



# Contemporary Means Of Proof In Islamic Jurisprudence

**Assoc. Prof. Dr. Rafed Hasan Majeed**

Miysan University, College of Basic Education, Department of Islamic Education

ORC ID:0000-0002-1191-7346

Email: [rafedalali71@uomisan.edu.iq](mailto:rafedalali71@uomisan.edu.iq)

## Abstract

Islam took great care to preserve the rights of individuals, eliminate injustice, and prevent some people from transgressing against others. Because of this, it appointed judges to rule fairly among people in their disputes. Islamic law has shown the methods of proof that the judge must rely on in his rulings. These methods include those on which Muslim jurists have agreed, and those on which they have differed among themselves, and those on which Muslim jurists have differed (may God be pleased with those who have passed away and protect those who remain). Judgment based on circumstantial evidence, and in this research, we will try to show what the jurists see in the Qur'anic verse: is it suitable to be a method of proof? And if we say that, then in what case and field is it used? Is it in all types of cases, or is it specific to a specific type of case in which circumstantial evidence may not be used in any other case?

**Keywords:** means of proof, contemporary, jurisprudence, law, Islamic

## 1. Introduction

Evidence is a very important subject that no judge, whether criminal, civil or administrative, can do without, because it is the backbone of distinguishing between right and wrong and the real obstacle to the continuation of false, malicious lawsuits [1], [2].

Therefore, it can be said that a right for which there is no evidence is the same as nonexistence, and the right intended here is the disputed right. Therefore, a right cannot exist and be established unless evidence is established to prove it.

The scientific and technical development that humanity is currently witnessing has had a profound impact on all legislative rules, in various fields, and as a reflection of this technical progress, various legislations have regulated many legal aspects that have been affected by scientific and technical progress. Evidence is one of those aspects [3].

\*Corresponding author  
Article history

: [rafedalali71@uomisan.edu.iq](mailto:rafedalali71@uomisan.edu.iq)

: submitted; 2025/6/15 revised; 2025/7/10 accepted; 2025/8/14 published; 2025/9/03



The development of technical and technological sciences has led to the existence of new means of evidence, such as blood analysis, genetic fingerprinting, and evidence derived from the advancement of computer science, telephones, and the Internet [4].

Thus, new methods have emerged that the legislator did not address to prove the opponent's right, and this requires research and study in this field.

First: Definition of proof and its evidence from a legal perspective It is the establishment of evidence before the court, through the methods specified by law, of the existence of a disputed legal fact that is confirmed by one party to the dispute and denied by the other party.

As for the evidence, it is everything that helps to clarify the truth of the legal dispute, whether civil or criminal, which is less than the evidentiary evidence, and it may be between two natural or legal persons, or one legal person and the other natural [5].

Second: The importance of Evidence occupies a prominent position in all personal, civil and commercial relationships and fields, and is the basic means of obtaining rights and obligating others to obligations. In practical terms, a right has no value when its owner is unable to prove it.

Third: The development of means of proof

1. In the first primitive societies: there was no law or approved law, nor was there a judge to decide between people in matters in which they differed.
2. Rather, the right belongs to the strong, and the way to do that is revenge, and it is decided by pardon or amicable settlement. Here, there is no means of proof [6].
3. In religious societies: Religious ideas dominated societies, so the accused were given poison. If he was innocent, the gods would protect him, and if he was guilty, he would die.

The person was thrown into the river, or had boiling oil poured on him, or was subjected to the most severe forms of torture.

If he was innocent, he would not feel the pain of the torture, according to their beliefs. These are their methods of proof [7].

- 1- In civilized societies: The human mind has advanced and recognized testimony and observation, but the existence of false testimony and the refusal of some to testify or the absence of witnesses sometimes led some to think of other means [8]. When printing presses were invented, people resorted to writing, and writing was upgraded from customary to official to famous in real estate.
- 2- In current societies or societies of the electronic era: The era in which we live, with its manifestations of a high-tech revolution and work via computers and communication networks, has necessarily led to the emergence of new electronic evidence. Thus, the world has become a small village where anyone can engage in dialogue and conclude a transaction anywhere else in the world in moments [8].

The first requirement: The basic means of proof agreed upon and disputed:

First: The basic agreed-upon means of proof

1. Acknowledgment: It is the master and strongest of evidence, and it is permissible in the Qur'an, the Sunnah, and consensus.
2. Testimony: It is considered one of the first and most important known means of proof, and the basis for its legitimacy is the Qur'an, the Sunnah, and consensus as well [9].
3. The oath: The basis for its legitimacy is the Qur'an, the Sunnah, and consensus.

Second: The disputed means are many, the most important of which are:

- a. Judgment with the judge's knowledge.
- b. The oath.
- c. Writing.
- d. Evidence.

Human fingerprints: The difference in human fingerprints was not discovered until 1884 AD, when a method was officially used in England to identify a person using fingerprints, and then this method was followed in all countries.

Science has proven that the skin of the fingers is covered with fine lines of several types, and these lines do not change throughout life. All parts of the body are similar sometimes, but the fingers have special characteristics, as they are not similar or compatible with millions of people [10].

This is a divine miracle, as God Almighty made it evidence of the resurrection on the Day of Resurrection in His Almighty saying: "Yes 'indeed'! We are 'most' capable of restoring 'even' their very fingertips. " Fingerprints are considered modern evidence, and positive law has established that the trace of a fingerprint at the crime scene is evidence of the person's contribution to the crime, and the judge must take it as evidence to convict the accused.

There cannot explain the presence of his fingerprints at the crime scene with a reasonable explanation that convinces the judge to exclude them as evidence, in Islamic law, the fact is that the ancient jurists did not mention in their books any reference to considering fingerprints as a method of proof before the judge [11].

But there were some modern scholars who were concerned with this and discussed fingerprints. Sheikh Tantawi Jawhari's interpretation indicates that fingerprints should be considered in his interpretation of the Almighty's saying: "When they reach it, their ears, eyes, and skin will testify against what they used to do. They will ask their skin 'furiously', "Why have you testified against us?" It will say, "We have been made to speak by Allah, who causes all things to speak. He 'is the One Who' created you for the first time, and to Him you were bound to return [12]. You did not 'bother to' hide yourselves from your ears, eyes, and skin to prevent them from testifying against you. Rather, you assumed that Allah did not know much of what you used to do."

And in the interpretation of the Almighty's saying: (Yes, we can put His fingertips in order) . "Among what he said about this: (As we see in these observations of true indications 1- of His wisdom, power, and greatness 2- and of the knowledge of the jinn of scientific methods in researching the lines of the hands and feet"

Laboratory tests: Analysis by laboratory, whether blood, semen, urine, or other, can be said to be like fingerprint evidence, but it is not conclusive in its use. Even if it is proven with complete scientific proof, this does not prevent the judge from taking it into account [13].

## 2. Methodology

Because such analyses have a basis in Islamic jurisprudence, such as rulings based on physiognomy, signs and indications of things. Jurists have mentioned countless examples in this regard, which confirm the validity of analyses in our time. Among these indications are:

1- In the cases of Imam Ali (peace be upon him), which is that the beaten person claimed that he was mute, so he ordered that his tongue be stuck out and pricked with a needle. If the blood came out red, then he had a healthy tongue, and if it came out black, then he was mute. What analysis is more eloquent than these analyses in an era when there were no scientific laboratories with the latest equipment as is the case today?

2- Another narration is what was narrated that (Umar ibn al-Khattab was brought a woman who had become attached to a young man from the Ansar and was in love with him. When he did not help her, she tricked him. She took an egg, threw away its yolk, and poured the white on her dress and between her thighs. Then she came to Omar, may God be pleased with him, screaming and saying, "This man has overcome me and disgraced me in front of my family. This is the trace of his actions." Omar asked the women, and they told him that there were traces of semen on her body and dress. He wanted to punish the young man, but he began to cry out for help and say: "O Commander of the Faithful, be steadfast in my matter, for by God I have not committed an indecent act, nor have I intended to do so. She tried to seduce me, but I held fast. Omar said: :O Abu al-Hasan, what do you think of their matter? Ali looked at the garment, then called for boiling hot water and poured it on the garment, and the whiteness solidified. Then he took it, smelled it, and tasted it, and recognized the taste of the eggs. He rebuked the woman, and she confessed".

This is a rule based on apparent signs. If semen is placed on fire, it melts and disappears, and if it is egg white, it collects and dries. The woman's confession here resulted from a strong indication that is very similar to analyses in scientific laboratories.

3- We can say that in another narration that has not yet been reached by laboratory analyses in the present era, and that is in what was narrated that (a black man came to Omar bin Al-Khattab with a black woman and said: O Commander of the Faithful, I am planting a black plant and this one is black, as you see, and she has given me a red child. The woman said, "By God, O Commander of the Faithful, I did not betray him, and it is for his son." Omar remained not knowing what to say, so he asked Ali ibn Abi Talib (peace be upon him) about it, and he said to Al-Aswad: "If I ask you about something, will you tell me the truth?" He said, "Yes, by God." He said, "Did you have intercourse with your wife while she was menstruating?" He said, "That was the case." Ali said: God is Great. If the sperm mixes with blood and God Almighty creates from it a red creation, then do not deny your child, for you have brought evil upon yourself).

3- What Al-Amili also mentioned about this when he said: "A man was brought before some judges who had struck another man on the head, and the one who had been struck claimed that he had lost his sight and his tattoo. He said: He should be tested by raising his eyes to the sun's disk. If he is healthy, his eyes will not be fixed on it and tears will flow from them." Arag is burned and placed near his nose. If his sense of smell is sound, the scent will reach his nostrils, and his eyes will tear up. Accordingly, we say that these examples and many others that came from the great companions and other judges indicate conclusively that these contemporary means are considered evidence before the judge to be considered and that they do not conflict with the correct scientific analyses in this field.

3- Audio recording and images: As for relying on recording voices and personal photos to prove the accusation, this does not conform to the rules of the judicial system in Islam due to the presence of suspicion and the skill of forgery in such matters. It can be attributed to the following considerations: First: "Avert the punishments with doubts."

The suspicion in this regard is a very strong indication, as the skill in imitating voices and falsifying images reaches a point where it is difficult to distinguish between right and wrong [14].

Second: This is an assault on the individual's private life, which Islam has protected and preserved from all harm. It is an assault on personal freedom, and it is known that Islam has forbidden spying, as God Almighty says: "And do not spy". It was narrated on the authority of Omar bin Al-Khattab that he was wandering around the city one night and heard a voice in a house. He suspected that the owner of the house was committing a sin, so he climbed the house and scaled the wall and saw a man and a woman with a wineskin of wine. He said, "O enemy of God, did you think that God would cover you while you were committing a sin? "And he wanted to carry out the punishment on him, but the man said: Do not be hasty, O Commander of the Faithful. If you disobeyed God in one matter, then you have disobeyed in three matters. God Almighty said: "And do not spy," and you spied. He also said: "And enter houses through their doors". And you scaled the wall, climbed up the wall, and came down

from it [15]. God Almighty said: "And do not enter houses other than your own houses until you have asked permission and greeted their inhabitants". And you did not greet, so Omar felt ashamed and cried and said to the man: Do you have any good in mind if I pardon you? He said yes. He said: Go, I have pardoned you [16].

In short: It is not valid to rely on the evidence of recording and personal photos as evidence that the judge relies on due to the suspicion of forgery in the photos and audio recording. As mentioned, the legal principle is to ward off punishments with suspicions in his saying (may God bless him and his family and grant them peace): "Ward off punishments with suspicions."

4- DNA fingerprint: It is called the genetic fingerprint, and it differs from one person to another due to the difference in genetic characteristics. It can be used to determine paternity because there is a similarity between the person and his two sons in this acid [17]. If the genetic characteristics of the son are found to be half in the mother and the other half do not match the characteristics of the alleged father, this indicates that he is not the real father and vice versa. This is done by making a DNA fingerprint for each of them and matching them. Based on this and what the doctors have decided that there is no similarity between one person and another in DNA, except for the son and his parents, this evidence is considered conclusive in proving lineage if the claimant is like the claimants in this DNA. If it differs, it is conclusive evidence of the denial of lineage and does not accept doubt.

5- Effects of poetry: The presence of hair at the crime scene helps explain the circumstances and helps the investigator know its type and its relationship to the crime. Hair has a wonderful property in identifying the crime and the perpetrator, due to its ability to stick to solid objects. It also has an absorption property that helps in identifying the type of drink and how long it has been in the body. Checking hair This is done in the following ways: Separating hair from fibers by chemical testing. Differentiating between human and animal hair using a microscope. Knowing who the hair belongs to in humans. Is hair male or female by examining hair cells. Knowing the location of hair on the human body. Knowing the owner of the hair through the blood type of the hair and comparison or through radiological analysis requires more studies so that the perpetrator can be identified more accurately. Using DNA testing of both the hair found and the accused's hair, if they match, we can be certain that this hair belongs to the accused. Because DNA fingerprinting is a strong indication of proof or denial that is beyond doubt.

6- Identifying the criminal using a police dog: As for the presumption of identifying the criminal through a police dog, it is one of the modern matters that positive law has resorted to, and the police have become accustomed to taking the police dog to the crime scene As for the position of Islamic judiciary on it: It is necessary to have a general look at the methods of proof in Islamic law so that we can see what is correct in this regard. It is known that Islamic law is more stringent than positive law in the field of proving crimes, by restricting the scope of applying presumptions in two types of crimes, namely crimes of hadd and qisas, and permitting it in the third type, which are ta'zir crimes. If we accept the presumption of identifying the criminal through a police dog, then its scope of application only applies to the third type of crimes. Knowing that the men of positive law did not make this presumption a given, as they prevented judges from relying on it alone as evidence in the case, and it is not taken into account unless supported by other evidence, so it is more appropriate that the Islamic judiciary, which was more cautious in the field of proving crimes, not take it into account. This evidence comes from another aspect, which is: Islam is strict in accepting testimony in cases of punishments and retaliation, and it does not permit women to testify in this regard, as is well known. Therefore, it is even more appropriate that Islamic law does not accept the testimony of animals. It is known that dogs are of different types, and positive law depends on the skill of training them, so it is possible that there is a lack of skill or a deficiency in training, or that the dog is not of the intelligent type. It is also not guaranteed that it will forget the scent that was given to it, nor is it guaranteed that it will be wild and predatory, which leads to coercion and invalidates the evidence. Therefore, legal scholars and Islamic judiciary have taken precautions and do not accept this presumption even if the scientific result is flawed or is not



certain or confirmed or strengthened by other evidence for the judge to rule based on his conviction in this regard.

In short: Islamic judiciary, with its eternal legislation, is valid for all times and places until God inherits the earth and all that is on it. These contemporary means of proving rights that I mentioned demonstrated the extent of their validity, and others that I did not mention, although they are modern, due to the lack of conclusive evidence of their validity, such as hypnosis, which is used in some countries to uncover crimes that the judiciary is unable to reach. Likewise, modern injections that are given to a person to obtain information from him are among the means that are subject to suspicion in Islamic law, which is based on warding off punishments through suspicions, as was proven from the Messenger of God. Which confirms that Islam considers all new sciences or contemporary means to prove rights before the judge through them, if there is accuracy, correctness and complete justice in issuing the ruling, because Islamic judiciary was legislated for the purpose of enjoining good and forbidding evil and supporting the oppressed. And to deliver rights to those who deserve them, and to prevent the strong from oppressing the weak, and to eliminate the hands of the corrupt, and to protect honor, money, and lives, so that a person can achieve psychological peace. This can only be achieved through the presence of a just judge, fair judgment by him, and the independence of the judiciary.

### 3. Result and Discussion

#### **The second requirement: The validity of these means in Islamic law**

Anyone who follows the books of the imams of the jurists of the Islamic schools of thought will find that they did not mention the evidence explicitly in the chapter on evidence. They limited themselves to testimony, admission, oaths, and refusals to take them, and they did not devote a separate discussion or title to it. However, he will find that they relied on it in many rulings. This position on the part of scholars was the source of disagreement among the later scholars of these schools of thought regarding the extent of the permissibility of proof by circumstantial evidence and ruling according to it, between supporters and opponents, and they were divided into two groups: The first group: Those who permit working with circumstantial evidence and their proofs They are the Imamis, the Malikis, the Hanbalis, some Hanafis, and some Shafi'is. Evidence of those who permit it: Those who support the legitimacy of the judiciary have cited evidence from the Qur'an, Sunnah, consensus, and reason.

As for the book: 1- The Almighty said: And they brought his shirt with false blood. He said, "Rather, your souls have enticed you to do something, so patience is most fitting. And Allah is the one sought for help against that which you describe." (Surat Yusuf: 18) The meaning of the verse: This verse indicates that when Joseph's brothers brought Joseph's shirt to their father Jacob, he examined it and did not see any tears or traces of a fang. He thus used this as evidence of their lie, and said to them: When was the wolf so forbearing as to eat Joseph and not tear his shirt?. He made the fact that the shirt was not torn a sign of their lying, and this is evidence of the legitimacy of judging by circumstantial evidence.

2- The Almighty said: "He said: She sought to seduce me, and a witness from her family testified: If his shirt is torn from the front, then she has told the truth, and he is of the liars. " (Surat Yusuf: 26) The meaning of the indication: The noble verse indicated that the tearing of the garment is evidence and proof of the truthfulness of one of the disputants, and that the husband reached from that the belief of Joseph and the denial of his wife, and it indicated that the tearing of the shirt is a sign and a reason for ruling accordingly, and this is evidence of the legitimacy of judging by evidence.

As for the Sunnah: They have proven the legitimacy of ruling on the basis of circumstantial evidence with many hadiths, some of which we will mention: 1- Abu Dawud narrated on the authority of Jabir bin Abdullah, who said: "I wanted to travel to Khaybar, so I came to the Prophet and said to him: I want to go to Khaybar. He said: When you come to my agent, take fifteen wasqs from him, and if he asks you for a sign, place your hand on his collarbone."

The meaning of the indication: Placing the hand on the collarbone is a sign and indication, and the Messenger relied on it in defense.

2- In the two Sahihs, on the authority of Abd al-Rahman ibn Awf, he said: "The two sons of 'Afra' rushed towards Abu Jahl and struck him with their swords until they killed him. Then they returned to the Messenger of God and informed him. He said: Which of you killed him? Each one of them said: I killed him. He said: "Did you wipe your swords? They said: No. The Messenger of God looked at the two swords. He said: Both of you killed him, and Muadh bin Amr bin Al-Jamuh took his property. The meaning of the evidence: The Prophet ruled that the spoils should be given to one of them, based on the effect of the sword in knowing who killed first, and this is an indication upon which the Lawgiver based a legal ruling, so this indicates the permissibility of taking indications and acting upon them.

Consensus: The noble companions acted based on circumstantial evidence, especially in the case of the prescribed punishments. This includes the rulings of Imam Ali ibn Abi Talib (peace be upon him), Omar ibn al-Khattab, Ibn Masoud, and Uthman ibn Affan, and no one is known to have opposed them.

This is what happened during the reign of Omar, when a woman came to him who had become attached to a young man from the Ansar and accused him of raping her, forcing him to force her to have sex with him, and disgracing her in front of her family, and this was the trace of his actions on her clothes. Omar asked the women. They told him: There were traces of semen on her body and clothes. Omar wanted to punish the young man, but he began to cry out for help and say: O Commander of the Faithful, be steadfast in my affair; for by God, I have not committed an immoral act, nor have I ever intended to do so. She did try to seduce me, but I refused. Umar said: What do you think, O Abu al-Hasan? Imam Ali looked at what was on the garment, then called for boiling hot water and poured it over the garment. Then he froze the whiteness, took it, smelled it, and tasted it. He knew that it tasted like egg white. He rebuked the woman, and she confessed that she had poured egg white on her dress and feet to accuse the man.

Among the rulings made by Ibn al-Khattab and the noble companions was the stoning of a woman who was found to be pregnant and had no husband or master, based on the apparent evidence.

Reasonable: Those who permit it argue that not considering circumstantial evidence and considering it as a means of proof in jurisprudence and judiciary leads to the loss of many rights. If the ruler or governor neglects it, he will lose many rights and establish a great falsehood, and rule on what people know to be false and do not doubt. Because he stopped at the mere appearances of evidence and did not pay attention to the inner aspects of things and the indications of circumstances. Ibn al-Qayyim al-Jawzi said: "If the ruler is not a jurist of the soul in the signs and evidence of the situation and knowledge of its witnesses, and in the current and verbal evidence, as he is a jurist in the details and generalities of the rulings, he will waste many rights of their owners, and he will rule with what people know to be false and do not doubt it. Depending on an apparent type, he did not pay attention to its inner meaning and the indications of its conditions".

The second group: those who prevent working with circumstantial evidence are Ibn Nujaym and the author of Takmilat al-Muhtar ala al-Durr al-Mukhtar from the Hanafis and others. Evidence of those who prohibit: Those who forbade it based their argument on the Sunnah and reason: As for the Sunnah: They cited what Imam Ibn Hanbal narrated that Ibn Abbas mentioned the two who cursed each other, and Abdullah Ibn Shaddad – one of the senior followers – said: "She is the one about whom the Messenger of God said: 'If I were to stone a woman without evidence, I would have stoned her.'" It was narrated on the authority of Al-Qasim Ibn Muhammad that he heard Ibn Abbas say: The Messenger of God (PBUH) "He cursed between Al-Ajlani and his wife." He said: She was pregnant, so he said: By God, I have not come near her since we became pregnant. He said: And the term "afr" is to water the palm trees after they have been left without watering, two months after they have been watered. He said: Her husband had hairy legs and arms, and reddish hair. The one I threw at was Ibn Al-Sahma'. He said: So, I gave birth to a black boy with curly hair and thick arms. He said: Then

Ibn Shaddad Ibn Al-Haad said to Ibn Abbas: Is she the woman about whom the Prophet (may God bless him and his family and grant them peace) said: "If I were to stone her without evidence, I would have stoned her"? He said: No, that was a woman who had declared her Islam.

And according to Ibn Majah, from the hadith of Ibn Abbas, he said: "The Messenger of God said: If I were to stone someone without evidence, I would have stoned so-and-so, for suspicion was evident in her speech, her appearance, and the one who entered upon her."

The meaning of the indication: If working with circumstantial evidence was permissible, the Messenger of God would have stoned this woman after the evidence of immorality on her part appeared.

The argument was objected to by saying that we do not accept that the Messenger did not rule on the woman because it is not permissible to act based on circumstantial evidence. Rather, he did not rule on her because circumstantial evidence is doubtful, and punishments are averted by doubts.

#### 4. Conclusion

##### Reasonable

1- On the one hand, the evidence is not consistent or precise; it often appears strong and indicative of the matter, but then becomes extremely weak, so its evidence is reduced to illusion and distance from reality.

They mentioned an example of this from the rulings of Imam Ali (peace be upon him), the summary of which is that Ali (peace be upon him) was brought a man who was found in a ruin with a knife dripping with blood in his hand, and in front of him was a man wallowing in his blood, so he asked him: and he confessed and admitted, so he ordered the punishment of killing to be carried out on him; When they took him away, a man came running and said to Ali, "I am the murderer, O Commander of the Faithful." Ali (peace be upon him) said to the first man, "What made you do what you did?" - meaning, confess - so the man hinted that if he denied it, he would not be believed, because of the evidence of the situation. The other confessed for fear that the man would be killed unjustly and thus he would have killed someone. And he caused the death of one innocent person, so the matter before God Almighty obliges him to pay two instead of one. It is objected to that the ruling based on circumstantial evidence is limited to the strong ones, and the occurrence of weakness in them is not considered because the criterion is the strength of the circumstantial evidence at the time of ruling.

2- Evidence provides conjecture, and judging based on it is following conjecture, which is reprehensible in Islamic law, and conjecture is not evidence. The Holy Quran denounced the following conjecture, as Allah the Almighty said: (They follow nothing but conjecture and what their souls desire, and there has already come to them from their Lord guidance.) And the Almighty says: (And most of them follow nothing but assumption. Indeed, assumption avails nothing against the truth. Indeed, Allah is Knowing of what they do.) It is objected to that the intended suspicion is suspicion in beliefs.

and the suspicion that is based on whims and doubt is not intended because the intended suspicion is what the mujtahid thinks is most likely to be the truth. The prevailing opinion: After the previous presentation of evidence, I find the evidence of the first opinion, which is based on circumstantial evidence, more likely for the

##### Following

- 1- The strength of the evidence they relied on.
- 2- The possibility of responding to the evidence of those who forbid it and even citing their evidence and directing it to the permissibility of working with circumstantial evidence.
- 3- The purpose of judiciary is to reveal the truth, and this is done through evidence, and indications are considered evidence that reveals and reveals the truth.



4- Judicial rulings based on circumstantial evidence are consistent with the spirit of Sharia in proving the right to its owner if it is clear, otherwise it is necessary to search for what reveals and clarifies it.

5 - Strong evidence is a means of proof, and no book of jurisprudence is devoid of it. Even those who say that evidence is not considered evidence have acted in accordance with it and based their rulings on it in many matters.

Search results After delving into the search terms, we reached the following results:

1-Means of proof have the greatest impact in obtaining rights and obligating others to perform duties.

2-There are agreed upon means and disputed means.

3- Considering the means of proof that have reached conclusive scientific conclusions in establishing rights.

4- DNA evidence can be relied upon as preliminary proof due to the stability of its scientific results.

5- Not taking the voice print into account due to the possibility of illusion and imitation.

6- Not relying on the evidence of the pictures and the video and television contents underneath them, as they may be forged.

7- The jurists differed on the validity of these means into two opinions, each of which has evidence, but the evidence of those who permit it is stronger than those who forbid it, because they rely on the Qur'an, the Sunnah, consensus, and reason, unlike those who forbid it, who relied on the Sunnah and reason. Thanks be to God first and last.

## 5. References

- [1] S. ibn al-Ash'ath Abu Dawood, Sunan Abi Dawood, Dar al-Hadith, 1420 AH.
- [2] Al-Amili, Shiite (Islamic) Means, 5th ed., Dar Ihya' Al-Tharat Al-Arabi, 1983.
- [3] A. Al-Bahi, From the Methods of Evidence in Sharia and Law, Dar Al-Fikr Al-Arabi, 1965.
- [4] H. Al-Hajj, The Impact of the Development of Medical Knowledge on the Change of Fatwa and Judiciary, 2nd ed., Dar Ibn Hazm, 2019.
- [5] H. bin Muhammad bin Ibrahim Al-Khattabi, Milestones of Sunan, Scientific Press – Aleppo, 1932.
- [6] Al-Marashi, Explanation of the Establishment of Truth, Publications of the Library of Grand Ayatollah Al-Marashi, 1404 AH.
- [7] Haqqi Al-Prussian, Tafsir Ruh al-Bayan, Dar al-Fikr for Printing, Publishing, and Distribution, n.d.
- [8] M. A. Al-Sabouni, Al-Tibyan fi Ulum Al-Qur'an, 3rd ed., Dar Ihsan for Publishing and Distribution, 1330 AH.
- [9] M. bin Ali bin Baobih Al-Saduq, Who is Not Attended by the Faqih, 2nd ed., Islamic Publishing Foundation, 1404 AH.
- [10] bin Khalil Al-Trabelsi, Mu'in al-Hakam, Al-Miriyah Press, 1300 AH.
- [11] M. ibn al-Hasan ibn Ali Al-Tusi, The End, 2nd ed., Dar al-Kitab al-Arabi, 1400 AH.
- [12] F. I. bin Ali bin Muhammad Al-Ya'mari, The Rulers' Insight into the Origins of Districts and the Methods of Judgments, Al-Azhar Colleges Library, 1986.
- [13] M. Mustafa Al-Zuhaili, Means of Evidence in Islamic Law, Dar Al Maktabi for Printing, Publishing and Distribution, 1998.
- [14] ibn Muhammad Ibn Hanbal, Musnad of Imam Ahmad bin Hanbal, Al-Resala Foundation, 1416 AH.
- [15] M. bin Yazid Ibn Majah, Sunan Ibn Majah, Dar Al-Jeel, 1418 AH.
- [16] M. bin Abi Bakr bin Ayyub Ibn Qayyim al-Jawziyyah, Ruling Methods in Sharia Politics, 4th ed., Dar At'at Al-Ilm, 2019.
- [17] Tantawi, Tafsir al-Jawaher, Publications of the Forum of the People of Athar, Mustafa al-Babi al-Halabi & Sons, 1351 AH.