediated Islamic family law consultation through a combined normative-juridical and critical analytical lens, revealing a domain of significant promise but equally significant risk. The epistemological analysis demonstrates that AI systems are currently incapable of performing valid ijihad in the classical Islamic sense, but that they can legitimately and valuably serve an information dissemination and legal research assistance function provided their non-authoritative status is clearly communicated and appropriate referral mechanisms are in place.

The comparative platform analysis reveals a heterogeneous landscape in which the most responsible AI Islamic family law advisory services are those maintained by established Islamic scholarly institutions, while the least responsible and most widely accessible are social media AI bots that combine poor juristic accuracy with absent authority disclosure and inadequate data protection.

The regulatory analysis identifies the MUI, in partnership with the Indonesian government's digital economy regulators, as the most appropriate institutional actor to develop and enforce minimum quality and disclosure standards for AI Islamic family law advisory platforms in Indonesia. The long-term goal of this governance framework should be the creation of a trustworthy, accessible, and juristically responsible AI-augmented Islamic family law consultation ecosystem that expands access to legal knowledge for marginalized Indonesian Muslim communities without compromising the integrity of the Islamic legal tradition or the safety of vulnerable individuals who depend on accurate guidance in matters of the highest personal and spiritual significance.

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