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AI Robot Judges and Judicial Decision-Making: A Comparative Assessment in Light of Fiqh or Islamic jurisprudence

Mostafa Masoudian[1*] | **Alireza Kazemi**[2] | **Javad Arabshirazi**[3]

1. Corresponding Author, Department of Islamic Jurisprudence and Law, Faculty of Humanities, Shahed University, Tehran, Iran. Email: m.masoudian@shahed.ac.ir
2. Department of Jurisprudence and Law of Qom Seminary. Qom, Iran. Email: alirezakazemi2150664011@gmail.com
3. Department of International Law, Faculty of Law, Qom University, Qom, Iran. Email: j.arabshirazi@stu.qom.ac.ir

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ABSTRACT

The advancement of information technology, Artificial Intelligence (AI) in particular, has profoundly influenced various aspects of human life. Among these, the administration of justice—a matter of significant importance given the Divine Lawgiver (The Legislator in Islam)—has also been subject to technological transformation. AI-powered robot judges, capable of processing vast amounts of data with exceptional speed, accuracy, and efficiency, present a strategic advantage in judicial proceedings. However, a critical question arises: What are the Fiqhi (jurisprudential) implications of delegating judgment and justice to humanoid robots? Employing , this study examines the legal and doctrinal evidence surrounding the permissibility and prohibition of robot judges in Islam. The research concludes that, given the explicit designation of the position of judgeship to human beings by the Islamic Legislator, along with the inherent incompatibility of robotic entities with the nuanced responsibilities of judicial authority, autonomous judgment by robot judges cannot be deemed legitimate. Instead, such technology may serve as an auxiliary and complementary tool to enhance the efficiency, precision, and quality of judicial processes under the oversight of human judges. In fact, while it is widely acknowledged that independent decision-making by such systems lacks legitimacy, their non-independent use, as tools assisting human judges, is not only permissible but also advisable. However, integrating AI in a supportive role within the judiciary necessitates proper planning to enable its effective and ethical utilization.

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1. Introduction

Artificial intelligence (AI) is rapidly advancing across nearly every field of study, transforming how knowledge is generated, analyzed, and applied. From healthcare and law to education, engineering, and the arts, AI is redefining research methodologies, enhancing problem-solving capacities, and opening new frontiers for innovation. Some experts predict that AI will eventually reshape the judicial profession itself, with the possibility of robot judges replacing human ones in the not-so-distant future. However, it remains uncertain to what extent AI can independently perform judicial functions without human oversight or involvement.

Judging is a multifaceted role that extends beyond mere adjudication. It may involve judicial activism, interpersonal engagement, conflict resolution, case administration, public education, social critique, and collaborative decision-making—sometimes with fellow judges or, in certain legal systems, with lay jurors. The degree to which individual judges emphasize these functions differs widely across legal traditions and even among judges themselves. Some adopt a more adaptive or empathetic approach, while others may prioritize therapeutic justice, procedural fairness that values participation and dignity. Given this diversity, predicting how artificial intelligence (AI) will transform the judiciary remains challenging. Although "Judge AI" or "Judicial AI" is still in its early stages, its growing relevance is evident. There are already tentative, albeit controversial, efforts to deploy AI judges or robot judges in specific disputes (Sourdin, 2024).

As AI and other disruptive technologies advance at an unprecedented rate, the legal system faces a pivotal question: What will become of judges in the next 10, 20, or 30 years? Could AI-powered "robot judges" eventually replace human ones? And if so, what profound legal and ethical consequences would follow? What is undeniable is that the landscape of justice is undergoing rapid transformation, with disruptive technologies already redefining key elements of the judicial system. While adopting these tools by legal practitioners may not immediately overhaul the judicial role, it will inevitably alter how certain judicial functions are performed.[1] For instance, the growing reliance on AI-driven tools, such as predictive coding, predictive analytics, and machine learning, is reshaping how legal materials are curated for judges and how risks are evaluated for clients. These developments signal a shift in the dynamics of legal practice, which in turn may influence judicial processes. Yet, despite these changes, the human element of judging—rooted in nuanced interpretation, ethical deliberation, and empathetic discernment, may remain irreplaceable in complex or morally sensitive cases (Sourdin, 2024).

2. The Advent of Robotics

While robotics focuses on the creation of physical machines capable of performing tasks, AI is the software brain that allows these machines to make decisions, learn from experience, and interact inelligenctly with their surroundings using their memories. Robotics has advanced through four distinct developmental stages. First, robots emerged as reprogrammable machines operating in a semi- or fully autonomous way to perform manufacturing operations. The first industry robot was tested within the automobile sector in 1961, drawing on the projects of George Devol and Joseph Engelberger, which culminated in the UNIMATE robot performing spot welding and extracting die-castings in a General Motors factory in New Jersey (Pagallo, 2013).

The second phase emerged in the early 1980s as robotics became pivotal in the automotive industry, with Japan spearheading large-scale factory adoption to reduce costs and enhance product quality, compelling Western manufacturers to follow. The third phase saw robotics expand into diverse industrial sectors (e.g., petroleum, textiles, agriculture) and professional services (e.g., logistics, defense, underwater systems), though reliance on the auto sector persisted—evidenced by 1997–2003 data showing 57–70% of new robot installations in major European economies were automotive. The fourth phase, marked by a UN-reported diversification "revolution," introduced unmanned underwater vehicles (UUVs) for pipeline/oil rig maintenance and later unmanned aerial systems (UAVs/UAS) for military use. By the 2010s, the focus shifted to self-driving cars, catalyzed

1. See the strategic approach undertaken in the UK: Ministry of Justice (UK), “Transforming our justice system: assisted digital strategy, automatic online conviction and statutory standard penalty, and panel composition in tribunals”, Government Response Cm 9391, February 2017.

by Nevada's 2011 legalization of autonomous vehicles and culminating in the 2017 U.S. Self-Driving Act, which established federal regulations for the technology (Ugo Pagallo, The Rise of Robotics & AI: Technological Advances & Normative Dilemmas, 2018).

This paper examines the legal and doctrinal evidence surrounding the permissibility and prohibition of robot judges in Islam. It should be note that the use of artificial intelligence in judgment and adjudication is regarded as a novel issue within Islamic jurisprudence (fiqh). Consequently, there is no direct precedent for this matter in the Qur'anic verses, prophetic traditions (hadiths), or other classical sources traditionally employed in the derivation of legal rulings. Therefore, its jurisprudential analysis must be grounded in well-established principles and overarching legal doctrines that govern the institution of adjudication. Due to the unprecedented nature of the topic, direct reference to primary jurisprudential sources is particularly challenging. Nonetheless, efforts have been made to draw upon authoritative and foundational texts such as *Mabādi al-Wuṣūl ilā ʿIlm al-Uṣūl* by Allamah Ḥilli, *Uṣūl al-Fiqh* by ʿAllamah Muẓaffar, *Kifāyat al-Uṣūl* by Akhund Khurasani, *al-Qawāʿid al-Fiqhiyya* by Āyatollah Makarim Shirazi, and *Tafsīr al-Mīzān* by Allamah Ṭabṭabaī, among others.

This research first conducts a comparative study to asses the use of AI-powered robot judges in different countries such as China, the US and the UAE. It then examines the jurisprudential principles related to AI judges and evaluates the legitimacy of their role in adjudication within divinely ordained legal systems. In the final section, two major jurisprudential theories, Jawaz (permissibility) and Adam al-Jawaz (non-permissibility), are examined in depth.

3. A Comparative Examination

While no nation has yet fully replaced human judges with autonomous AI-powered robot judges as of 2024, a growing number of countries are actively integrating artificial intelligence into their judicial systems. These experimental implementations range from AI-assisted legal research and case prediction tools to automated decision-support systems - all operating under strict human oversight. The most significant developments currently underway include.

3-1. China

China's judicial system uses smart courts. A smart court is a legal court where judicial officers use technological applications to facilitate their work and provide better judicial services to the public. It can be any physical or online court where the judicial process is conducted on a digital platform (Junius, 2023). Smart court reform is part of broader judicial reforms to restore public trust in China's legal and court system. (Rosenzweig, 2017). Accordingly, with the pledge to 'make people feel justice and fairness in every judicial case', the Chinese judiciary launched a series of far-reaching reforms in 2014 as part of Xi Jinping's yifa zhiguo ('governing the country according to law' 依法治国) reform agenda. Amongst others, judges came to hold lifelong responsibility for their decisions (Papagianneas, 2023), the judge's cohort was professionalized (Fu, 2022), and mechanisms were implemented to improve uniformity (Sprick, 2018).

In these courts, AI-powered systems and tools assist courts by analyzing case files, predicting likely outcomes, and automatically drafting preliminary judgments for routine matters like traffic violations and small claims cases. However, these AI-generated decisions remain subject to mandatory review and final approval by human judges, ensuring legal accountability and oversight.

3-2. The United States

In the US, courts make use of Risk Assessment Tools. "Risk assessment tools (RATs) are a specific type of algorithm used to determine risk. They are meant to predict if someone in the criminal legal system is likely to do something like get arrested again (sometimes called reoffending), or not show up to court if released (sometimes called failing to appear)."[1] AI (e.g., Correctional Offender Management Profiling for Alternative Sanction) evaluates recidivism risks for bail/sentencing, but judges make final calls (and face bias allegations). "There are significant potential benefits to using data-driven risk assessments in criminal sentencing. For example, risk assessments have rightly been endorsed as a mechanism to enable

1. https://pretrialrisk.com/the-basics/risk-assessment

courts to reduce or waive prison sentences for offenders who are very unlikely to reoffend. Multiple states have recently enacted laws requiring the use of risk assessment instruments. And in 2017, the American Law Institute, a highly respected organization that has worked for many decades to 'clarify, modernize, and otherwise improve the law,' approved a proposed final draft of the 'Model Penal Code: Sentencing.' The document specifically recognizes the value of evidence-based sentencing with input from actuarial instruments that 'estimate the relative risks that individual offenders pose to public safety through their future criminal conduct' (Foggo, 2019).

The report added that while algorithm-based risk assessment tools offer potential benefits, their expanding use raises significant due process concerns under US constitutional law. The Fifth and Fourteenth Amendments guarantee that no person shall be deprived of "life, liberty, or property without due process of law" - a fundamental protection that extends to procedural due process. This critical legal doctrine requires fairness in any government proceeding that may jeopardize these protected interests, creating serious questions about whether opaque algorithmic systems can satisfy these constitutional requirements.

"When algorithm-based risk assessment tools are used in criminal proceedings, due process issues can arise concerning offenders' rights to challenge the accuracy and relevance of information used at sentencing. We highlight two of those challenges. The first relates to an offender's right to information regarding the algorithm used to compute risk scores, and the second relates to an offender's right to know what those scores are" (Foggo, 2019).

An investigation[1] claimed that COMPAS generated "false positives" for people of color and "false negatives" for white people. In other words, it suggested that people of color would re-offend when they did not do so, and suggested that white people would not re-offend when they did. However, the developer of the system challenges these claims (Kennedy, 2023).

However, in a notable case (Reuters, 2024) demonstrating judicial experimentation with AI, US Circuit Judge Kevin Newsom of the 11th Circuit Court of Appeals revealed he used ChatGPT as a complementary tool to help interpret a key legal term when reviewing a defendant's appeal of his 11-year armed robbery sentence; while initially "spooked" by minor variations in the AI's responses, Judge Newsom concluded in his concurring opinion (which accompanied the court's rejection of the appeal) that such tools could become valuable for legal analysis, marking one of the first public instances of a federal judge incorporating AI into judicial reasoning while maintaining transparency about its use and limitations.

3-3. The United Arab Emirates

In July 2023, Dubai launched the world's fully digital judicial platform for rental disputes, available to both local and international litigants. This innovative system utilizes artificial intelligence to analyze case data and generate preliminary judgments, significantly reducing human intervention in the adjudication process. While AI handles the initial decision-making, all rulings undergo mandatory review and final approval by a human judge before being formally issued to the involved parties (Bolivar, 2023).

"The UAE's vision for Artificial Intelligence stands as a cornerstone of its ambitious goals outlined in the UAE Centennial 2071 initiative. This strategy is not merely about technological advancement; it represents a holistic approach to revolutionizing governance and societal development. By leveraging AI, the UAE aims to enhance government efficiency and responsiveness, paving the way for a smarter, more interconnected society. Central to this vision is the implementation of an integrated digital infrastructure capable of swiftly addressing challenges and delivering effective solutions across various sectors. The UAE aspires to lead the global AI race, positioning itself as a hub for AI investments and innovation. Through strategic initiatives, the nation seeks to create new markets brimming with economic opportunities, fostering growth and prosperity. Remarkably, while countries worldwide are embracing AI, the UAE has emerged as a trailblazer by establishing the world's first dedicated AI office in 2017, led by Minister His Excellency Omar Sultan Al Olama. This bold move underscores the UAE's unwavering commitment to harnessing AI's transformative potential and spearheading progress on the global stage (Topchyi, 2024)".

1. https://www.propublica.org/article/machine-bias-risk-assessments-in-criminal-sentencing

In addition, the UAE has reportedly become the first Islamic country to use artificial intelligence (AI) to assist in drafting laws, marking a major step in the integration of technology into governance. According to a report (Swan, 2025) published by the Telegraph on April 21, 2025, the UAE has announced "federal and local laws will be written by computers, along with judicial rulings, executive procedures and public services.

Last week, a new cabinet unit named the Regulatory Intelligence Office was approved to oversee the move, which will streamline the legislative process, the UAE's vice-president said. Sheikh Mohammed bin Rashid al-Maktoum, also the ruler of Dubai, noted, "This new legislative system, powered by artificial intelligence, will change how we create laws, making the process faster and more precise."

Today, several other countries, including the UK, Canada, and Colombia, have reportedly either developed or are seeking to advance AI judges. In a report[1] in 2019, it was claimed that Estonia had developed a pilot AI judge that could adjudicate small claims disputes of less than 7,000 euros. The claim, however, was officially rejected by Estonia's Ministry of Justice and Digital Affairs in an official statement[2] later in 2022.

4. AI-Powered Robot Judges and Fiqh (Islamic Jurispredence)

Given the necessity of the legitimacy of judgment within divine systems, the significant issue at hand pertains to the legitimacy or illegitimacy of AI robots engaging in the process of judgment and litigation. Here, it is important to clarify the term "litigation". It is essential to note that "litigation" here refers comprehensively to all stages of legal proceedings, preliminary investigations, adjudication, verdict issuance, and execution, not merely the final ruling. Thus, this research seeks to address two core issues: First, what do the evidentiary standards of religious law dictate regarding the use of intelligent robots in judicial processes? Second, are judgments rendered by such robots valid and enforceable, or does Divine Law exclusively reserve the authority to judge and litigate for human beings by their inherent humanity?

While intelligent robots represent an emerging technological frontier, scholarly attention has already begun to explore this domain from multiple perspectives. Existing research falls into two primary categories: (1) technical-engineering studies, exemplified by works such as "Design, Construction, and Launch of a Universal Mobile Robot" (Ramin Mersi, 2020) presented at the International Conference of the Iranian Society of Mechanical Engineers; and (2) legal examinations, including analyses like "An Introduction to Criminal Liability in Robotics from Technological and Islamic Law Perspectives" (Mohammad Ali Haji Dehabadi, 2015) published in the Journal of Comparative Research in Islamic and Western Law. However, current scholarship remains disproportionately focused on liability issues, with insufficient attention to core jurisprudential questions concerning the very permissibility of robot judges serving in judicial capacities.

This study employs an analytical methodology rooted in the science of jurisprudential principles (ʿilm al-uṣūl) to develop a coherent juristic framework within Islamic legal governance, specifically addressing AI technologies. The paper is structured into two main parts: (1) a presentation of existing viewpoints, where theories and evidentiary sources (adilla) on the permissibility (or prohibition) of AI-driven judicial rulings are systematically examined; and (2) a critical evaluation of these perspectives, culminating in a synthesized conclusion that advances foundational principles for this emerging field.

4-1. Fiqh's opinions about the use of robot judges in judicial rulings

As noted earlier, AI-powered robotic judges represent a novel technological development with no direct precedents in classical Islamic legal texts. Consequently, the principle of *adam-e jawaz* (non-permissibility, prohibition) of AI-driven adjudication remains unexplored in extant juristic discourse. Given this textual silence, the issue must be analyzed through the lens of general Sharīah principles (*al-qawāʿid al-kulliyya*) and juristic inference (*istinbāṭ*). This approach yields two opposed positions: (1) the permissibility thesis, which sanctions AI judicial authority based on broader legal maxims, and (2) the prohibition/non-permissibility thesis, which rejects robotic litigation as incompatible with

1. https://www.law360.ca/ca/articles/1747943
2. https://www.justdigi.ee/en/news/estonia-does-not-develop-ai-judge

Islamic conceptions of judicial agency. The subsequent sections will critically evaluate both positions, their evidentiary bases (*adilla*), and their conformity with the objectives of Islamic law (*maqāṣid al-Sharīah*).

4-1-1. The Principle of *Adam-e jawaz* and its *adilla*

Based on these principles, the Divine Address (*Khiṭābāt Legislator in Islam*)—including God's commands (*Awāmir*) and prohibitions (*Nawāhī*)— applies exclusively to human beings and cannot be extended to non-human entities. Accordingly, judicial rulings issued by AI-powered robot judges lack religious and legal legitimacy. This position is grounded in several jurisprudential arguments, which will be systematically presented and critically evaluated in subsequent sections.

4-1-1-1. Religious Obligations Specifically Assigned to Humans

Islamic jurisprudence (fiqh) is fundamentally concerned with regulating human volitional acts through divine commandments and prohibitions. As an ontological principle, only humans possess the capacity for intentional action (afʿāl irādiyya) that falls within the scope of religious accountability (taklīf). The primary objectives of Fiqh are twofold: (1) to establish a normative framework for human conduct in this world, and (2) to facilitate spiritual growth and divine proximity through compliance with this framework. This anthropocentric focus is evident in both classical and contemporary juristic discourse. As Imam Khomeini (Khomeini, 2007) emphasizes, Islamic jurisprudence constitutes "a comprehensive theory of volitional human existence,"—addressing the legal-moral dimensions of human life from birth to death. Crucially, Divine Address and its attendant obligations are directed exclusively to morally accountable humans (mukallafūn), excluding non-human entities by definition.

4-1-1-2. Philosophy of Human Creation in Light of Fulfillment of Religious Duties

The ultimate aim of human creation is the attainment of spiritual perfection (kamāl) through submission to a divinely ordained framework. This foundational purpose is realized primarily through worship, which necessitates human engagement with religious obligations. If such duties were delegated to non-human entities—including robot judges—the very objective of human creation would be undermined, as perfection is contingent upon personal fulfillment of divine commandments. Islamic jurisprudence, in its essence, seeks to cultivate human development through rulings that align with both human nature (fiṭra) and divinely ordained interests. This teleological framework leaves no theological or philosophical basis for extending religious obligations to artificial beings. Divine Legislation (Al-Tashrīʿ) is inherently anthropocentric, as evidenced by two cardinal principles: The Educative Function: The Lawgiver's rulings serve as instruments for human moral and spiritual edification—a purpose irrelevant to non-conscious entities. The Ontological Boundary: Only humans possess the existential capacity to bear the "Trust" (Qurʾān 33:72) of divine accountability (taklīf). As Allameh Tabataba'i (Tabataba'i, 1981) elucidates, the philosophy of creation restricts the scope of legal-moral obligations to human beings, excluding even the most advanced robots from the realm of divine address.

4-1-1-3. The Sensitivity and Importance of Judgment

In Islam, judgment transcends mere dispute resolution—it is a divine trust. Qur'ān 38:26 underscores this when Allah commands Prophet David: "O David, We have made you a vicegerent on earth; so judge with truth." This establishes judgment's higher purpose: actualizing divine justice ('adl). Its sensitivity stems from two dimensions: (1) Theological: As an implementation of God's will on earth; (2) Social: Justice's stability requires an institution both legitimate and equitable. Thus, Islamic judges bear exceptional responsibility—their rulings must balance earthly realities with transcendent truth.

True justice requires the discernment of both earthly realities and divine truths—a capacity exclusive to complete human beings. This explains why Islamic jurisprudence reserves the position of judgeship as a distinctive function of prophets and Imams. In their absence, the legal system employs secondary means,evidence, oaths, and confessions (iqrārāt), alongside stringent judicial qualifications to approximate justice. These mechanisms reflect divine wisdom, enabling judges to attain certainty (yaqīn) or probable knowledge (ẓann) in rulings. Crucially, robot judges lack the ontological capacity to engage with these tools authentically. Without conscious comprehension of testimony's moral

weight, spiritual discernment to evaluate oaths, or intentionality in interpreting confessions, they remain excluded from Islam's epistemic and ethical framework for justice.

The science of jurisprudential principles categorically excludes robot judges from the domain of judicial authority. This exclusion operates at the thematic level rather than the judgmental level – meaning robotic adjudicators fall outside the very conceptual boundaries of "judgment" in Islamic law, rendering debates about their permissibility moot. As Ayatollah Meshkini (Meshkini, 2019) clarifies, when a subject lies beyond a legal category's essential definition (like robots vis-à-vis "judge"), no secondary evaluation of inclusion/exclusion is required. The ontological absence of robotic volition, moral agency, and divine address in Sharia framework makes this an intrinsic, not contingent, exclusion.

4-2. The Principle of *Jawaz* and its *adilla*

This jurisprudential principle maintains that AI-powered judicial rulings are religiously permissible when certain conditions are met.

4-2-1. Lifting of Obligation Upon Fulfillment of Collective Duties (Wājib Kifā'ī)

When issuing Divine rulings, God—taking into account human welfare and potential harms—has established His decrees (maktūbāt) with humanity as the sole addressee. While all human beings are subject to the divine objectives (maṭlūbāt) of the Lawgiver, the manner of fulfilling these obligations differs: some are required individually (ʿaynī), while others are mandated collectively (kifāʾī). In the case of collective duties, it suffices for a minimum number of morally accountable individuals to perform the act, thereby fulfilling the Lawgiver's intended purpose. Once this sufficient fulfillment is achieved, the obligation is lifted from the rest. As a result, some individuals are exempt from performing the duty, as others have already discharged it adequately.

In other words, the Lawgiver's intent in establishing collective obligations is the fulfillment of the duty according to divinely prescribed standards. Whereas individual obligations serve the purpose of personal moral development, collective obligations address communal welfare and societal necessities - such as judicial proceedings and dispute resolution. The Sacred Lawgiver requires personal compliance from each individual for 'aynī obligations, while permitting shared responsibility for kifā'ī duties once sufficient fulfillment is achieved (Lankarani, 2006), (Motahhari, 1998), (Sadr, 2020), (al-Zuhayli, 2009), (Mohammadi, 2019). This jurisprudential framework provides grounds for legitimizing humanoid robots' engagement in judicial functions.

4-2-2. The Principle of Permissibility and Validity

The principle of permissibility maintains that when the Lawgiver institutes collective obligations, His fundamental concern is their fulfillment according to established criteria, not necessarily the nature of the fulfilling agent. This theological-legal position logically extends to permit compliance by artificial entities, including humanoid robots, provided they satisfy the required standards (Boroujerdi, 2015). Consequently, this principle provides firm jurisprudential grounds for authorizing robotic participation in judicial processes.

The complementary principle of validity addresses the legal recognition of such robotic actions. When a humanoid robot's conduct conforms to the Lawgiver's requirements, its acts must be presumed valid absent evidence to the contrary. This presumption stems from the fundamental juridical axiom that any act fulfilling the divine purpose - irrespective of its artificial or human origin - merits legal recognition (Ashtiani, 2008), (Zanjani, 2017), (Na'ini, 2008), (Khurasani, 2007), (Shirazi, 2007), (Sadr, 2020).

4-2-3. Capacity as A Prerequisite for Legal Obligation

The divine injunction fundamentally presupposes the obligated subject's capacity as a necessary condition. While one might theoretically argue that imposing obligations on incapable beings isn't inherently unreasonable, the essential nature of any legal obligation requires the subject's ability to fulfill it. This stems from the ontological reality that divine injunctions function by engaging the obligated agent's volition, motivating them to choose between performing or abstaining from an act within their capability (Zaydi, 2019).

This jurisprudential principle establishes capacity as the fundamental criterion for inclusion within the scope of the Lawgiver's commands. Consequently, any entity possessing the requisite capacity for obligation - including humanoid robots as a contemporary example - qualifies as a valid subject of divine injunctions and therefore, may properly exercise judicial authority.

5. Evaluation of Two Theories

This section systematically analyzes the competing jurisprudential positions regarding the religious legitimacy of AI-powered judicial rulings. Through a critical examination of evidentiary bases (adilla) for both permissive and prohibitive viewpoints, the discussion will: (1) delineate their respective arguments, (2) evaluate their conformity with classical uṣūlī principles, and (3) assess their contemporary applicability. The ultimate aim is to present a substantiated position grounded in Islamic legal theory while addressing novel technological realities.

5-1. Evaluation of *Jawaz* Theory

Among the arguments for this theory is that capability is a condition for entering the scope of the legislator's address, and "one who possesses the ability to fulfill obligations," which includes robots, can also be addressed by the legislator. It may be stated that fulfilling the legislator's demands is neither bound by a legal reason regarding capability nor based on rational arguments. The current issue—proving the permissibility through the establishment of capability in humanoid robots—does not align with the verse "God does not impose upon any soul a burden greater than it can bear." However, it seems that the apparent meaning of this verse relates to authority and does not imply guidance; that is, the legislator, as the authoritative figure, states: "God does not impose upon any soul a burden greater than it can bear." Moreover, this verse appears to have relevance to obligations rather than external compliance. Therefore, just as it is commonly accepted that capability is one of the general conditions for obligations, capability relates to duties rather than to compliance. Consequently, it must be articulated that a humanoid robot can also be regarded as legally responsible due to its established capability in fulfilling and obeying certain religious obligations.

It may also be argued that if capability is a condition for obligations, the obligated individual must be able to incapacitate themselves, as has been stated regarding pilgrimage: capability is a condition for the obligation of pilgrimage; because jurists believe that an obligated person can do something that makes them unable to fulfill the obligation, meaning that the removal of capability due to the stipulation of power leads to the failure to fulfill the desired demand of the legislator and the abandonment of pilgrimage. However, incapacitation is one of those issues concerning compliance with obligations and is a rational matter. Accordingly, whenever the issue of neglecting the master's purpose arises, reason dictates that such actions are objectionable. In this case, there is also a neglect of the master's purpose, and it has no relation to the obligation, so that the discussion of the principle of presumption of innocence can be raised. Therefore, through the reasoning of ijtihad, the legitimacy of humanoid robots engaging in judgment cannot be established.

In the following sections, the most significant objections regarding the theory of the legitimacy of judgment by robots will be examined and evaluated.

A) Absence of Direct Divine Address to Individuals

A principal objection raised against the permissibility of judgment by robots concerns the absence of divine address directed towards individuals. This perspective posits that if individuals are not addressed as obligated agents, then general designations (e.g., "mukallaf") become detached from concrete subjects, existing merely as mental abstractions incapable of sustaining obligation. Conversely, if these general designations are understood to encompass individuals, then the necessity of disaggregating them into specific entities emerges, thus still requiring individual address. In either case, the fundamental lack of individualized address precludes the inclusion of AI robots within the scope of receiving divine address and fulfilling obligations.

B) Accepting Obligation Definition, Rejecting Robot Subjects

One might concede the permissibility of involving human-like robots in determining the matters of obligation while still rejecting their suitability as subjects of obligation. Consider the ruling "alcohol is

forbidden," where "alcohol" is the subject of the prohibition. A legislator can define the general concept of alcohol as the subject of this ruling, even if certain types might fall outside an individual's capacity. This is because of the focus of the ruling is on defining the prohibited entity, not on the specific individual obligated. Therefore, the argument for robot involvement might hold for defining the obligation itself. However, the subject of the obligation—the action desired by the legislator—is the non-consumption of alcohol. This action inherently requires an agent capable of understanding and choosing to abstain, raising questions about a robot's capacity to be a true subject of such an obligation.

C) The Irrelevance of Power to the Actuality of Divine Obligation

A further significant objection raised against the permissibility of robots being subjects of divine obligation centers on the argument that the legislature, understood here as the Divine Lawgiver (Legislator), has not stipulated power as a prerequisite for an obligation to become actual. This objection posits that the capacity of the obligated party is not a determining factor in whether a divine command takes effect. Furthermore, proponents of this view argue that human reason is ill-equipped to impose such a condition (i.e., the possession of power) on divine obligations. Reason, they contend, operates within its sphere and lacks the authority to dictate terms or limitations on rulings established by the sovereign divine legislator. Reason cannot legitimately assert, "I deem power to be a necessary condition for the obligations God has decreed for you." The prerogative of establishing the conditions and scope of obligations rests solely with God, who, as the ultimate sovereign, specifies all that is necessary for an obligation to be binding. This perspective is further supported by the apparent absence of any explicit textual evidence (from Scripture or established legal principles) indicating that the divine legislator has indeed made power a condition for obligation. The focus, it is argued, lies on the divine command itself and the inherent obligatoriness established by God, irrespective of the immediate capacity of a potential subject. Thus, according to this line of reasoning, the actuality of divine rulings and the ensuing obligations are considered to be neither contingent upon the dictates of human reason nor explicitly conditioned by textual stipulations regarding the power or capacity of the obligated party. The obligation arises directly from the divine decree, and the lack of present power does not negate the inherent obligatoriness of that decree. This raises a critical question: if power is not a prerequisite for obligation, could entities lacking inherent human capacities, such as AI robots, theoretically fall within the scope of divine address, even if their ability to fulfill the obligation in a conventional human sense is limited? This line of reasoning attempts to decouple the establishment of the obligation from the immediate practicalities of its fulfillment by a human agent possessing the necessary power.

5-2. Evaluation of *Adam-e Jawaz* Theory

The following analysis will scrutinize the arguments and reasoning put forth against the permissibility of judgment by robots. The most salient objections will be evaluated, drawing upon the preceding discussions and arguments to assess their validity and implications.

The reasons presented for the non-permissibility of robot judgment coalesce into three primary categories: 1. Arguments rooted in the essence of human creation and the exclusive authority of the sacred legislator in issuing rulings. 2. Arguments contending that human-like robots, by their nature, are not intended subjects of judgment by the legislator. 3. Arguments highlighting the practical and theoretical incompatibility of applying robots within the judgment process. The first category offers a compelling justification for the non-permissibility viewpoint, as it establishes that robot judges lack the capacity for independent judgment or personal agency, thereby undermining the legitimacy of their involvement.

However, this viewpoint overlooks a crucial aspect regarding the second reason: the current absence of a "complete human" as the sole subject of judgment. While judgments are currently rendered by authorized human judges, their role in the judicial process is primarily to align the facts of a case with the existing laws. Therefore, it cannot be argued that the current subject matter of judgment falls outside the sacred legislator's purview. As previously outlined in the rationale for this perspective, the judicial system, with its mechanisms for dispute resolution and rights enforcement, was established by the revered legislator. This suggests that the sacred legislator has already addressed

the perceived absence of a "complete human" by developing adaptable methods and tools to meet evolving societal needs.

Thus, it is conceivable that an AI robot could be designed to meet conditions analogous to those of human judges in the present judicial system, namely, aligning case details with legal statutes and delivering rulings under appropriate oversight. Similar to how human judges currently operate within the authority of the Sharia ruler and the judicial hierarchy to determine rulings based on this alignment, this suggests that the core subject matter of judgment is not inherently beyond the capacity of a robot judge. The reasons for their non-legitimacy, therefore, lie elsewhere, notably in their incompatibility with the complexities of the judgment process

6. Conclusion

After examining the arguments – employing a comparative approach - AI robot judges should not be trusted or accepted as legitimate decision-makers in legal cases. Therefore, with the presence of factual evidence such as the essence of human creation and the issuance of rulings by the Divine Lawgiver (Legislator in Islam), as well as the incompatibility of applying AI judges in the judgment process, the preferred opinion in this research is the non-permissibility (non-legitimacy) of robot judges engaging in the act of judgment. AI judges violate both religious principles and practical judicial requirements. However, while the non-legitimacy of independent participation in the matter of judgment is accepted, non-independent involvement of such robots alongside judges in the judicial system is not only permissible but also necessitates the preparation of conditions for utilizing and benefiting from this tool. Developing advanced algorithms and forming analyzed data correctly within a human-like robot transforms it into a necessary and effective instrument for use by judges. Thus, these kinds of robots may also be involved in the judgment and even in ijtihad alongside humans, but their independent actions will not entail legitimacy. The following is proposed for condieration and approval: A judge may, when deemed necessary, employ intelligent robots as judicial assistants at any stage of legal proceedings. Data provided by such robots shall be admissible as evidence in court. However, the final judgment must be rendered solely by the presiding judge.

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