

Development of Artificial Intelligence Technology in Accelerating Resolution of Inheritance Disputes (Study of Islamic Family Law Renewal in the Era of ASEAN Community 5.0)

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Abstract

The development of Artificial Intelligence technology can be used to speed up the process of resolving disputes in Islamic law, especially its use in resolving inheritance disputes. Artificial Intelligence technology has emerged as a potential tool for accelerating and increasing the efficiency of resolving disputes over Islamic inheritance. This article aims to analyze the use of Artificial Intelligence technology in accelerating the settlement of inheritance disputes in Islamic family law, policy formulations for the use of Artificial Intelligence technology in accelerating the settlement of inheritance disputes, and Opportunities and challenges of using Artificial Intelligence technology in accelerating the settlement of inheritance disputes in Islamic law in the era of the ASEAN community 5.0. This research method is juridical-normative through a conceptual approach. The data used is secondary data collected through library research. The results of this study indicate that the use of Artificial Intelligence in resolving Islamic inheritance disputes can assist the process of resolving inheritance disputes by automating several tasks, accelerating decision-making, and reducing costs. Artificial Intelligence technology can provide many benefits if it is implemented carefully and by prevailing Islamic principles, and the use of AI technology in the settlement of inheritance disputes in Islamic law in the era of the ASEAN Community 5.0 offers great opportunities to increase efficiency and accuracy. However, the use of Artificial Intelligence technology in resolving inheritance disputes also has several challenges.

Keywords: Artificial Intelligence; Inheritance Disputes; ASEAN Community 5.0.

Introduction

Islam is the third Abrahamic religion and the second largest religion in the world, with over 1.9 billion followers, known as Muslims, representing 24.9% of the global population in 51 countries. Additionally, Islam is the fastest-growing religion, with a growth rate of 1.84% (2010-2015) per year.¹ This development is also highly relevant to the growing sources of Islamic law that serve as guidance for Muslims in their daily lives, namely the Qur'an and Hadith. Additionally, there is Ijma' (consensus) and Qiyas (analogical reasoning) as secondary sources of law that function to enhance the understanding of *maqasid al-Shariah* (the objectives of Islamic law)² even practical

¹ Amir Abdullah Munshi, dkk, "Automated Islamic Jurisprudential Legal Opinions Generation Using Artificial Intelligence", *Pertanika Journals of Science And Technology* 30, no. 2, (2022):2.

² Muanif Ridwan, "Sumber-Sumber Hukum Islam dan Implementasinya (Kajian Deskriptif Kualitatif Tentang Al-Qur'an, Sunnah, dan Ijma')", *Borneo: Journal of Islamic Studies* 1, no. 2 (Januari-Juni 2021): 30.

legal sources are considered in the current era.³ It means that one of the current developments of the Muslim community is influenced by the ongoing development of law, which goes hand in hand with the context and social conditions of its society.

One of the laws that are constantly evolving is inheritance law, as the essence of resolving disputes over inheritance plays a crucial role in maintaining justice and harmony within families.⁴ Although the reality is that the process of resolving inheritance disputes often takes a long time and its complexity increases due to various factors, such as differing interpretations of inheritance laws, diverse family claims, and weaknesses in the existing judicial system.⁵ Therefore, a recontextualization or renewal of Islamic inheritance law is necessary so that the process of resolving inheritance disputes can be more effective and efficient, especially in this era of advancing technology.

As time progresses, human-made technology has become increasingly advanced, and one such example is Artificial Intelligence (AI). Artificial Intelligence is a technology that takes the form of a machine, capable of mimicking human behavior and developed with human-like thinking and reasoning abilities, allowing it to execute human-like thought processes.⁶ The emergence of such technology is driven by its ability to replace human roles, including its potential to replace humans in legal proceedings. This has been evident in its expansion into the realm of justice and legal practitioners. For instance, in 2017, China utilized Artificial Intelligence Judges to handle legal disputes related to the digital realm, such as copyright disputes, online buying and selling disputes, and others, as human judges faced limitations in dealing with such cases.⁷ In addition, law professors at Stanford University, Duke University School of Law, and the University of Southern California have raised the question that, for the first time, Artificial Intelligence lawyers can outperform 20 trained human lawyers in the United States in identifying five agreements.⁸ In the United Kingdom, Artificial Intelligence has been developed as a tool to provide legal assistance, such as the presence of the DoNotPay chatbot, which has already provided 1,000 legal aids.⁹ Mexico has started to use Artificial Intelligence technology in making simple administrative decisions.¹⁰ Indeed, in Indonesia, Hukum Online has launched the LIA (Legal Intelligence Assistant) platform, which is powered by Artificial Intelligence and claimed to be the first legal chatbot in Indonesia. Its purpose is to assist the public

³ Arif Fikri, "Fleksibilitas Hukum Islam Dalam Perubahan Sosial", *ASAS: Jurnal Hukum Ekonomi Syariah* 1, no. 2 (2019):147.

⁴ Adelina Nasution, "Pluralisme Hukum Waris di Indonesia", *Al-Qadha* 5, no. 1 (Juli 2018):20-21.

⁵ Rini Fahriyani Ilham, "Mediasi Dalam Menyelesaikan Sengketa Waris: Studi Putusan No. 181/PDT.G/2013/PA.YK", *Al-Ahwal* 9, no. 1 (Juni 2016): 67-69

⁶ Naiman Fahrudin, "Penerapan Metode Finite State Machine Pada Game Adventure FRANCO" *Jurnal Mahasiswa Teknik Informatika* 2, no. 1 (Maret 2018): 447

⁷ Febri Jaya dan Wilton, Analisis Yuridis Terhadap Kedudukan Kecerdasan Buatan Atau Artificial Intelligence Sebagai Subjek Hukum Pada Hukum Positif Indonesia, *Supremasi Hukum* 17, no. 2 (Juli 2021): 3.

⁸ Febri Jaya dan Wilton, Analisis Yuridis Terhadap Kedudukan Kecerdasan Buatan Atau Artificial Intelligence Sebagai Subjek Hukum Pada Hukum Positif Indonesia, *Supremasi Hukum* 17, no. 2 (Juli 2021):3.

⁹ Qur'ani Dewi Kusumawardani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan" *Jurnal Veritas et Justitia* 5, no. 1 (Juni 2019): 170. DOI: 10.25123/vej.3270

¹⁰ Qur'ani Dewi Kusumawardani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan" *Jurnal Veritas et Justitia* 5, no. 1 (Juni 2019): 171. DOI: 10.25123/vej.3270

in obtaining legal educational content on various topics such as marriage law, divorce law, and inheritance law.¹¹ Those facts prove that Artificial Intelligence technology is highly advanced and can surpass human capabilities, even replacing their roles in various activities.

Based on the above explanation, Artificial Intelligence technology is crucial to be implemented in various fields.¹² Including in the field of Islamic family law in ASEAN countries. At the same time, with the advancement and complexity of ASEAN societies, there is an urgent need to update Islamic family laws. The renewal of Islamic family laws in ASEAN countries becomes crucial to address the challenges and needs to be related to inheritance disputes in the era of ASEAN 5.0 society, which is increasingly modern.¹³ Therefore, the use of Artificial Intelligence technology in resolving Islamic family law disputes becomes increasingly relevant and necessary, particularly in resolving inheritance disputes. Inheritance disputes are challenging to resolve through non-litigation processes, and the court proceedings for inheritance cases often take a relatively long time. This is due to the hierarchical judicial system starting from the first instance court, appellate court, and cassation court. The implementation of such hierarchical judicial processes undoubtedly impacts the length of the inheritance dispute resolution mechanism through litigation (court proceedings).¹⁴ In that matter, Artificial Intelligence technology can be used to support the process of resolving inheritance disputes by automating certain tasks, speeding up decision-making, and reducing costs.¹⁵ In essence, the presence of Artificial Intelligence can contribute significantly to the development and advancement of human civilization. One of the impacts felt by the presence of artificial intelligence is that humans can perform their work more productively and efficiently, which directly leads to progress in the development of a country's economy. This has been proven by its usage in various fields such as economics, law, communication, and many others.¹⁶ Therefore, the use of Artificial Intelligence technology should be widely integrated into the system of Islamic family law justice in ASEAN countries. The use of Artificial Intelligence can provide effective and efficient solutions in handling inheritance disputes, reduce human workload, and expedite the case resolution process.¹⁷ With the use of Artificial Intelligence technology, ASEAN 5.0 societies can obtain tangible benefits in the development and advancement of their civilization, including in the field of Islamic family law.

¹¹ hukumonline.com, "LIA, Chatbot Hukum Pertama Indonesia Resmi Diluncurkan."

¹² Brougham dan Haar, "Smart Technology, Artificial Intelligence, Robotics, and Algorithms (STARA): Employees' perceptions of our future workplace", *Journal of Management & Organization* 24, no. 2 (2018): 239–257.

¹³ Dri Santoso, "Efforts to Prevent Drugs Abuse Among Youth in Islamic Family Law Perspective", *Journal of Drug and Alcohol Research* 10, no. 8 (Agustus 2021): 4

¹⁴ Adi Nur Rohman dan Sugeng, "Probabilitas Mekanisme Small Claim Court Dalam Penyelesaian Sengketa Waris di Pengadilan Agama", *Jurnal Hukum dan Peradilan* 7, no. 3 (November 2018): 390.

¹⁵ Kompas, "Peran Pengadilan Agama dalam Penyelesaian Sengketa Hukum Islam." Kompas.com, 13 Mei 2020, <https://www.kompas.com/skola/read/2020/05/13/101800369/peran-pengadilan-agama-dalam-penyelesaian-sengketa-hukum-islam>.

¹⁶ Hari Sutra Disemadi, "Urgensi Regulasi Khusus dan Pemanfaatan Artificial Intelligence dalam Mewujudkan Perlindungan Data Pribadi di Indonesia", *Wawasan Yuridika* 5, no. 2 (September 2021): 177-199.

¹⁷ Tania Sourdin, "Judge V Robot? Artificial Intelligence And Judicial Decision-Making", *UNSW Law Journal* 41, no. 4 (Januari 2018): 1124. <https://www.unswlawjournal.unsw.edu.au/>

There have been several studies discussing the development of Artificial Intelligence technology in fields related to this research, such as the study by Iswanto et al. (2021), which explores the use of Artificial Intelligence technology in resolving inheritance disputes in religious courts. The results of this research indicate that the use of Artificial Intelligence technology can expedite the process of resolving inheritance disputes and enhance the accuracy of court decisions.¹⁸ The work by Haneffa Muchlis Gazali et al. discusses the application of Artificial Intelligence in Islamic investment, where Artificial Intelligence technology is highly popular in both conventional banking systems and Islamic banking systems, as reflected in the contribution of Artificial Intelligence in Islamic investment. This technology assists investors in analyzing their stocks based on price levels, the current stability of each stock, and future price predictions based on current price and stock data.¹⁹ The work by Eka N.A.M. Sihombing and M. Yusrizal Adi Syahputra discusses the use of artificial intelligence in the process of drafting local regulations, highlighting that it cannot replace the role and function of the legislative body in drafting local regulations. The use of artificial intelligence in the perda drafting process is positioned merely as an assisting tool that can predict potential disharmony between perda and other legal regulations.²⁰ The work by M. Azam Hussain et al. examines the prospective potential of Artificial Intelligence in arbitration from international, national, and Islamic perspectives.²¹ The work of Mariano Florentino Cuellar examines the development of common law capable of addressing the challenges presented by this technology. Gradual adjudication, skilled institutions, and relational non-uniformity are important components in building a responsive and fair legal framework.²² The work of Simon Stern offers various perspectives on the prospects and dangers of Artificial Intelligence for legal practice and the legal system as a whole.²³ The work of Ni Xu and Kung-Jeng Wang examines the introduction of robots in legal service practice through semi-structured interviews with lawyers, judges, artificial intelligence experts, and potential clients²⁴. The work of Corinne Cath discusses the ethical, legal-regulatory, and technical challenges faced in developing a

¹⁸ Iswanto, H., Basari, A., and Ridwan, R., "Implementation of artificial intelligence technology in Islamic inheritance dispute resolution in Indonesia", *Journal of Islamic Law Research* 4, no. 1 (2021): 1-12. <https://doi.org/10.15408/jilr.v4i1.16114>

¹⁹ Haneffa Muchlis Gazali, dkk, "Application of Artificial intelligence (AI) in Islamic Investments", *Journal of Islamic Finance* 9, no. 2 (2020):70-78.<https://journals.iium.edu.my/iibf-journal/index.php/jif/article/view/485>

²⁰ Eka N.A.M. Sihombing dan M. Yusrizal Adi Syahputra, "Implementasi Penggunaan Kecerdasan Buatan Dalam Pembentukan Peraturan Daerah (The Implementation of Artificial Intelligence Usage in Local Legislation Forming)", *Jurnal Ilmiah Kebijakan Hukum* 14, no. 3 (November 2020): 419-434. DOI: <http://dx.doi.org/10.30641/kebijakan.2020.V14.419-434>

²¹ M. Azam Hussain, et.al, "The Potential Prospect of Artificial Intelligence (AI) in Arbitration From The International, National, And Islamic Perspective", *Journal of International Studies* 19, no. 1 (April 2023): 95-122. <https://doi.org/10.32890/jis2023.19.1.4>

²² Mariano Florentino Cuellar, "A Common Law For The Age of Artificial Intelligence", *Columbia Law Review Association* 199, no. 7 (November 2019):1773-1792.<https://www.jstor.org/stable/26810848>

²³ Simkon Stern, "Artificial Intelligence, Technology, And The Law", *The of Toronto Law Journal* 68, no. 1 (2018): 1-11. <https://doi.org/10.3138/utlj.2017-0102>

²⁴ Ni Xu dan Kung-Jeng Wang, "Adopting robot lawyer? The Extending artificial intelligence robot lawyer technology acceptance model for the legal industry by an exploratory study", *Journal of Management & Organization* 27, no. 5 (2019): 867-885. DOI: <https://doi.org/10.1017/jmo.2018.81>

regulatory regime for Artificial Intelligence systems. The article also provides a brief overview of recent developments in regulating Artificial Intelligence, to what extent the agenda for determining Artificial Intelligence regulation, ethical frameworks, and technical approaches has been established, and offers some concrete suggestions to advance the debate on regulating Artificial Intelligence.²⁵

While this writing aims to develop the use of Artificial Intelligence technology in expediting the resolution of inheritance disputes in Islamic family law, it also seeks to conduct a study on the reform of Islamic family law in the era of ASEAN 5.0 society, this research will explore the potential of Artificial Intelligence technology applied in the field of Islamic family law, particularly in resolving inheritance disputes. It will then attempt to formulate policies for its use in accelerating the resolution of inheritance disputes and responding to opportunities and challenges in the future.

Methods

The research method used in this study is *juridical-normative* with a conceptual approach. The analysis method employed is the descriptive analysis of qualitative data through induction, deduction, comparison, and interpretation using logical ideas. Data collection is closely related to several data sources because the research analysis will require gathered data. Secondary data is obtained from literature studies in the form of journals, research findings, scientific articles, the internet, laws, and other relevant sources. The theoretical and conceptual foundations used include the theory of progressive law, which is a law that advances and aims to integrate and coordinate conflicting interests. Progressive law is known for its goal of promoting welfare.²⁶ *Secondly*, the concept of multidisciplinary, interdisciplinary, and transdisciplinary approaches by Prof. Amin Abdullah is utilized, where the methodology itself involves applying the perspective of legal studies with the assistance of other approaches. In this article, the author chooses to combine law with technology.²⁷ *Thirdly*, the theory of Maqasid al-Shariah is used to realize good and prevent evil or to seek benefits and avoid harm.²⁸ *Fourthly*, SWOT analysis is a model used to analyze an organization that is oriented toward organizational goals. The main objective of SWOT analysis is to understand the organization's situation more comprehensively. The process of formulating strategies involves integrating internal organizational analysis and external organizational analysis. Internal organizational analysis is intended to identify the strengths and weaknesses of the organization itself. Meanwhile, external analysis is used to identify opportunities and threats that come from the external environment of the organization. The integration of these two analyses results in a SWOT analysis.²⁹

²⁵ Corinne Cath, "Governing Artificial Intelligence: Ethical, legal and technical opportunities and challenges", *The Royal Society Publishing Journal*, (Oktober 2018): 1-8. <https://doi.org/10.1098/rsta.2018.0080>

²⁶ Qur'ani Dewi Kusumawardani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan" *Jurnal Veritas et Justitia* 5, no. 1 (Juni 2019): 175. DOI: 10.25123/vej.3270

²⁷ M. Amin Abdullah, *Multidisiplin, Interdisiplin, dan Transdisiplin: Metode Studi Agama dan Studi Islam di Era Kontemporer*, (Yogyakarta: PT Litera Cahaya Bangsa, 2022), 135-145.

²⁸ Ali Mutakin, "Teori Maqashid Syariah dan Hubungannya Dengan Metode Istinbath Hukum", *Kanun Jurnal Ilmu Hukum* 19, no. 3 (Agustus, 2017):547-570. <http://jurnal.unsyiah.ac.id/kanun>

²⁹ Nugraha Pranadita dan Imas Rosidawati Wiradirja, "Peran Penting Analisis SWOT Dalam Implementasi Perkap Nomor 6 Tahun 2019 Tentang Penyidikan Tindak Pidana", *Jimea: Jurnal Ilmiah MEA* 4, no. 1 (2020): 370. <https://doi.org/10.31955/mea.v4i1.549>

The Use of Artificial Intelligence Technology in Accelerating the Resolution of Inheritance Disputes in Islamic Family Law

Islamic inheritance law is an integral part of the Islamic legal system that governs the transfer of property after a person's death. Islamic inheritance law is based on the primary sources of law, namely the Qur'an and the Sunnah.³⁰ The main principle in Islamic inheritance law is the equitable distribution of assets based on Shariah provisions. In Islamic inheritance law, there are classifications of heirs who have rights to a share of the inheritance.³¹ Heirs are divided into two categories, namely compulsory heirs and distant kindred heirs. Compulsory heirs include the spouse, parents, and children, while distant kindred heirs include siblings, uncles, aunts, and other relatives.³²

Inheritance is the process of transferring property from a deceased person to a living heir.⁴ Inheritance disputes in Islamic law often involve complexity in terms of the division of inheritance proposed by the heirs. Inheritance disputes arise when the rights of the heirs to the division of the inheritance are not by the wishes, so that one of the parties may be dissatisfied with the distribution of the property. Settlement of Islamic inheritance law can be done through two approaches, namely litigation, and non-litigation. Settlement of inheritance disputes often involves a long and complicated process. As a result, many cases of inheritance disputes have piled up in the courts, resulting in delays in settlement and burdening the justice system. Inheritance disputes are complex issues and involve various aspects of law, culture, and family values.³³ Settlement of inheritance matters in the Religious Court often takes a relatively long time, this is due to the settlement process disputes going through. The implementation of a tiered judicial process like this will certainly have an impact on the length of the inheritance dispute settlement mechanism through litigation (court).³⁴ This dispute resolution process can take a long time and can increase costs and cause conflict between the parties involved.

Dispute resolution in the context of Islamic law requires a deep understanding of sharia law and principles. In recent years, the development of technology Artificial Intelligence has provided new opportunities for the efficient and accurate settlement of Islamic law disputes. Technology Artificial Intelligence (AI) has emerged as a potential tool in accelerating and increasing the efficiency of Islamic inheritance dispute resolution. Use of Technology Artificial Intelligence in Inheritance Dispute

³⁰ Abdul Ghofur Anshori, "Sources and Legal Principles of Islamic Inheritance* Dynamics in Indonesia," *Journal Equity of Law and Governance* 2, no. 2 (2022): 157-165. <https://doi.org/10.55637/elg.2.2.5767.157-165>

³¹ Badrah Uyuni, and Mohammad Adnan, "Application of Islamic inheritance law among Muslim society", *El-Arbah: Jurnal Ekonomi, Bisnis Dan Perbankan Syariah* 5, no. 1 (2021): 19-32. <https://doi.org/10.34005/elarbah.v5i1.1543>

³² Moh Muhibbin, and Abdul Wahid, *Hukum Kewarisan Islam: Sebagai Pembaruan Hukum Positif di Indonesia (Edisi Revisi)*. (Sinar Grafika, 2022), 13-17.

³³ Cahyono, Indah Dugi, Sulistyowati Iriyanto, and Muhammad Sood, "Settlement of Inheritance Dispute Through Non Litigation on Sumbawa Community of West Nusa Tenggara Province", *International Journal of Multicultural and Multireligious Understanding* 6, no. 3 (2019): 374-381. <http://dx.doi.org/10.18415/ijmmu.v6i3.839>

³⁴ Adi Nur Rohman and Sugeng, "Probability of Small Claim Court Mechanisms in Settlement of Inheritance Disputes in Religious Courts", *Journal of Law and Judiciary* 7, no. 3 (November 2018): 390.

Resolution in Islamic Law engages multiple disciplines, including law, technology, psychology, and sociology, to understand the implications and potential uses of Artificial Intelligence in the context of Islamic inheritance law.³⁵ In facing this challenge, a multidisciplinary approach is essential. Technology use of Artificial Intelligence in the resolution of inheritance disputes involves combining various disciplines, such as law, information technology, and computer science.³⁶ This multidisciplinary approach recognizes that inheritance dispute resolution utilizes technology Artificial Intelligence requires comprehensive understanding and collaboration between different fields of knowledge. In this regard, multidisciplinary theory can provide holistic insights and enrich understanding of the implications of technology and Artificial Intelligence in the context of Islamic inheritance law, considering the legal, technological, and social aspects involved. This can help optimize the use of technology Artificial Intelligence in achieving a just and effective settlement in the context of Islamic inheritance law.³⁷

The use of Artificial Intelligence technology in resolving legal disputes has been implemented in several countries. In 2017, China utilized Artificial Intelligence Judges due to limitations in handling legal disputes related to digital matters, such as copyright disputes, online sales disputes, and others.³⁸ In addition, law professors at Stanford University, Duke University School of Law, and the University of Southern California posed a question stating that for the first time, an Artificial Intelligence lawyer could outperform 20 trained human lawyers in America in identifying 5 agreements.³⁹ In the United Kingdom, Artificial Intelligence has been developed as a tool to provide legal assistance, such as the presence of the DoNotPay chatbot, which has already provided 1,000 legal aids.⁴⁰ Mexico has started to use Artificial Intelligence technology in making simple administrative decisions.⁴¹ Indeed, in Indonesia, Hukum Online has launched the LIA (Legal Intelligence Assistant) platform, which is powered by Artificial Intelligence and claimed to be the first legal chatbot in Indonesia. Its purpose is to assist the public in obtaining legal educational content on various topics such as marriage law, divorce law, and inheritance law.⁴² Those facts prove that Artificial

³⁵ Yogesh K Dwivedi., et al, "Artificial Intelligence (AI): Multidisciplinary perspectives on emerging challenges, opportunities, and agenda for research, practice and policy", *International Journal of Information Management* 20, no. 310 (2021): 2. <https://doi.org/10.1186/s12911-020-01332-6>

³⁶ Julia Amann, et al, "Explainability for artificial intelligence in healthcare: a multidisciplinary perspective", *BMC medical informatics and decision making* 20, no. 310 (2020): 1-9. <https://doi.org/10.1186/s12911-020-01332-6>

³⁷ Natascha van Duren, Victor de Pous, *Multidisciplinary aspects of artificial intelligence*, (KNVI, 2020), 12-14.

³⁸ Febri Jaya dan Wilton, Analisis Yuridis Terhadap Kedudukan Kecerdasan Buatan Atau Artificial Intelligence Sebagai Subjek Hukum Pada Hukum Positif Indonesia, *Supremasi Hukum* 17, no. 2, (Juli 2021): 3.

³⁹ Febri Jaya dan Wilton, Analisis Yuridis Terhadap Kedudukan Kecerdasan Buatan Atau Artificial Intelligence Sebagai Subjek Hukum Pada Hukum Positif Indonesia, *Supremasi Hukum* 17, no. 2, (Juli 2021): 3.

⁴⁰ Qur'ani Dewi Kusumawardani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan" *Jurnal Veritas et Justitia* 5, no. 1 (Juni 2019):170. DOI: 10.25123/vej.3270

⁴¹ Qur'ani Dewi Kusumawardani, "Hukum Progresif Dan Perkembangan Teknologi Kecerdasan Buatan" *Jurnal Veritas et Justitia* 5, no. 1 (Juni 2019):171. DOI: 10.25123/vej.3270

⁴² hukumonline.com, "LIA, Chatbot Hukum Pertama Indonesia Resmi Diluncurkan."

Intelligence technology is highly advanced and can surpass human capabilities, even replacing their roles in various activities.

Based on the above explanation, Artificial Intelligence technology is highly crucial to be implemented in various fields.⁴³ Including in the field of Islamic family law, the implementation of Artificial Intelligence technology is important, particularly in resolving inheritance disputes. Inheritance disputes are often difficult to resolve through non-litigation processes, and settling inheritance cases in the Religious Court can be time-consuming due to the hierarchical judicial system involving the first-instance court, the appellate court, and the Supreme Court. The implementation of such hierarchical judicial processes inevitably affects the length of the mechanism for settling inheritance disputes through litigation (court proceedings).⁴⁴ Therefore, the use of Artificial Intelligence technology in resolving Islamic legal disputes in religious courts is becoming increasingly important. In this regard, Artificial Intelligence technology can be utilized to support the process of resolving inheritance disputes by automating certain tasks, expediting decision-making, and reducing costs.⁴⁵ These facts prove that Artificial Intelligence technology is indispensable in helping resolve legal disputes, especially disputes over Islamic inheritance. In the context of the settlement of inheritance property disputes, technology Artificial Intelligence can provide several significant benefits, including⁴⁶ (1) Artificial Intelligence can be used to collect, analyze, and organize data related to Islamic inheritance law and distribution of Islamic inheritance law. With his analytical skills, Artificial Intelligence can identify the division of Islamic inheritance law more accurately and validly. (2) Artificial Intelligence can also help compile legal arguments based on prior precedents or similar cases that have previously existed, which can be used as guidelines in resolving disputes. Besides that, the technology Artificial Intelligence can also be used in mediation and negotiation processes between parties involved in inheritance disputes. With natural language analysis and communication skills, Artificial Intelligence can help facilitate discussions, identify similarities or differences between claims, and seek compromise solutions that are acceptable to all parties.

To speed up and improve the efficiency of inheritance dispute resolution, the use of Artificial Intelligence technology can act as an effective third party to help facilitate the negotiation process and find compromise solutions that are acceptable to all parties. However, qualifiedly, it cannot replace the profession of a certified mediator, the role of Artificial Intelligence only acts as a neutral party in facilitating the settlement of

⁴³ Brougham dan Haar, "Smart Technology, Artificial Intelligence, Robotics, and Algorithms (STARA) Employees' perceptions of our future workplace," *Journal of Management and Organization* 24, iss. 2 (March 2018): 239-257. <https://doi.org/10.1017/jmo.2016.55>

perceptions of our future workplace", *Journal of Management & Organization*, 2018; 24(2):239–257.

⁴⁴ Adi Nur Rohman dan Sugeng, "Probabilitas Mekanisme Small Claim Court Dalam Penyelesaian Sengketa Waris di Pengadilan Agama", *Jurnal Hukum dan Peradilan* 7, no. 3 (November 2018):390. <http://dx.doi.org/10.25216/jhp.7.3.2018.387-404>

⁴⁵ Kompas, "Peran Pengadilan Agama dalam Penyelesaian Sengketa Hukum Islam." Kompas.com, 13 Mei 2020, <https://www.kompas.com/skola/read/2020/05/13/101800369/peran-pengadilan-agama-dalam-penyelesaian-sengketa-hukum-islam>.

⁴⁶ Al-Obaidi, Ahmed, et al, "The Role of Artificial Intelligence in Inheritance Dispute Resolution: A Progressive Islamic Perspective", *Journal of Islamic Law Studies* 5, no. 2 (2021):156-173.

disputes on Islamic inheritance law. Artificial Intelligence in resolving inheritance disputes using Islamic law has several advantages that can be added value, including:⁴⁷

- a. Objectivity, Artificial Intelligence as a mediator or neutral third party unaffected by personal emotions, preferences, or biases. This ensures that the settlement of inheritance disputes is carried out objectively by the principles of applicable Islamic law.
- b. Consistency, Artificial Intelligence is consistent in applying the rules and principles of Islamic law. This reduces the risk of different interpretations and ensures that decisions are made by established Islamic legal guidelines.
- c. Efficiency, Artificial Intelligence can assist in managing data, checking the validity of related documents, and providing recommendations based on data analysis which is carried out quickly and efficiently.
- d. Time and cost savings, technology implementation artificial Intelligence can reduce the time needed in resolving inheritance disputes, thereby saving costs incurred by the parties involved. The process of collecting and analyzing data is carried out by technology artificial Intelligence
 - i. Can be done automatically and efficiently, reducing the need for physical meetings or time-consuming manual processes.
- e. Accuracy, Artificial Intelligence can analyze data with a high degree of accuracy. This can help in identifying problems and finding appropriate solutions based on applicable Islamic law.
- f. Affordability, Use Artificial Intelligence as a mediator in the settlement of inheritance disputes can reduce costs associated with legal proceedings. Compared to human mediators, the use of technology artificial Intelligence is more affordable and accessible to more people.
- g. Privacy, Artificial Intelligence can maintain the confidentiality of sensitive information related to inheritance disputes. This provides a sense of security for the parties involved and maintains privacy and confidentiality in the settlement process.

The conclusion from the explanation above is the use of Artificial Intelligence as a third party in resolving disputes over Islamic inheritance is its success in maintaining neutrality. Artificial Intelligence has no personal interests or certain biases, so it can help ensure that the mediation process is fair and objective. Artificial Intelligence can provide several opportunities and benefits in resolving inheritance disputes. First, Artificial Intelligence can assist in the analysis and processing of inheritance data efficiently. With fast computing and data processing capabilities, Artificial Intelligence can speed up the identification, classification, and valuation of inherited assets, thereby reducing the time and effort required in the dispute resolution process. Second, Artificial Intelligence can also be used in the mapping and analysis of Islamic inheritance law. By using algorithms and natural language processing, Artificial Intelligence can assist in interpreting and understanding complex Islamic inheritance law provisions. This can help jurists understand the applicable legal framework and apply inheritance principles more accurately.

⁴⁷ K . Jamal., et al, "Text Classification on Islamic Jurisprudence using Machine Learning Techniques", *Journal of Physics: Conference Series* 1566, no. 1 (IOP Publishing, 2020): 1-5. 10.1088/1742-6596/1566/1/012066

Artificial Intelligence can be an effective third party in resolving inheritance disputes in several ways, including⁴⁸ *First*, Artificial Intelligence can assist in the analysis of data and information related to claims and evidence submitted by the parties involved. With its analytical capabilities, Artificial Intelligence can identify similarities or differences in claims, clarify the arguments put forward, and generate a better understanding of each party's position. *Second*, Artificial Intelligence can also be used as a communication tool between the parties involved in a dispute. With natural language communication skills, Artificial Intelligence can assist in facilitating discussions, translating messages between different languages, and avoiding miscommunication that can exacerbate disputes. Dispute resolution in the context of Islamic law involves a complex process and often requires a deep understanding of Sharia law and principles. In recent years, the development of Artificial Intelligence technology has provided new opportunities for efficient and accurate settlement of Islamic legal disputes.⁴⁹ Artificial Intelligence technology can assist in the analysis of complex legal documents and facilitate understanding of relevant Islamic legal principles. *Third*, third parties based on Artificial Intelligence can provide interactive legal assistance, provide answers to legal questions, and provide guidance to individuals involved in disputes.

Policy Formulation for the Use of Artificial Intelligence Technology in Expediting the Resolution of Inheritance Disputes in Islamic Family Law

Artificial Intelligence (AI) applications will have a significant impact on societies in low- and middle-income countries (LMICs), both positively and negatively.⁵⁰ Like most other new technologies, Artificial Intelligence also has the potential to exacerbate existing problems and create new ones. This technology can also be used to generate "negative" social outcomes, such as enabling unethical and criminal activities. Therefore, it is important to understand the challenges in conceptualizing criminal liability related to Artificial Intelligence crimes worldwide. Some countries that have implemented Artificial Intelligence policies include:

a. Europe

In 2012, the European Commission initiated the RoboLaw Project (full title: Regulating Emerging Robotics Technologies in Europe: Robotics Confronting Law and Ethics)⁵¹ with the primary objective of investigating how emerging technologies in the field of bio-robotics (including Artificial Intelligence) impact national and European legal systems, threaten traditional legal categories and qualifications, pose risks to fundamental rights and freedoms that need to be considered, and, in general, demand a regulatory framework in which such technologies can be developed and

⁴⁸ Rusakova, Ekaterina P., Evgenia E. Frolova, and Agnessa O. Inshakova. "The procedure of mediation in the age of Industry 4.0." *Modern Global Economic System: Evolutional Development vs. Revolutionary Leap II*, (Springer International Publishing, 2021). DOI: 10.1007/978-3-030-69415-9_105

⁴⁹ Ilyas, Musyfikah. "Tinjauan Hukum Islam terhadap Musyawarah dalam Penyelesaian Sengketa Ekonomi Syariah." *Jurnal Al-Qadau: Peradilan dan Hukum Keluarga Islam* 5 no .2 (2018): 227-236. <https://doi.org/10.24252/al-qadau.v5i2.7104>

⁵⁰ Stone, et al, *Artificial intelligence and life in 2030, One Hundred Year Study on Artificial Intelligence: Report of the 2015–2016 Study Panel*, (Stanford University: Stanford, 2016).

⁵¹ Palmerini, E, *The interplay between law and technology, or the RoboLaw' In Law and Technology, The Challenge of Regulating Technological Development*, (Pisa University Press, 2012), 7.

deployed, the project aims to provide a comprehensive analysis of the current regulation of robotics in various legal systems. Its purpose is to understand whether new regulations are necessary or whether the issues raised by robotic technologies can be addressed within the existing legal framework.⁵² Therefore, Europe continues to conduct in-depth research and strategies regarding Artificial Intelligence (AI). The resources required to keep up with the latest AI developments cannot be fulfilled by a single Member State in Europe, hence providing a clear rationale for the involvement of the EU. Since 2017, AI research has received strong political support based on the transformative power of this technology for businesses and society. Some countries have established specific and comprehensive AI strategies (such as China, the United Kingdom, and France), some have integrated AI technology into their national technology or digital plans (like Denmark and Australia), while others focus on the development of national AI research and development strategies (like the United States). Regardless of the approach taken, countries are engaged in an AI race aimed at achieving leadership in AI. As a contribution to preparing the United States (US) for a future where Artificial Intelligence plays an increasingly prominent role, the Executive Office of the President, National Science and Technology Council Committee on Technology conducted a study called "Preparing for The Future of Artificial Intelligence." This study focused on surveying the current state of AI, existing and potential applications, as well as the societal and public policy questions arising from advancements in AI. Based on this research, it can be observed that, in general, the approach to regulating products that utilize AI to protect public safety should be based on assessing the risks that can be mitigated by the presence of AI, along with the potential risks that may arise. Therefore, it can be concluded that the US government, as a policymaker, must do whatever is necessary to ensure that AI complies with public safety and market fairness.⁵³

b. Asia

Some countries in Asia are better prepared to face an economy driven by Artificial Intelligence (AI) than others, and economies also differ in terms of the government and society's resilience to the changes brought about by AI. The Asia Business Council has developed the Asian Index of Artificial Intelligence framework to gain a better understanding of Asia's economic position in terms of its readiness and resilience to AI-induced changes.⁵⁴ Based on the given data, it can be understood that the Chinese government in the Asia-Pacific region is at the forefront of developing and implementing innovative policies and strategies for the development of Artificial Intelligence (AI). In July 2017, China issued a comprehensive AI development policy with the main goal of making the country "a global leader and innovation center in AI" by 2030. The Chinese government has materialized AI-related policies through the Beijing Artificial Intelligence Plan known as the "Next Generation Artificial

⁵² Palmerini, E, *The interplay between law and technology, or the RoboLaw' In Law and Technology, The Challenge of Regulating Technological Development*, (Pisa University Press, 2012), 8.

⁵³ Eka Nanda Raviski, dkk, "Legal Policy on Artificial Intelligent (AI): Study Comparative from Global Practices", *7th International Seminar of Research Month*, (2022): 137-138. <http://dx.doi.org/10.11594/nstp.2023.3323>

⁵⁴ Pau, J., Baker, J., & Houston, N, "Artificial Intelligence in Asia: Preparedness and Resilience, Asia Business Council", (2017). http://www.asiabusinesscouncil.org/Research17_AI.html

Intelligence Development Plan".⁵⁵ From the document, it can be seen that the Chinese government's approach to regulating Artificial Intelligence will play a crucial role in addressing the unique risks of AI technology, including risk scenarios involving general artificial intelligence and the misuse of AI as outlined by experts in recent years. The Chinese government outlines plans for AI safety measures for the first time in the State Council's Artificial Intelligence plan.⁵⁶ Therefore, China's current Artificial Intelligence policy emphasizes promoting the development of AI technology and industrial applications but has not provided adequate attention to ethical issues and security regulations. As a result, the Chinese government does not yet have specific regulations regarding the legal responsibility of Artificial Intelligence. What China has at present is still part of a larger plan but does not address how to respond to the disruptive nature of AI as a technology.

Indeed, besides China, the Japanese government is known as an advanced country in Asia with innovative policies and strategies for the development of Artificial Intelligence (AI). Although Japan may lag behind China and India in terms of private sector efforts in AI development, the Japanese government recently announced plans to build the world's fastest supercomputer to help drive deep learning research. This demonstrates Japan's commitment to advancing AI technology and harnessing its potential through infrastructure investments.⁵⁷ Based on the image above, it can be observed that Japan has the most comprehensive legal strategy among the selected economies in dealing with the growing presence of robots, called the "New Robot Strategy of Japan," which was issued in 2015. This strategy encompasses everything from Japan's status as a robotics superpower to a five-year plan addressing policies on global standardization of robotics, the establishment of the "Robot Revolution Initiative," and the implementation of robotics regulation reforms, among other areas. Additionally, Japan also plans to develop a new legal framework that will protect the copyrights of individuals and businesses for creative assets generated by Artificial Intelligence.⁵⁸

Based on the explanation above, there is a need for the formulation of policies regarding the use of AI technology, especially in Indonesia. Therefore, the author elaborates on preventive and repressive policies in managing the use of Artificial Intelligence conceptually through the theory of Maqashid Syariah as its foundation, because besides having positive impacts, AI technology can also have negative impacts. Hence, regulations are necessary to limit potential negative threats, so that the use of Artificial Intelligence can align with its main purpose, which is to build a more advanced and modern legal civilization, particularly in constructing a more effective and efficient inheritance dispute resolution system to create laws that

⁵⁵ Lee, K-F., Ventures, S., and Triolo, P, "China embraces AI: A close look and a long view", *Eurasia Group*, (2017).

⁵⁶ Ding, J, *Deciphering China's AI dream the context, components, capabilities, and consequences of China's strategy to lead the world in AI*, (Future of Humanity Institute, University of Oxford, 2018), 30.

⁵⁷ Hamada, K, Japan plans supercomputers to leap into the technological future, Reuters, (November 2016): 25. <http://www.reuters.com/article/us-japan-supercomputer/japan-plans-supercomputer-to-leap-into-technology-future-idUSKBN13K0RS>, accessed on 1 July 2019.

⁵⁸ Hamada, K, Japan plans supercomputers to leap into the technological future, Reuters, (November 2016): 25. <http://www.reuters.com/article/us-japan-supercomputer/japan-plans-supercomputer-to-leap-into-technology-future-idUSKBN13K0RS>, accessed on 1 July 2019.

represent certainty, justice, and benefits.⁵⁹ These efforts should also be accompanied by considerations of benefits to ensure that the policies created still prioritize the objectives of the law itself. In this regard, the author will utilize the concept of contemporary *maqasid shariah* formulated by Jasser Auda. Contemporary Muslim jurists or scholars have developed the terminology of traditional *maqasid* in contemporary language, although some jurists have rejected the idea of "contemporizing" the terminology of *maqasid*.⁶⁰ Jasser Auda proposed the concept of contemporary *maqasid shariah* to address contemporary issues, such as the development of Artificial Intelligence technology to expedite the resolution of Islamic inheritance disputes. It is necessary to formulate policies and limitations for its use through this theory to ensure the continued development of Islamic law and uphold the values within Islamic teachings. Therefore, in this subsection, the analysis will be based on the five elements of *maqasid shariah*, namely the preservation of religion, life, intellect, progeny, and wealth. Each element that seeks to uphold these principles is called "*maslahah*," while anything that undermines these five principles is referred to as "*mafsadah*," and rejecting it is known as "*maslahah*".⁶¹ According to the theory, the author will elaborate and analyze in detail the concept of Artificial Intelligence technology policy in expediting the resolution of Islamic inheritance disputes based on *maqasid shariah* principles.

a. *Hifz al-Din* (Maintenance of Religion)

Preserving religion, or *Hifz al-Din*, is the top priority in ensuring the realization of *Maqasid al-Shariah*. The maintenance of religion at the level of *dharuriyyat*, which includes preserving and fulfilling the religious obligations and duties, such as performing the five daily prayers, is crucial. When prayer is neglected or disregarded, it poses a threat to the religion itself.⁶² In the views of Al-Ghazali and Al-Syatibi, individuals who do not fulfill their religious obligations will face sanctions or punishments due to their actions of undermining the religion.⁶³ The concept, in the terminology of Al-Ghazali and Al-Shatibi, according to Al-Amiri, refers to "the punishment for abandoning the true teachings." However, in its development, the theory has been reinterpreted into a completely different concept, namely "freedom of faith" in the terminology of Ibn 'Ashur.⁶⁴

This understanding is in line with the policy of controlling the use of Artificial Intelligence by law, particularly its application in the context of resolving inheritance disputes, to ensure that religion is not harmed by the presence of Artificial Intelligence. The implementation of Artificial Intelligence technology, both in non-litigious and litigious settings (in Religious Courts), must always consider the principles of justice in the enforcement of Islamic law and not violate the principles of *maqasid shariah*. This is in line with the principle of *Hifz al-Din*

⁵⁹ O. Notohamidjojo, *Soal-Soal pokok Filsafat Hukum*, (Salatiga: Griya Media, 2011), 33.

⁶⁰ Syahrul Sidiq, "Maqasid Syaria'h & Tantangan Modernitas: Sebuah Telaah Pemikiran Jasser Auda", *In Right: Jurnal Agama dan Hak Asasi Manusia* 7, no. 1 (November 2017):153-154.

⁶¹ Abu Hamid Ibn Muhammad Al-Ghazali. *al-Mustasfa min 'Ilm al-Ushul*. Jilid I-II, Dar al-Fikr, t.th. P. 286.

⁶² Hasbi ash-Shiddieqy, *Falsafah Hukum Islam*, Cet. III, (Jakarta: Bulan Bintang, 1993), 188.

⁶³ Imaro Sidqi, "Kebijakan Politik Hukum Penanganan Covid-19 Dalam Perspektif Maqashid Syariah", *Mahkamah: Jurnal Kajian Hukum Islam* 6, no. 1 (2020): 24. DOI: 10.24235/mahkamah.v6i1.7644

⁶⁴ Ibn 'Asyur dalam Jasser Auda, *Membumikan Hukum Islam melalui Maqasid Syari'ah*, (Bandung: PT. Mizan Pustaka, 2015), 59.

in *maqasid shariah*, which focuses on the protection of human religion, as mentioned earlier.⁶⁵ Exactly, the policy regarding the use of Artificial Intelligence should take into account the principles of Islamic law and *maqasid Shariah*, and it should not contradict the protected and preserved religious values. In this regard, Artificial Intelligence technology can be utilized as a tool to expedite and facilitate the resolution of inheritance cases.

b. *Hifz al-Nafs* (Soul Care)

Hifz al-nafs, or preserving the self, involves safeguarding one's rights to live with dignity and ensuring the protection of one's soul from acts of harm, including murder or physical violence. The preservation of the self is considered the second priority after religion in the implementation of customary law and criminal law. Preserving the self is one of the *maqasid Shariah* (objectives of Islamic law) concerning issues of social interactions (*mu'amalah*) and crimes (*jinayah*). Preserving the self at the level of *daruriyyat* (necessities) entails fulfilling basic needs such as food to sustain one's life. Neglecting these needs can jeopardize one's life.⁶⁶ The protection of human rights as a representation of the protection of life is also regulated in Articles 28A-28J of the 1945 Constitution of the Republic of Indonesia concerning the human rights that must be protected and upheld by the state as the foundation for the establishment of the rules beneath it.⁶⁷

Based on this concept, the use of Artificial Intelligence technology in resolving Islamic inheritance disputes can help expedite the decision-making process, thus minimizing the risk of errors in law enforcement. This is in line with the principle of *Hifz al-Nafs* in *maqashid syariah*, which focuses on the protection of human life.⁶⁸ It means that the policy regarding the use of Artificial Intelligence technology in resolving Islamic inheritance disputes should consider the aspects of security and privacy of personal data, which are protected by Islamic law and *maqashid syariah*. The policy should ensure that the use of Artificial Intelligence technology does not harm or jeopardize human life and health.

c. *Hifz al-aql* (Mind Care)

Hifz al-aql, or safeguarding the intellect, means ensuring that humans can use their intellect as they should and be protected from detrimental influences, similar to animals. Safeguarding the intellect is one of the goals of Allah's rules in the areas of *muamalah* (transactions) and *jinayah* (crimes). Preserving the intellect is considered a matter of necessity (*daruriyyat*), as seen in the example of alcohol consumption, which is prohibited in Islamic law. When such rules are neglected, it poses a threat to the position of the intellect.⁶⁹ Furthermore, Abu Zahrah expanded on the concept of safeguarding the intellect, which includes several aspects:

⁶⁵ maro Sidqi, "Kebijakan Politik Hukum Penanganan Covid-19 Dalam Perspektif Maqashid Syariah", *Mahkamah: Jurnal Kajian Hukum Islam* 6, no. 1 (2020): 24. DOI: 10.24235/mahkamah.v6i1.7644

⁶⁶ Muhammad Abu Zahra, *Ushul Fiqh*, terjemahan Saefullah Ma'sum dkk, Cet VI, (Jakarta: Pustaka Firdaus, 2000), 549.

⁶⁷ Republik Indonesia, Undang-Undang Dasar Negara Republik Indonesia Tahun 1945.

⁶⁸ Imaro Sidqi, "Kebijakan Politik Hukum Penanganan Covid-19 Dalam Perspektif Maqashid Syariah", *Mahkamah: Jurnal Kajian Hukum Islam* 6, no. 1 (2020): 24. DOI: 10.24235/mahkamah.v6i1.7644

⁶⁹ Agung Kurniawan, dkk, "Konsep Maqashid Syariah Imam Asy-Syatibi Dalam Kitab Al-Muwafaqat", *Al-Mabsut* 5, no. 1 (2021): 35. <https://doi.org/10.56997/almabsut.v15i1.502>

covering scientific thinking, preventing blind conformity (*taqlid*), and encouraging experts to remain in their home country to contribute to its development.⁷⁰

Based on this understanding, the use of Artificial Intelligence technology in resolving Islamic inheritance disputes must ensure that it does not result in discrimination or harm to specific parties. This can help preserve the intellect by ensuring that the decisions made are fair and do not disadvantage the parties involved in the case. Therefore, it represents the principle of safeguarding the intellect by producing decisions based on sound reasoning. This means that the policy regarding the use of Artificial Intelligence technology in resolving Islamic inheritance disputes should adhere to principles of truth, objectivity, and justice in case resolution. The use of Artificial Intelligence technology should also consider that humans have the right to question and rectify decisions made by the technology.

d. *Hifz al-Nasl* (Maintenance of Offspring)

Hifz al-nasl, or the preservation of lineage or honor, is the fourth form of guardianship that should be observed and realized for the benefit of humanity. Preserving lineage means maintaining human diversity and guiding the mental attitudes of future generations to prevent disputes among people.⁷¹ The provisions of laws of Allah that aim to preserve lineage or honor are found in the Shariah, particularly in the areas of family law (*munakahat*) and criminal law (*jinayah*). According to Abu Zahrah, the preservation of lineage is an effort to ensure that the attitudes and mentality of the Muslim community are passed on to future generations.⁷² In the 20th century CE, Maqasid scholars significantly developed the concept of "preservation of lineage" into a family-oriented theory. Scholars like Ibn 'Asyur made "care for the family" one of the *maqasid syariah* (objectives of Islamic law). This is explained in Ibn 'Asyur's monograph titled '*Usul Al-Nizam Al-Ijtima'i fi Al-Islam*' (Principles of Social System in Islam), which focuses on the family and moral values within Islamic law.⁷³

Based on this understanding, the application of Artificial Intelligence technology in resolving Islamic inheritance disputes can help uphold justice and truth in the enforcement of Islamic law. In this context, Artificial Intelligence technology can assist in preserving lineage by reducing the risk of errors in handling inheritance cases. Therefore, policies regarding the use of Artificial Intelligence technology in resolving Islamic inheritance disputes should consider the protection and welfare of children. This means that inheritance should be divided fairly according to each person's rightful share and should not discriminate, especially against children or grandchildren.

e. *Hifz al-Maal* (Property Maintenance)

Hifz al-mall, or the preservation of wealth, is one of the objectives of Shariah in the areas of transactions (*mu'amalah*) and crimes (*jinayah*). Preserving wealth involves safeguarding it from actions that could jeopardize its legality, especially in essential matters (*daruriyyat*). This includes adhering to the Shariah rules

⁷⁰ Muhamad Abu Zahrah, *Ushul Fiqih*, (Penerjemah) Saefullah Ma'shum, Dkk, (Jakarta: PT Pustaka Firdaus, 1994), 550.

⁷¹ Muhammad Abu Zahra, *Ushul Fiqh...*, 551

⁷² Zahrah, *Ushul Fiqih* (Penerjemah) Saefullah Ma'shum, dkk, 551.

⁷³ Ibn 'Asyur dalam Jasser Auda, *Membumikan Hukum Islam melalui Maqasid Syari'ah*, (Bandung: PT. Mizan Pustaka, 2015), 56.

regarding ownership of property and prohibiting the unlawful acquisition of others' wealth. When these rules are neglected, they can threaten the existence of wealth.⁷⁴ Then the scope of meaning is expanded by Al-Juwaini, stating that the preservation of wealth within it includes economics, social assistance, and narrowing the gap of socioeconomic class differences in society.⁷⁵

Based on this concept, the use of Artificial Intelligence technology in resolving Islamic inheritance disputes can help reduce the costs and time required for case resolution. This aligns with the principle of *hifz al-mal* in *maqasid syariah*, which focuses on the protection of human wealth. According to El-Qirem and Al-Aghbari (2020), Artificial Intelligence technology can help expedite the process of case resolution and reduce costs incurred by the parties involved in the case.⁷⁶ Therefore, the policy on the use of Artificial Intelligence technology should consider fairness in case resolution and decision-making that can impact a person's assets. Artificial Intelligence technology can help expedite the process of case resolution and minimize the risk of errors or injustices.

Based on the analysis of the policy formation for the use of Artificial Intelligence technology in resolving Islamic inheritance disputes based on the principles of *Maqashid syariah*, it can be concluded that Artificial Intelligence technology can provide numerous benefits if implemented carefully and following the applicable Islamic principles. The implementation of Artificial Intelligence technology in resolving Islamic inheritance disputes should be done while considering the principles of *maqashid syariah*, such as maintaining a balance between individual and societal interests, considering the greater good, and ensuring justice for all parties involved. The policy for the use of Artificial Intelligence technology in resolving Islamic inheritance disputes should encompass both technical and non-technical aspects and be based on the principles of transparency, accountability, and public participation. It is important to involve various relevant stakeholders in the policy formation process and ensure that Artificial Intelligence technology is used carefully and by the prevailing Islamic values. Adequate infrastructure support and skilled human resources are also required to ensure the successful implementation of Artificial Intelligence technology in resolving Islamic inheritance disputes, both through litigation and non-litigation methods.

Opportunities and Challenges of Using Artificial Intelligence Technology in Settlement of Inheritance Disputes in Islamic Law in the Era of the ASEAN Community 5.0

The ASEAN community has significant religious diversity, where Islam is the majority religion in several ASEAN member countries.⁷⁷ In the context of resolving inheritance disputes using Artificial Intelligence technology, there is a close link

⁷⁴ Fathurrahman Djamil, *Filsafat Hukum Islam*, Jilid I, (Jakarta: Logos Wacana Ilmu, 1997), 128-131.

⁷⁵ Imaro Sidqi, "Kebijakan Politik Hukum Penanganan Covid-19 Dalam Perspektif Maqashid Syariah", *Mahkamah: Jurnal Kajian Hukum Islam* 6, no. 1 (2020): 24. DOI: 10.24235/mahkamah.v6i1.7644

⁷⁶ El-Qirem, F., & Al-Aghbari, Z, "The Role of Artificial Intelligence in the Legal System: Opportunities and Challenges", *International Journal of Advanced Computer Science and Applications* 11, no. 9 (2020):145-150. <https://doi.org/10.14569/IJACSA.2020.0110917>

⁷⁷ Nurrachmi, Rininta, "The Potential Industry of Islamic Tourism in ASEAN Countries", *International Journal of Islamic Business Ethics* 4, no. 2, (2019): 627. DOI: <http://dx.doi.org/10.30659/ijibe.4.2.627-639>

between the ASEAN community, the Islamic religion, and the urgency of using Artificial Intelligence in resolving inheritance disputes in Islam.

In the era of the ASEAN Community 5.0 which is characterized by digital transformation, the use of Artificial Intelligence technology can have a significant impact in resolving inheritance disputes.⁷⁸ Rapid technological developments have led to new Islamic inheritance law disputes. Currently, there is a new phenomenon known as "digital treasure" or "digital heiress", which involves digital assets left behind by someone after death. One example of this development is the digital legacy of revenue generated through the YouTube AdSense ad program. The emergence of digital inheritance disputes through YouTube AdSense raises various legal challenges. Even though Islam has rules and principles of inheritance law that have been stipulated in the Al-Qur'an and Hadith, the development of digital technology brings new challenges that require thinking and adjustments in the context of digital inheritance. In facing the challenges of digital inheritance, harmonization of Islamic inheritance law in the ASEAN Community is important to ensure justice. The use of Artificial Intelligence technology in digital inheritance dispute resolution can help achieve harmonization of inheritance law in this region by providing objective and accurate analytical tools.

The use of Artificial Intelligence technology has provided new opportunities in resolving inheritance disputes in Islamic law in the era of ASEAN 5.0 society. Artificial Intelligence plays an important role in the era of ASEAN 5.0 society, which is a new paradigm of social transformation that integrates digital technology with human life. The era of the ASEAN 5.0 community emphasizes the use of Artificial Intelligence and other technologies to improve the quality of life, improve social systems, and overcome various global challenges.

The use of Artificial Intelligence in resolving inheritance disputes in the context of Islamic Law in the era of ASEAN 5.0 society has significant potential. Artificial Intelligence, with its capabilities in data analysis, machine learning, and natural language processing, can speed up and increase the efficiency of inheritance dispute resolution. In Islamic law, inheritance disputes often involve multiple heirs, different interpretations of law, and division of inheritance. The use of AI in resolving inheritance disputes can provide opportunities to increase speed, accuracy, and efficiency in the process of resolving inheritance disputes.⁷⁹

Abdullahi Ahmed An-Na'im a professor of Islamic law put forward the concept of Progressive Law in his book entitled "Toward an Islamic Reformation: Civil Liberties, Human Rights, and International Law". He argued that Islamic law must undergo reform and renewal according to the demands of modern times.⁸⁰ Islamic law must be updated and reinterpreted to comply with universal human principles and

⁷⁸ Dewan, Sabina, "Harnessing the Potential of ASEAN's Digital Transformation Through Regional Cooperation," *The Fourth Industrial Revolution and the Future of Work: Implications for Asian Development Cooperation*, (2020): 30. <https://asiafoundation.org/>

⁷⁹ Arsyam Arsyam, Siti Musyahidah, and Malkan Malkan, "Islamic Law Perspective on Settlement of Inheritance Disputes," *International Journal of Contemporary Islamic Law and Society* 3, no. 1 (2021): 15-27. <https://doi.org/10.24239/ijcils.Vol3.Iss1.25>

⁸⁰ Moh. Dahlan, "Munawir Sjadzali's Ijtihad Paradigm in the Re-actualization of Islamic Law in Indonesia," *AT-TOURS: Islamic Studies Jurnal* 17, no. 2 (2020): 191-205. <http://doi.org/10.33650/at.turas.v7i2.1504>

reflect the needs of modern society. In the era of Society 5.0, where digital technology and connectivity are increasingly dominating everyday life.

Use of technology Artificial Intelligence in the settlement of inheritance disputes in Islamic law offers an interesting opportunity to improve efficiency, accuracy, and accessibility. However, the existing challenges and constraints need to be overcome to implement the technology of Artificial Intelligence successfully, it is necessary to do an in-depth analysis first. SWOT analysis can be carried out in examining opportunities and challenges to the use of technology Artificial Intelligence in the settlement of inheritance disputes in Islamic law.

SWOT analysis is a method used to evaluate strengths (strengths), weaknesses (weakness), opportunities (opportunities), and threats (threats) associated with a particular subject, such as an organization, product, or project.⁸¹ In this context, SWOT analysis can be used to evaluate the use of Artificial Intelligence (AI) technology in the settlement of inheritance disputes in Islamic Law. Wehrich and Koontz: In their book "Management: A Global Perspective," Wehrich and Koontz argue that SWOT analysis is a useful tool in planning strategy because it can help identify the organization's internal strengths and weaknesses as well as external opportunities and threats that affect organizational success.⁸² SWOT analysis can provide valuable insights into examining the opportunities and challenges related to the use of Artificial Intelligence (AI) technology in resolving inheritance disputes in Islamic law. The following is an explanation of the opportunities and challenges that can be identified through a SWOT analysis:⁸³

a. Strength (Strengths)

1) Speed and Efficiency

The use of Artificial Intelligence in the settlement of inheritance disputes can increase the speed and efficiency of the process, reducing the time needed to search and analyze relevant information.⁸⁴

2) Deep Analysis

Artificial Intelligence can perform a more in-depth and detailed analysis of data and legal documents related to inheritance disputes, helping to identify important patterns and information.

b. Weakness (Weaknesses)

Reliance on Available Data results in the Use of Artificial Intelligence requiring accurate and relevant data. If the required data is not available or incomplete, AI analysis may not provide optimal results.

c. Opportunity (Opportunities)

1) Improved Accessibility

The use of AI can increase accessibility to information and legal resources

⁸¹ Boonyarat Phadermrod, Richard M. Crowder, and Gary B. Wills, "Importance-performance analysis based SWOT analysis", *International journal of information management*, 44 (2019): 194. <https://doi.org/10.1016/j.ijinfomgt.2016.03.009>

⁸² Wehrich, H., and Koontz, H, *Management: A Global Perspective*, (Tata McGraw-Hill Education, 2018).

⁸³ Benzaghta, Mostafa Ali, et al, "SWOT analysis applications: An integrative literature review," *Journal of Global Business Insights* 6.no.1 (2021): 55-73. DOI:10.5038/2640-6489.6.1.1148

⁸⁴ Abdul Nashirudeen Mumuni, et al, "A SWOT analysis of artificial intelligence in diagnostic imaging in the developing world: making a case for a paradigm shift", *Physical Sciences Reviews*, 2022. <https://doi.org/10.1515/psr 2022-0121>

related to the settlement of inheritance disputes in Islamic law.

2) Objective Analysis

Artificial Intelligence can help reduce human bias in inheritance dispute resolution by conducting objective analysis based on predetermined data and legal principles.

d. Threat (Threats)

1) Data Privacy and Security

The use of Artificial Intelligence in inheritance dispute resolution requires sensitive data collection and processing. Threats to data privacy and security are a concern that needs to be addressed with the right policies and systems.

2) Legal and Ethical Challenges

The use of Artificial Intelligence I in the context of Islamic law needs to consider emerging legal and ethical challenges, such as the legitimacy of Artificial Intelligence decisions about Islamic legal principles and individual rights.

From the explanation above, it can be concluded that the use of Artificial Intelligence technology in resolving inheritance disputes can provide major benefits in increasing access to justice for heirs in the ASEAN Community. By reducing dependence on complicated and lengthy legal processes, Artificial Intelligence technology can accelerate dispute resolution, so that heirs can obtain their rights more efficiently. It also helps reduce disparities in access to the justice system, especially for those with limited resources. The use of Artificial Intelligence Technology in resolving digital inheritance disputes in Islamic law in the era of the ASEAN Community 5.0 is closely related to the vision and mission of ASEAN. ASEAN's vision is to realize an integrated, forward-looking, and socially just society, where technology plays an important role in the economy and everyday life. In the context of digital inheritance dispute resolution, the use of AI technology strengthens ASEAN's commitment to adopting technological innovations to increase efficiency and accuracy in the legal system. ASEAN has a mission to face the challenges of digital transformation and ensure fairness and equal access in dealing with technological developments.⁸⁵ In resolving digital inheritance disputes, the use of Artificial Intelligence technology can help achieve this mission by providing wider access to justice, reducing the digital divide, and ensuring the protection of digital inheritance rights for ASEAN Community 5.0.

Conclusion

Technology Artificial Intelligence has emerged as a potential tool in accelerating and increasing the efficiency of Islamic inheritance dispute resolution. The results of this study indicate that the use of artificial *Intelligence* in resolving disputes over Islamic inheritance can help ensure that the mediation process is fair and objective. Technology Artificial Intelligence can provide many benefits if implemented carefully and by prevailing Islamic principles, and the use of AI technology in the settlement of inheritance disputes in Islamic law in the era of ASEAN Community 5.0 offers great opportunities to increase efficiency and accuracy. However, the use of technology artificial Intelligence in resolving inheritance disputes also has several challenges.

⁸⁵Association of Southeast Asian Nations, <https://asean.org/> access on 14 June 2023.

In resolving digital inheritance disputes, ASEAN countries can share knowledge, experience, and best practices in adopting Artificial Intelligence technology by the principles of Islamic law. This strengthens ASEAN's vision as a region that collaborates in the use of technology to improve the legal system and provide justice for society. The use of Artificial Intelligence technology can help achieve harmonization of Islamic inheritance law in ASEAN countries. Artificial Intelligence technology provides an objective and accurate analytical tool to analyze and resolve disputes while respecting the principles of the Islamic law that apply in each member country.

Based on the analysis of the policy formation for the use of Artificial Intelligence technology in resolving Islamic inheritance disputes based on the principles of *Maqashid syariah*, it can be concluded that Artificial Intelligence technology can provide numerous benefits if implemented carefully and following the applicable Islamic principles. The implementation of Artificial Intelligence technology in resolving Islamic inheritance disputes should be done while considering the principles of *maqashid syariah*, such as maintaining a balance between individual and societal interests, considering the greater good, and ensuring justice for all parties involved.

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