

DNA Fingerprinting and its Impact on Lineage, a Jurisprudential Study Compared to the UAE Law

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Abstract

There has been a lot of jurisprudential disagreement regarding the validity of genetic fingerprinting and its being indistinguishable from the curse of denying lineage, as the majority decided to disable the role of this very accurate scientific method, which led to mixing of lineages in many cases. The aim of this research is to prove the validity of genetic fingerprinting in denying lineage, and to show the extent of its consistency and results with cases of denying lineage in Islamic law, and that it is not limited to cursing only. In his research, he relied on the inductive and analytical approach by collecting legal texts and jurisprudential opinions from the books of the four schools of jurisprudence and studying them analytically by clarifying the foundations on which the ancient jurists relied in the conditions for denying lineage, clarifying that they were not limited to what was reported in their time, and attaching contemporary discoveries in denying lineage. Giving it the same legal rulings as a matter of priority. The study supported the text of the UAE law and its judicial applications regarding denying lineage by genetic fingerprinting. This study contributes to enhancing the use of scientific methods to preserve lineages, preserve them from loss, and achieve the goals of religion in societies.

Keywords: DNA Fingerprinting, Lineage, Denial of Lineage, Li'an, UAE Personal Status Law.

INTRODUCTION

Praise be to God, Lord of the worlds, and prayers and peace be upon the most honorable of creation, our Prophet Muhammad, his family and companions, and those who followed him in goodness until the Day of Judgment, and after;

God Almighty has honored man with the greatest honor, and made the purposes of this religion focus on the interest of man and his needs, so he preserved the believer's religion, his soul, his mind, his offspring, and his money. Preserving lineages was one of those purposes that God Almighty commanded to care for and preserve, and he warned strongly against mixing and losing them, because of the widespread corruption in societies, the severing of kinship, the disintegration of families, and the loss of rights. Where the Prophet, may God's prayers and peace be upon him, said: (Anyone falsely claims to be the son of other than his father, knowing that he is not his father, will be forbidden to enter Paradise).

(مَنْ ادَّعَى إِلَى غَيْرِ أَبِيهِ، وَهُوَ يَعْلَمُ أَنَّ غَيْرَ أَبِيهِ، فَأَلْجَأَتْهُ عَلَيْهِ حَرَامٌ).

to preserve the lineage; The Lawgiver put in place means to help us prove it, and to affiliate children to their parents, just as it legislated the means that negate lineages and preserve their purity, honesty, and non-mixing on the other hand, just as the Sharia is looking forward to proving lineage, it is also looking forward to its validity and non-mixing.

Other contemporary methods developed and endorsed by Sharia have occurred to help achieve the aforementioned purposes, including DNA fingerprinting as a contemporary method and an emerging issue that appeared in the late twentieth century, and caused a scientific renaissance and great development in many fields, and it was a method that almost reached the point of severance. On our topic of lineage. This research came to show its impact on denying lineage.

Research Objectives and Importance

Mention agreed methods of denying legal lineage.

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Clarifying what is meant by DNA fingerprinting and its impact on denying lineages.

Stating the text of the UAE law and how it considers the DNA fingerprinting in denying lineage.

Reason for Choosing the Topic

chose this topic for several reasons, including:

The need for it has expanded in societies as it is a contemporary topic in which there is much disagreement among contemporary jurists regarding the consideration of genetic fingerprinting as a new and powerful means of denying lineage.

LITERATURE REVIEW

The Book of DNA fingerprinting and Its Impact on Jurisprudential Rulings, A Comparative Jurisprudential Study, by Dr. Khalifa Ali Al-Kaabi 1426 AH / 2006 AD. The researcher touched on the issue of fingerprinting and lineage from several aspects and expanded on it, and strongly supported the saying of the forbidden band to use DNA to deny lineage. In this research, I will study the issue of denying lineage by DNA fingerprint specifically, briefly and concisely.

The Book of DNA fingerprinting and Its Legitimate Relationships, New Jurisprudential and Legal Horizons, a Comparative Study, by Dr. Saad al-Din MUSAAD Hilali, 1431 AH / 2010 AD, and the researcher expanded this research a lot and talked about topics far from the destination, He also supported the statement of the legitimacy of the genetic footprint in denying parentage at all. As I said, I will confine myself in this research to the subject of negation only in a brief and concise manner without expansion and without deviating from the main objective.

The Book of Verifying Lineage by Examining the DNA fingerprinting and Revealing Its Accidental Results, New Fiqh Perspectives by Professor Dr. Ayman Saleh, Professor of Jurisprudence and its Principles, 2020 AD / 1441 AH, it is one of the best books written in this subject, in which the writer touched on the jurisprudential foundations in lineage issues, and divided the lineage into: fixed, mixed, and unknown, and explained the related rulings for each of them.

In addition to the aforementioned, this study adds the position of the UAE Personal Status Law regarding DNA fingerprinting and some judicial applications thereon.

The Used Method in the Research

The research relied on the inductive and analytical approach by collecting legal texts and jurisprudential opinions from the books of the four schools of jurisprudence, and studying them analytically by explaining the foundations on which the ancient jurists relied on the conditions for denying lineage, and showing the extent to which contemporary discoveries can be included in denying lineage and giving it, such as Its legal provisions. With a statement of the opinion of the UAE Personal Status Law on this issue.

The First Topic: The Definition of Lineage and DNA Fingerprinting

The First Chapter: Definition of Lineage Idiomatically

It is the relationship and kinship between fathers, mothers and children, and some contemporaries defined it as: “an additional judgmental situation between one person and another, in that a person is separated from the womb of a woman who is in a custody of a legal marriage or a sound slavery that is happened or intended to be appended to one, or the one from his lineage.”

The Second Chapter: The Definition of DNA Fingerprinting Idiomatically

Scientists have come to understand the secrets of human genes and their composition that transmit hereditary traits from generation to generation and how to inherit these traits, knowing the arrangement of the DNA molecule and the separating markers between each molecule and the other, and this led them to succeed in drawing a map of genes and determining the location of each gene and what it expresses It has hereditary traits.

The mapping of human genes achieves the possibility of proving or denying paternity, detecting fetuses, and identifying their identity through the DNA fingerprint.

The DNA fingerprinting is defined as: “(DNA) of an individual analyzed by the used techniques in his diagnoses to detect the sequence of a single (DNA).”

In a clearer sense, it is: "A sequence of amino acids in a specific sequence in a person's genetic material."

The DNA fingerprint provides unprecedented capabilities in identifying the identity of people, and it is not subject to forgery or change and distortion, even the fingerprints do not reach the accuracy of the DNA fingerprint, as it is rare for two similarities in the DNA.

The Third Chapter: The Care of Islamic Law to Preserve Lineages

Islam took a great care of lineages, and among the legislations that the wise legislator put in place to preserve lineages are:

The prohibition of adultery and defamation, the obligation of punishment on the perpetrator, and the prohibition of the leading means to them.

Islam's prohibition of adoption, in such a way that it nullified what the Arabs were in the pre-Islamic era of ascribing children to other than their fathers.

Likewise, it was forbidden to disavow, or deny it without proof, one of the known lineages, and to allege to other than the fathers, because that involves a loss of lineages and rights, as the Prophet, may God's prayers and peace be upon him, said: (There is no man who claims to be lineaged to someone other than his father - and he knows him - so he is a disbeliever, and whoever claims his lineage to people not from his family, he will expect his settle in of Hell.”

And his saying, may God's prayers and peace be upon him, as a warning against claiming false lineages or denying known lineages when the verse of the cursed ones was revealed: “A” that a woman who lineaged into her husband's lineage a child who is not from him, but from her fornication with another, then she is not in God's mercy and pleasure, rather she is in His wrath, and that is because of the ugliness of this fault, which are the corruption of the relationship and the mixing of lineages, and whoever disavows his son while he knows him and denies his lineage, God will not look at him on the Day of Resurrection, and forbid him to look at him and expose him to the heads of creatures on the Day of Resurrection as a punishment for his denial of the lineage of his son. And when the Prophet, may God's prayers and peace be upon him, forbade a woman to be in a group of people who are not related them, this indicates that the man is like her, and because if he does not deny him, he makes the foreigner suitable for him and forbidden for him and his children, and competing with them in their rights, and this is not permissible.

أَيُّمَا امْرَأَةٍ ادْخَلْتُ عَلَى قَوْمٍ مِّنْ لَّيْسَ مِنْهُمْ فَلَيْسَتْ مِنَ اللَّهِ فِي شَيْءٍ، وَلَنْ يُدْخِلَهَا اللَّهُ جَنَّتَهُ، وَأَيُّمَا رَجُلٍ جَحَدَ وَلَدَهُ وَهُوَ يَنْظُرُ إِلَيْهِ اخْتَجَبَ اللَّهُ تَعَالَى مِنْهُ وَفَضَحَهُ عَلَى رُءُوسِ الْأُولَى وَالْآخِرِينَ

Islam legislated curses as a means of denying lineage, if evidence is found with the husband, to ensure that his relation is not corrupted and that no one but his son is affiliated with him.

Islam paid attention to the provisions of the waiting period, and took care of them with great care, in order to allow the spouses, the opportunity to review in cases of revocable divorce, and to verify the existence of pregnancy or not. In order to ensure the purity of the wombs and the non-mixing of lineages with each other, just as the wise legislator stressed the prohibition of concealing pregnancy.

And it was from the keenness of the shariah as well; to put in place legal means through which we can deny the lineage of children from their fathers, if a clear presumption indicates that; so that the father does not bear the burden of caring for someone who is not his own child; and so as not to relate to the family who is not from it; There are many legal prohibitions, whether in alimony or the provisions of incest, inheritance, sane women, and others.

So, what are these examples that we can deny lineage through? What are its conditions and the sayings of the jurists in it?

The Second Topic: The Legal Forms of Denying Lineage

The First Chapter: Li'an

Li'an is a means of denying lineage, which is indicated by the texts of the Qur'an and the noble Sunnah, and the nation unanimously agreed on its legitimacy. If the father is certain that this child or this pregnancy is not from him with clear evidence; It is obligatory for him to deny it from him, and it is not permissible for him to attribute it to him while he is fully aware that it is not from his lineage.

“Testimonies affirming faith on both sides, coupled with li'an and anger, will be made the Hadd of slander or reprimanding on his part, and imprisonment on her part.”

And the li'an will be for two reasons: either for Slandering by adultery if he sees it as adultery or indicates a strong presumption of that, or to deny the lineage of his son about him if he knows certainty that he is not from him, “As for the forms of lawsuits in which li'an is required, first of all there are two forms: one is the charge of adultery, and the second is the denial of pregnancy.”

The jurists stipulated that the li'an be in the presence of the ruler or his representative, because it is an oath in a lawsuit, so the ruler's order was considered in it. Like all lawsuits. The Hanafis mentioned in their books that the lineage of the child is not denied, and the separation between the spouses is not done by just the li'an, but rather a decision issued by the ruler is required to deny the lineage or separation.

The conditions for the validity of li'an in denying the child are three: Immediate - i.e., immediate denial upon knowing of pregnancy or childbirth, and non-acknowledgment of the child, and the realization that he is a live.

Immediate: That is, he denies the parentage of the child as soon as he knows the pregnancy or birth. If the immediacy is not accepted, it is not accepted, and it is the punishment of defamation will be applied.

The immediate Hanafi decreed that its denial be in the period of congratulation, and in the postpartum period after knowing in another narration, in order for the effects of childbirth to remain, and if the husband was not present at the time of childbirth, for example, the state of his knowing becomes the same as her birth.

The Malikis stipulated that it should not be denied unless it was a pregnancy. If he did not deny it while it was a pregnancy, it is not permissible for him to denies it after giving birth with li'an.

The Shafi'is and Hanbalis stipulated that the banishment should be if he knew it without delay, unless there was an excuse preventing him from doing so. such as travel, illness, or the like them, and if he does not deny him immediately with the ability, his denial will not be accepted.

Not Admitting the Child: that is, not admitting his son before he denies him. It is a condition agreed upon by the jurists, and admitting is in several ways, such as accepting congratulations, buying a birthing supplies, or keeping silent about the denial.

The UAE law took into account these two conditions, as stated in Article (97) of the Personal Status Law:

A man may deny the child's lineage by means of li'an within seven days from the date of knowledge of the birth, provided that he has not admitted his paternity to him explicitly or implicitly, and the li'an claim is submitted within thirty days from the date of knowledge of the birth.

The Life of the Child is Verified: that is, he is alive at the time of the li'an, and this is according to the Hanafis, where they went to that if the father denied the lineage of his son on his behalf, then the child died before or after the occurrence of the li'an; However, before the judge ruled to deny the lineage, the lineage was not negated, and each of the spouses had the right to seek li'an in order to waive the punishment for slander on his behalf, because the negation of lineage was a ruling on the child, and the dead person may not be judged for him or against him.

Attributing death to him does not harm him, because his children do not join him. As for the living, his children join him, so he banishes him until that denies him.

The majority of Malikis, Shafi'i, and Hanbalis held that the father has the right to negate the lineage of the child after death, and he may li'an to negate the living and the dead, because it is attributed to him even after death, so it is said: "This dead person is the son of someone" and because the conditions for li'ans are fulfilled without the presence of the child, so they are not negated if he dies.

The Second Chapter: That the minimum Period of Pregnancy does not Expire between Marriage and Childbirth

There are other cases in which lineage is denied without resorting to li'an. Because the evidence in it indicates the impossibility of establishing lineage between the son and his father. If it is possible to definite that the cause does not lead to what is intended; It is necessary to disable the reason at that time, as it is known that the child belongs to the relation, but if we know by evidence that the child is not from him, then the ruling on the bed is cancelled.

And one of these cases is the issue of the shortest pregnancy period in which jurists spoke a lot, and its being a presumption indicating the absence of lineage of the child from his father.

Where the jurists agreed that the duration of pregnancy should not be less than six months, and what came before that from the time of the marriage to the time of birth was denied without li'ans, due to the strength of the presumption indicating the impossibility of being from his father.

It says in the beginning of al-Mujtahid: "And they agreed that the child is not attached to the relation in less than six months, either from the time of the marriage contract or from the time of relation, and that it is attached from the time of relation to the shortest period of pregnancy, or if he had separated from her and left her.

If she get a child of less than six months from the time of the marriage, then it is removed from him without li'an, because we know that she was in relation with him before the occurrence of the bed relation, and if he consummated with her and then divorced her while she was pregnant and she delivered the pregnancy, then she brought another child for six months who did not join him, and he was removed from him without li'an, because we cut off With the innocence of her womb by giving birth and that this other child was attached to him after the demise of the bed.

Article 90, paragraph 1 of the UAE Personal Status Law states: "The child is born to the bed relation if the valid marriage contract has passed, the minimum period of pregnancy, and it has not been proven that it is not possible for the spouses to meet." The law specified the duration of pregnancy in Article 91 as the minimum period of pregnancy, one hundred and eighty days.

This is what the UAE judiciary did in Appeal No. 662 of 2019, Appeal No. 441 of 2017, and Appeal No. 59 of 2020, in which it refused to deny the paternity established by DNA if it was proven that the shortest pregnancy period had passed since the marriage contract or consummation.

The Third Chapter: The inability to Communicate between the Spouses

By that, we mean the absence of the husband from his wife so that it is impossible to communicate between them, which is what is called in the books of jurists the marriage of the Mashreqi to the Maghrbia, that is, his being in the East and she is in west, and they have not met since the time of the marriage contract; If the wife in this case gives birth to a child without having contact with the husband, is it attributed to him?

The majority of Maliki, Shafi'i and Hanbali jurists stipulated the possibility of intercourse after the bed relation was proven. If intercourse is not proven, as in the case of the eastern and the western, the lineage to the father is not proven, because it is not possible for him to be from his lineage.

With the exception of the Hanafis who see the right of the child to his father as the bed relation is proven between the spouses, due to the generality of his saying, may God's prayers and peace be upon him: (The child

belongs to the bed relation, and the adulterer has no right), i.e. to the who made the relation without the requirement of intercourse, So they considered that the marriage contract takes the place of intercourse, and it must be negated by li'an, but it is not negated without li'an.

لعموم قوله صلى الله عليه وسلم: **الْوَلَدُ لِلْفَرَّاشِ، وَاللِّعَاطِرِ الْحَجَرِ**)

This is also what was stated in the UAE Personal Status Law in the aforementioned article, and the UAE judiciary acted upon it in Appeal No. 662 of 2019, Appeal No. 441 of 2017, and Appeal No. 59 of 2020, as it refused to deny the paternity proven by DNA, as it was proven that the spouses could converge.

The Fourth Chapter: Proof of the Husband's Inability to Cause Pregnancy

And that is by two things: Either the husband is young, or he is castrated.

The young man who is not born to his likeness: The jurists see that the young husband who is not born to his likeness and his wife has a child that he is excluded from him without li'an, and they differed in the age at which the boy cannot be born to him; The Hanbalis determined it to be less than ten years old, Al-Shafi'i has two sayings: under the ten and under nine years, and they inferred by saying, may God's prayers and peace be upon him "Order your children to pray when they are seven years old, and beat them for not praying when they are ten years old, and separate them in their beds."

The castrated husband: The Hanafis are of the view that lineage is proven from castrated and others, and it is not denied except by li'an due to bed relation.

As for the Malikis, they referred the matter to the people of knowledge of it. So, whoever was born to someone like him, the child is lineaged to him, and whoever was not, he is not lineaged to him.

And the Shafi'is detailed this, and they said that whoever was cut off the male, the lineage is denied from him without resorting to li'an, and if one of them is cut off, he is entitled to it, and it is not negated except by li'an.

Likewise, the Hanbalis explained, and they said that the one who cut off the male does not prove lineage for him, because it is impossible for him to ejaculate and penetrate, and they differed with those who cut off his two organs without mentioning him; According to the majority of them, it does not catch up with it because the semen that comes down from him does not create a child from it, and in another narration it catches it because it can crush and semen comes out from which a child is created.

In sum, the jurists related the proof and denial of lineage to the possibility of water reaching the woman's womb, not only to the proof of the bed relation; So when it is proven that semen is impossible to reach the denial of lineage immediately without resorting to li'an, such as the child who cannot be born like his likeness, or the castrated who does not ejaculate, as well as in the issue of the eastern and the western and the issue of the shortest pregnancy period, In all of these cases, we are certain that the cause does not lead to what is intended, so we dismissed the cause, which is the bed relation, because we were certain of the strong evidence that it was not from him.

Prof. Dr. Ayman Salih called this the term "partiality" in his book and described it as: "the essential pillar and the original reason for proving the lineage, so where it was proven to be definitively absent between the child and the husband, then the child was negated from him without li'an, and if participatory was proven between them definitively, he did not have the right to negate it by li'an."

If we say that the results of the DNA footprint are definitive in denying lineage; Can it be considered as such evidence of strength and influence? And did modern scholars consider it a presumption that denies lineage?

The Third Topic: Ruling on Denying the Lineage in the DNA Fingerprinting

Contemporary scholars have agreed that proved lineage cannot be verified by DNA fingerprinting, and they differed in the ruling on verifying questionable lineage by DNA fingerprint without resorting to li'an, they went to several sayings:

The First Chapter: abstainers from using DNA fingerprinting to deny doubtful lineage at all

Most contemporary scholars are of the view that the use of DNA fingerprints is completely prohibited in denying lineage, and they consider li'an the only means to negate lineage when its conditions are fulfilled, and they forbid preferring DNA to li'an, and to this the Islamic Fiqh Academy went in its sixteenth session: "It is not permissible in Sharia to rely on DNA in denying lineage, and it is not permissible to give precedence to li'an."

They cited several evidences, including:

First: From the Holy Quran

(It is not for a believing man or a believing woman, when Allah and His Messenger have decided a matter, that they should [thereafter] have any choice about their affair. And whoever disobeys Allah and His Messenger has certainly strayed into clear error.)

[Al-Ahzab: 36]

﴿يَوْمَ كَانَ لِمُؤْمِنٍ وَلَا مُؤْمِنَةٍ إِذَا قَضَىٰ اللَّهُ وَرَسُولُهُ أَمْرًا أَنْ يَكُونَ لَهُمُ الْخِيَرَةُ مِنْ أَمْرِهِمْ وَمَنْ يَعْصِ اللَّهَ وَرَسُولَهُ فَقَدْ ضَلَّ ضَلَالًا مُبِينًا﴾

The inference was directed by this verse: Li'an is a right that God has legislated for the husband, and he cannot be prevented from it, because it is not permissible to cancel a legal ruling proved by the Qur'an, Sunnah, and unanimous medical theories developed by humans, no matter how accurate and correct they are for those who specialize in it. How can we choose what God and His Messenger did not legislate?

And they cited the Almighty's saying: (O you who have believed, do not ask about things which, if they are shown to you, will distress you. But if you ask about them while the Qur'an is being revealed, they will be shown to you. Allah has pardoned that which is past; and Allah is Forgiving and Forbearing.)

[Al-Ma'idah: 101]

﴿يَا أَيُّهَا الَّذِينَ ءَامَنُوا لَا تَسْأَلُوا عَنَ أَشْيَاءَ إِن تُبَدَّ لَكُمْ تَسْؤُكُمْ وَإِن نَسْأَلُوا عَنْهَا حِينَ يُنزَلُ إِلَيْكُمْ فَمَا لَكُمْ ءَعَنَآ اللَّهُ وَعَنَآ وَٱللَّهُ عَفُورٌ ۭ حَلِيمٌ﴾

The reasoning behind this verse is the story of its revelation: "Al-Bukhari, Muslim and others reported on the authority of Anas that he said: The Prophet, may God's prayers and peace be upon him, delivered a sermon like I have never heard before, so a man said: From my father! he said: someone, so this verse was revealed: Do not ask about things.

Al-Bukhari and others similarly included it on the authority of Ibn Abbas. This questioner has explained in other narrations that he is Abdullah bin Hudhafa, and that he said: Who is my father? The Prophet, may God bless him and grant him peace, said, "Your father is Hudhafa."

Accordingly, it is not permissible to ascertain the proven lineage by the appearance of the bed relation, even if there is a reason to prove this from the evidence of the charge and the suspicion that turn around the lineage.

Second: From the Sunnah of the Prophet

On the authority of Abu Hurairah, may God be pleased with him, who said: The Prophet, may God's prayers and peace be upon him, said: (The child belongs to the bed relation, and the adulterer has no right).

عن أبي هريرة رضي الله عنه قال: قَالَ النَّبِيُّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ: الْوَلَدُ لِلْفِرَاشِ، وَلِلْعَاهِرِ الْحَجَرِ)

The inference was directed by the hadeeth: that even if the wife acknowledged what the husband had accused her of; The lineage of the child is proven to the husband due to the fact that the bed relation between them is proven, so there is no way for him to deny this lineage except through li'an.

That a man came to the Prophet, may God's prayers and peace be upon him, and said: O Messenger of God, a black boy was born to me, and he said: (Do you have any camels). He said: Yes, he said: (What are their colors). He said: Red. He said: (Is there any grey in it). He said: Yes, he said: (How is that). He said: Perhaps they stripped by sweat. He said: (Perhaps your son stripped by sweat).

أَنَّ رَجُلًا أَتَى النَّبِيَّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ فَقَالَ: يَا رَسُولَ اللَّهِ، وُلِدَ لِي غُلَامٌ أَسْوَدٌ، فَقَالَ: هَلْ لَكَ مِنْ إِبِلٍ. (قَالَ: نَعَمْ، قَالَ): مِمَّا أَلْوَأَتْهَا. (قَالَ: حُمْرٌ)، قَالَ: هَلْ فِيهَا مِنْ أَوْرَقٍ. (قَالَ: نَعَمْ، قَالَ): فَأَتَى ذَلِكَ. (قَالَ: بَعَلُّهُ نَزَعَهُ عِرْقٌ، قَالَ): فَبَعَلَّ ابْنَكَ هَذَا نَزَعَهُ عِرْقٌ.)

The point of evidence: that some measured the DNA fingerprint on the Physiognomy, which is the similarity between the origins and the branches, and the Messenger, may God's prayers and peace be upon him, invalidated the similarity in exchange for li'an. The same applies to the DNA fingerprint. We cannot say that it denies lineage because the Messenger, may God's prayers and peace be upon him, did not accept negation just because of a difference of the color.

Third: It Is Reasonable

God, Glory be to Him, legislated li'an to close the doors of delving into symptoms and lineage, due to the many consequences of li'an, so the husband does not apply to it except in cases of extreme necessity. If the door to denial was opened by fingerprinting without resorting to li'an, people would find it easy to deny lineage, which the Lawgiver insisted on keeping it.

We see that the proponents of this saying focused on the street's aspiration to preserve proved lineages, and they considered bed relation rest as an indication of proof of lineage, and that the husband's doubts are just misconceptions that cannot be proven or not using DNA fingerprinting. On the other hand, we see that they have neglected the side of the street's perception of the lack of mixing of genealogies and the proving of what is not fixed in the first place, and that Islam has prohibited adoption so that children are not attributed to those who are not their parents; Just as proving and preserving lineages is a legal duty; Also, proving incorrect lineage is prohibited by Sharia, and denying correct lineage is also forbidden, even if it is through li'an.

Because we know that its results with regard to lineage are definitive or semi-deterministic.

Al-Rafi'i says: "If he does not identify the man with suspicion or specifies him and does not believe him, then the child is related to the marriage, and he may deny it by li'an. Negating it by li'an, because he had another way by which the lineage would be severed, which is that the one who proved, should join him with that specific person if it was offered to him, but he would negate the lineage by cursing, if there was no other way to negate it. so, Li'an is not a purely devotional judgment that has no reasonable meaning. If it is proved to us by any other means that the lineage is invalid from the husband, then it is denied without li'an, and this is proven by the DNA fingerprint.

The Second Chapter: Those who Permit the Use of DNA to completely Deny doubtful Lineage

Dr. Muhammad Al-Mukhtar Al-Salami, and Dr. Saad Eddin Hilali, and Dr. Ayman Salih sought to verify the doubtful lineage and deny it absolutely by means of DNA fingerprinting, and they said that fingerprinting here suffices for li'an, so there is no need to use to li'an when the results of fingerprinting are proven by denying lineage, and if the results prove the lineage of the husband, he has no right to curse to deny the lineage, because denying the true lineage is forbidden.

This team cited several evidences, including:

First: From the Holy Quran

(And those who accuse their wives [of adultery] and have no witnesses except themselves - then the witness of one of them [shall be] four testimonies [swearing] by Allāh that indeed, he is of the truthful.)

[An-Nur: 6]

﴿وَالَّذِينَ يَزْمُونَ أَزْوَاجَهُمْ وَلَمْ يَكُن لَّهُمْ شُهَدَاءُ إِلَّا أَنفُسُهُمْ فَشَهَدَةُ أَحَدِهِمْ أَرْبَعُ شَهَدَاتٍ بِاللَّهِ إِنَّهُ لَمِنَ الصَّادِقِينَ﴾

The reasoning for this verse: There is no reason for the procedure of li'an if the husband has legal evidence. Because li'an was prescribed for those who do not have evidence, and the DNA fingerprint is legal evidence for the husband through which it is proven that the child is not from him, and woman right to li'an remains to ward off the hadd punishment from her.

Likewise, in the meaning of martyrdom, what was mentioned in Surat Yusuf, the Almighty said: ([Joseph] said, "It was she who 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 (26) But if his shirt is torn from the back, then she has lied, and he is of the truthful (27) So when her husband saw his shirt torn from the back, he said, "Indeed, it is of the women's plan. Indeed, your plan is great (28)).

[Yusuf 26-28]

قَالَ هِيَ رَاوَدْتَنِي عَنْ نَفْسِيَّ وَشَهِدَ شَاهِدٌ مِّنْ أَهْلِهَا إِنْ كَانَ قَمِيصُهُ قُدَّ مِنْ قُبُلٍ فَصَدَقَتْ وَهُوَ مِنَ الْكَاذِبِينَ ﴿٢٦﴾ وَإِنْ كَانَ قَمِيصُهُ قُدَّ مِنْ دُبُرٍ ﴿٢٧﴾ فَكَذَبَتْ وَهُوَ مِنَ الصَّادِقِينَ ﴿٢٨﴾ فَلَمَّا رَأَىٰ قَمِيصَهُ قُدَّ مِنْ دُبُرٍ قَالَ إِنَّهُ مِن كَيْدِكُنَّ إِنَّ كَيْدَكُنَّ عَظِيمٌ ﴿٢٩﴾

The witness reached, through mental and logical deduction, to know the truthful one from the liar, even though he did not witness the incident of the torn with his own eyes, and he made the cut in the shirt the presumption standing in place of witnesses and evidence of his innocence from the slander of Aziz's wife, and the definitive DNA fingerprint is stronger in proof than the presumptive testimony of witnesses.

Concerning this, Ibn al-Qayyim, may God have mercy on him, says: "Among that is the statement of the witness whose testimony God mentioned and did not denounce him or bother him, but he recounted it as a decision for it... so he reached by the torn of the shirt to know the truthful one from the liar."

Second: From the Sunnah of the Prophet

On the authority of Ibn Abbas, may God be pleased with him, that Hilal bin Umayyah slandered his wife in the presence of the Prophet, may God's prayers and peace be upon him, by Shuraik Ibn Sahma', and in it: "Said the Prophet, peace be upon him: see it; If she brings it, the eyelids of his eyes are black, large and fat, belongs to Sharik Ibn Sahma, and she brought it as well, so the Prophet, may God's prayers and peace be upon him, said: Were it not for what has passed from the Book of God, it would have been for me and for her.

Where Ibn Hajar said: "That is, had it not been for what preceded from the ruling of God, that is, that li'an pays the penalty on behalf of the woman, I would have inflicted the penalty on her for the apparent resemblance to the one with whom she was accused."

"His saying: (A matter), what is meant by it is stoning, that is, had it not been for the fact that the Sharia (law) waived her stoning, she would have been judged according to the analogy and would have stoned her."

The Prophet, peace be upon him, established that the likeness is strong evidence that the newborn is not attributed to Hilal bin Umayyah, may Allah be pleased with him, but because the li'an forbids the punishment and drops its ruling, the Prophet, peace be upon him, did nothing with her, and the DNA fingerprinting at this time is more indicative than mere likeness.

عَنْ أَبِي هُرَيْرَةَ رَضِيَ اللَّهُ عَنْهُ عَنِ النَّبِيِّ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ قَالَ: «بَيْنَمَا امْرَأَتَانِ مَعَهُمَا ابْنَاهُمَا، جَاءَ الذَّنْبُ فَذَهَبَ بَابِنِ إِحْدَاهُمَا، فَقَالَتْ هَذِهِ لِصَاحِبَتَيْهَا: إِنَّمَا ذَهَبَ بَابِيكَ أَنْتِ، وَقَالَتِ الْأُخْرَى: إِنَّمَا ذَهَبَ بَابِيكَ، فَتَحَاكَمَتَا إِلَى دَاوُدَ فَقَضَىٰ بِهِ لِلْكَبْرَى، فَخَرَجَتَا عَلَى سُلَيْمَانَ بْنِ دَاوُدَ عَلَيْهِمَا السَّلَامُ فَأَخْبَرَتْهُ، فَقَالَ: إِنَّنِي بِالسَّيِّئِينَ أَشْفَعُ بَيْنَكُمَا، فَقَالَتِ الصَّغْرَى: لَا، يَزْحَمُكَ اللَّهُ، هُوَ ابْنُهَا، فَقَضَىٰ بِهِ لِلصَّغْرَى»

The way of inference: that the Prophet of God Solomon, peace be upon him, denied the lineage of the son from the older woman, and proved it to the younger through a presumption that helped him know his real mother when he wanted to cut the son into two halves. His mother refused that because of pity and mercy, as she was satisfied that the eldest would take him to save his life, and the presumption was strong with him until he presented her acknowledgment - by saying "he is her son" - that the child is for the eldest, and Ibn al-Qayyim says after mentioning the incident: "This is how the understanding of God and His Messenger is. "Likewise, the DNA fingerprinting is considered as a presumption and more definitive evidence in verifying the matter and knowing who the son is attributed to.

عَنْ عَائِشَةَ رَضِيَ اللَّهُ عَنْهَا قَالَتْ: إِنَّ رَسُولَ اللَّهِ صَلَّى اللَّهُ عَلَيْهِ وَسَلَّمَ دَخَلَ عَلَيَّ مَسْرُورًا، تَبْرُقُ أَسَارِيرُ وَجْهِهِ، فَقَالَ: أَلَمْ تَرِي أَنَّ مَجْرَرًا (تَنْظُرُ أَنْفًا إِلَى رَيْدِ بْنِ حَارِثَةَ وَأَسَامَةَ بْنِ رَيْدٍ، فَقَالَ: إِنَّ هَذِهِ الْأَقْدَامَ بَعْضُهَا مِنْ بَعْضٍ).

The way of inference: that the Messenger, peace be upon him, was pleased with the ruling of the Qa'if Mujazziz, which is rewarded by proving that Usama ibn Zayd, by the similarity between their feet, which indicates that

these feet belong to each other. As there were those who challenge the lineage of Usama to Zayd; Where Zayd was blooming in color and Usama was black, and the DNA fingerprinting is the strongest indication of proof or denial of lineage from what Qa'if said.

Third: It is Reasonable

We have previously mentioned cases where the jurists mentioned that the husband does not need to li'an, such as the absence of the minimum period of pregnancy between marriage and childbirth, or the impossibility of contact between the spouses, such as the marriage of the Mashreqi to the Maghrbia, or the proof of the husband's inability to cause pregnancy, as it is not reasonable that the pregnancy should be from the husband, and the same is the case with regard to the DNA fingerprinting if it proves that the child is not attributed to his father, and Islamic law refuses to distinguish between similar people.

“He does not need to deny it by li'an, because li'an is an oath, and the oath is made to achieve one of the permissible or the denial of one of the possible ones, and what is not permissible does not need to be denied”

Imam Ahmad was asked about a man who forced a man to rape his wife, so he gave birth to her, then she returned to her husband, and he gave birth to her. He said: Her husband is not bound by the children, and how can the child be in the bed in such a case, when he knew that this woman is in the house of a non-mahram (foreign) man and he gave birth to her in his house, but the child is for the owner of the bed if the husband claims it, and this does not claim: it is not obligatory for him.

This does not contradict the hadith of the Prophet, peace be upon him, the child is for the owner of the bed, as the child is for the owner of the bed where the bed is possible, as Al-Zurqani said: “Have a covenant, that is, the child is for the state in which it is possible to be bedded.”

Therefore, if the result of the DNA fingerprinting proves that the lineage is incorrect; It is possible to dispense with the denial of lineage by li'an, and this is not considered “disrupting the texts at all, as those who prevented its conduct claimed, but rather fulfilling the conditions for working with it before embarking on it, and achieving the goal of the Lawgiver in preserving the correct lineage. Despite this, li'an remains legitimate to stave off the penalty of slander, or its punishment, on behalf of the husband, not to deny the lineage, and this is the original intent of its legitimacy.

The Third Chapter: The most Correct Saying

I think that the jurists who say that it is permissible to verify the lineage by DNA fingerprinting and deny it without curse is the most correct, in the event that the result denies that the child is from the husband, whether the examination was by a judicial order or by an accidental result that proved the absence of lineage, for several reasons:

We know that the results of the DNA fingerprinting are definitive, and that the husband's denial of his son by li'an does not mean that he is definitely not from him, but rather he may have denied his son who is from his blood; In this case, how can we deny a fixed lineage? With our knowledge of the seriousness of this matter and the prohibition of the Sharia for it, as there are many legal prohibitions that will occur in comparison to this matter, such as the loss of rights and the mixing of lineages; So, the stranger to the family becomes as if he is from it and mixes with its women and inherits it, and the father is obligated to spend on someone other than his son, to other provisions arising from lineage.

Considering that the DNA fingerprinting takes the place of evidence that denies lineage, if it exists, without li'an; Just as there were cases where the evidence was definitive in denying the lineage of the child previously among the jurists who did not witness this development; Likewise, the DNA fingerprinting is such cases and conclusive evidence, but in a contemporary way, and if it had existed previously and the jurists knew of its definitiveness, they would not have neglected this scientific argument, and I think that they would have put it in the place of conclusive evidence in the matter of lineage.

Ibn al-Qayyim mentioned a comprehensive and clear definition of evidence, and he did not limit it to witnesses only, so he said: "Evidence is a name for everything that clarifies the truth and reveals it, and whoever singles it out for two witnesses, or four witnesses, or a witness, does not fulfill its name right. Evidence never came in the Qur'an to refer to the two witnesses. Rather, it came to mean the argument, the evidence, and the proof, singly and collectively. Likewise, the saying of the Prophet - may peace be upon him - : " **الْبَيِّنَةُ عَلَى الْمُدَّعِي** " What is meant by it: that he has to explain what corrects his claim in order to rule for him, and the two witnesses are among the evidence. There is no doubt that other types of evidence may it is stronger than it, as the case indicates the truthfulness of the plaintiff, for it is stronger than the evidence of the witness's testimony."

There are many frightening things that result from li'an, as it is the last method that the husband resorts to, knowing its seriousness and its great responsibility before God; If we remove the doubt and mistrust in the husband's soul by examining the DNA fingerprinting, we will not force him to resort to li'an and expose him and his wife to swearing and God's anger and curse, and we will help people avoid this great sin and heavy burden.

It is worth Pointing out that Resorting to DNA Fingerprinting in Denying Lineage is Regulated by the following Controls:

To be by a judicial order, as the jurists indicated that li'an is by the judge's ruling, and to prevent the denial of established lineages without valid evidence.

The expert must be a just Muslim – because it is a matter of testimony – if the case concerns a Muslim, it is a serious matter in which it affects the soul, offspring and money, and the non-Muslim is not entrusted with such matters.

The results be certain, and this requires that the profession be carried out by specialized experts, and that the experiment be repeated more than once, and to ensure the integrity of the devices that examine the genetic material, and that more than one expert rule on that.

The Fourth Chapter: The Text of the UAE Law in Denying Lineage by DNA Fingerprinting

The UAE law permitted the use of DNA to deny lineage when the conditions for denial are fulfilled, and this was stated in Article (97) of the Personal Status, which is as follows: "1. A man may deny the lineage of a child by means of li'an within seven days from the date of knowledge of the birth, provided that he has not acknowledged his paternity it explicitly or implicitly, and the li'an lawsuit is filed within thirty days from the date of knowledge of the birth 2. If the li'an was to deny the lineage and the judge ruled it, the lineage is denied 3. If the husband swears the li'an oath and the wife refuses to do so or refuses to attend or is absent and it is not possible to notify her, the judge's ruling is to deny Lineage 4. The lineage of the exiled child is established by means of li'an after a ruling is issued to deny it if the man himself lied 5. The court may resort to scientific methods to deny lineage, provided that it has not been established before that.

The law permitted the court to resort to scientific methods to deny lineage, but it restricted this permissibility to the fact that lineage had not been established before that by means of proof and taking into account the previous paragraphs in the same article.

Accordingly, the law took a middle position between those who prevent reliance on denying lineage by DNA fingerprinting and those who permit it. Where it permitted the use of DNA fingerprinting, provided that lineage is not proven in any way of legal proof. If lineage is not proven, as is the case in the case of foundlings and people of unknown parentage; It is permissible to use the DNA fingerprinting to know their parents, and the judicial applications came in accordance with the law that legally established lineage may not be denied by the DNA fingerprinting.

CONCLUSION

Through this research, we have shown the importance of genetic fingerprinting in denying lineage, its conclusive authority, the lack of conflict with legal texts, and our need for it in preserving lineage. The study showed that the jurists unanimously agreed on the absence of lineage without a curse in the following cases: when the pregnancy occurs less than six months into the contract, when the spouses are unable to meet, and when the husband is unable to conceive a pregnancy, either due to his young age or an illness that prevents him from doing so. The jurists differed regarding the ruling on genetic fingerprinting in denying lineage between a forbidden person and a permissible person. The most likely opinion is that it is permissible to use the fingerprint to verify doubtful lineage when the conditions for denial are met, because it is a definitive proof and helps achieve the purposes of the law in preserving lineages and not mixing them, and because it is compared to the evidence that denies lineage in the event of its presence without curse. These results are in line with what Article (97) of the UAE Personal Status Law stipulates: The court may use scientific methods to deny paternity, provided that it has not been proven before.

Recommendations

The study recommends adopting genetic fingerprinting as legal evidence if it is proven that he was denied based on a judicial request or denied through an incidental result in order to ensure the purity and validity of lineages and to achieve the purposes of the law in preserving lineage. The efforts of some contemporary scholars regarding the validity of the genetic fingerprint are still appearing little by little to prove the role of the genetic fingerprint in matters of lineage, highlighting its major role in protecting societies from the danger of lineage mixing and loss, and demonstrating that it does not conflict with the texts and purposes of Sharia law.

REFERENCES

- Al-Bukhari, Abu Abdullah Muhammad bin Ismail Al-Bukhari Al-Jaafi, *Sahih Al-Bukhari*, 5th edition, 1414 AH - 1993 AD, Dar Al-Yamama Damascus, Book of Obligations, Chapter Who is attributed to someone other than his father, vol. 6385, 6/485.
- Al-Haj, Hatem, *The Impact of Medical Advancements on Religious Edicts and Judgeship*, 2nd Edition, 1440 AH - 2019 AD, Dar Bilal Bin Rabah, Cairo - Dar Ibn Hazm, Cairo, p. 533.
- Keefles, Daniel J, et al., *The Human Genetic Code*, 1997 AD, the National Council for Culture, Arts and Literature, Kuwait, p. 399.
- Ghoneim, Karem Al-Sayed, *Cloning and Procreation between the Experimentation of Scientists and the Legislation of Heaven*, 1st edition, 1418 AH - 1998 AD, Dar Al-Fikr Al-Arabi, Egypt, p. 118, Misbah, Abd al-Hadi, *Adam and Eve from Paradise to Africa*, 1997 AD, Egyptian-Lebanese Publishing House, Cairo, p.
- Frossard, Philip, *Genetic Engineering and Human Diseases*, Edition 1, 1414 AH - 1994 AD, Cairo University Publishing Center, p. 93, Coates, Joseph F., and others, *Horizons of Genetic Engineering*, Issue 91, 1419 AH - 1998 AD, World Culture Journal, Kuwait, p.
- Abdul Salam, Jaafar, *Ijtihad in Family Issues*, Dar League of Islamic Universities, 1st edition, 2007 AD, Cairo, Egypt, p. 127.
- Ayman Ali Salih, *verifying Lineage by Examining the DNA Fingerprinting and Revealing Its Accidental Results*, 1441 AH - 2020 AD, Qatar University Press, p. 7.
- Al-Bukhari, *Sahih Al-Bukhari*, The Book of Manaqib, Chapter: The Attribution of Yemen to Ismail, vol. 3317, 3/292.
- Abu Dawud, Suleiman bin Al-Ash'ath bin Ishaq bin Bashir Al-Azdi Al-Sijistani, *Sunan Abi Dawud with his explanation*, Awn Al-Mabood, 1323 AH, Al-Ansari Press in Delhi - India, Book of Divorce, Chapter If Doubt About the Child, vol. 2263, 2/246.
- Al-Shirazi, Abu Ishaq Ibrahim bin Ali bin Youssef, *Al-Mohadhab in the jurisprudence of Imam Al-Shafi'i*, 1 edition, 1416 AH-1955 AD, Dar al Kotob al ilmiyah, Beirut, Lebanon, 3/81-82.
- Al-Tayyar, Abdullah bin Muhammad, and others, *Facilitated Jurisprudence*, 1433 AH - 2012 AD, Madar Al-Watan for Publishing, Riyadh, Saudi Arabia, 5/141.
- Abd al-Salam, *Ijtihad in Family Issues*, previous reference, p. 128.
- Ibn al-Najjar, Taqi al-Din Muhammad ibn Ahmad al-Futuhi al-Hanbali, *Awli al-Nuha Sharh al-Muntaha (The Muntaha al-Iradat)*, 1st edition, 1419 AH - 1999 AD, Resalah Foundation, Beirut, 4/369.
- Al-Kasani, Alaa al-Din Abu Bakr bin Masoud al-Kasani al-Hanafii, *Bada'i al-Sana'i fi Tartib al-Sharia'i*, 1 edition, 1328 AH, Al-Jamaliya Press - Egypt, 3/237.
- Previous source, 3/134.
- Al-Kasani, *Bada'i Al-Sana'i*, a previous source, 3/242, Imam Malik, *Malik bin Anas bin Malik bin Amer Al-Asbahi Al-Madani, Al-Mudawana*, 1 edition, 1415 AH - 1994 AD, Dar al Kotob al ilmiyah, 2/345, Al-Shirazi, *Al-Muhadhdhab in the jurisprudence of Imam Al-Shafi'i*, source Previous, 3/87, Al-Balbani, *Muhammad bin Badr Al-Din Al-Hanbali, Evidence*

- and Indications on the Shortest Abbreviations, 1st Edition, 1439 AH-2018 AD, Dar Rakaez, Kuwait, Dar Atlas Green, Riyadh, Saudi Arabia, 3/221.
- Al-Jassas, Abu Bakr Al-Razi, *Sharh Mukhtasar al-Tahawi*, 1 edition, 1431 AH - 2010 AD, Dar Al- Dar al Bashaer al Islamiya, Beirut - Lebanon, Dar Al Siraj - Turkey, 5/208.
- Hilali, Saad El-Din Massad, *DNA Fingerprinting and its Sharia Relationships - A Comparative Jurisprudential Study -*, 1431 AH / 2010 AD, Wahba Library - Cairo, p. 354.
- Hye, Q. M. A., & Wizarat, S. (2013). Impact of financial liberalization on economic growth: a case study of Pakistan. *Asian Economic and Financial Review*, 3(2), 270.
- Damad Effendi, Abdullah bin Muhammad bin Suleiman, *Al-Anhar Complex in explaining the meeting of Al-Abhar*, 1328 AH, Al-Matba il-Amire - Turkey, 1/460.
- Ibn Rushd al-Hafid, Abu al-Walid Muhammad bin Ahmad bin Muhammad bin Ahmad bin Rushd al-Qurtubi, *The Beginning of the Mujtahid and the End of the Muqtadid*, 1425 AH-2004 AD, Dar al-Hadith - Cairo, 3/135.
- Al-Mawardi, Abu Al-Hassan Ali bin Muhammad bin Muhammad bin Habib Al-Basri Al-Baghdadi, *Al-Hawi Al-Kabeer in the jurisprudence of the doctrine of Imam Al-Shafi'i*, 1st edition, 1419 AH - 1999 AD, Dar al Kotob al ilmiyah, Beirut - Lebanon, 11/82. Al-Buhuti, Mansur bin Yunus bin Idris, *Scout the Mask on the board of persuasion*, 1388 AH-1968 AD, Al-Nasr Modern Library - Riyadh, 5/403.
- Al-Kasani, *Bada'i al-Sana'i*, previous reference, 3/246, Imam Malik, *Al-Mudawwanah*, previous reference, 2/356, al-Shirazi, *Al-Muhadhdhab*, previous reference, 3/84, Al-Buhuti, *Scout the Mask*, previous reference, 5/403.
- Al-Qadouri, Abu Al-Hussein Ahmed bin Muhammad bin Jaafar Al-Baghdadi, *Abstract*, 2nd edition, 1427 AH - 2006 AD, Dar Al-Salam, Cairo, 10/242.
- Judge Abd al-Wahhab, Abu Muhammad Abd al-Wahhab bin Ali bin Nasr al-Thalabi al-Baghdadi al-Maliki, *Oyoun Al-Masa'il*, 1 edition, 1430 AH - 2009 AD, Dar Ibn Hazm Beirut - Lebanon, p. 374, Al-Mawardi, *Al-Hawi Al-Kabir*, previous reference, 11/96, Ibn Al-Najjar, *Maoun Awli Al-Nuha* previous reference, 10/73
- Jam, F. A., Rauf, A. S., Husnain, I., Bilal, H. Z., Yasir, A., & Mashood, M. (2014). Identify factors affecting the management of political behavior among bank staff. *African Journal of Business Management*, 5(23), 9896-9904.
- Al-Kasani, *Bada'i al-Sana'i*, previous reference, 4/65, Imam Malik, *Al-Mudawana*, previous reference, 2/24, Al-Mawardi, *Al-Hawi Al-Kabir*, previous reference, 11/369, Al-Buhuti, *Scout the Mask*, previous reference, 5/ 414.
- Ibn Rushd Al Hafid, *The Beginning of the Mujtahid*, previous reference, 4/142.
- Al-Shirazi, *Al-Muhadhdhab*, previous reference, 3/79.
- Ibn Rushd al-Hafid, *The Beginning of the Mujtahid*, previous reference 4/142, Al-Mawardi, *Al-Hawi Al-Kabir*, previous reference 11/161, Al-Shirazi, *Al-Muhadhdhab*, previous reference 3/79, Ibn Qudamah, *Muwaffaq Al-Din Abu Muhammad Abdullah bin Ahmad bin Muhammad bin Qudamah Al-Maqdisi Al-Jamaili Al-Dimashqi Al-Salhi Al-Hanbali*, Al-Mughni, 3rd edition, 1427 AH - 1997 AD, Dar Alam Al-Kutub Publishing & Distribution, Riyadh - Kingdom of Saudi Arabia, 11/236.
- Al-Kasani, *Bada'i Al-Sana'i*, previous reference 2/332.
- Al-Bukhari, *Sahih Al-Bukhari*, *The Book of Warriors from the People of Infidelity and Apostasy*, Chapter on the immoral stone, vol. 6432, 6/499.
- Malik, *Al-Mudawana*, previous reference 2/25, Al-Shirazi, *Al-Muhdhab*, previous reference 3/78, Al-Buhuti, *Scout the Mask*, previous reference 5/413.
- Al- Uthaymin, Muhammad bin Salih, *Al-Sharh Al-Mumt' Ala Zaad al-Mustaqni*, 1st Edition, 1428 AH, Dar Ibn Al-Jawzi, Kingdom of Saudi Arabia, 13/327.
- Al-Qaffal Al- Kabir, Saif al-Din Abu Bakr Muhammad ibn Ahmad al-Shashi, *Hilyat al-Ulama fi Ma'rifat Al-Madhahib Al-Fuqaha*, 1st edition, 1988AD, Al-Risala Al-Haditha Library, Jordan- Amman, 7/212.
- Abi Dawud, Sunan Abi Dawud, previous reference, *The Book of Prayer*, Chapter: When is a boy commanded to pray, vol. 495, 1/185.
- Al-Kasani, *Bada'i Al-Sana'i*, previous reference, 2/326.
- Malik, *Al-Mudawana*, previous reference, 2/26.
- Al-Shirazi, *Al-Muhadhdhab*, previous reference, 3/79.
- Ibn Qudamah, *Al-Mughni*, previous reference, 11/169.
- Ayman Salih, *Verifying Lineage by Examining the DNA Fingerprinting and Revealing Its Accidental Results*, previous source, p. 176.
- The previous source, p. 174.
- Decisions of the Islamic Fiqh Council in Makkah Al-Mukarramah, Fiqh Council, Muslim World League, 2nd edition, 1398 AH to 1424 AH, 1977 AD-2004 AD, the sixteenth session 1422 AH / 2002 AD, p. 344.
- Al-Sabil, Omar, *The DNA Fingerprinting and the Extent of its Legitimacy in Lineage and Felony*, 1st edition, 1423 AH - 2002 AD, Dar Al-Fadila - Riyadh, p. 24.
- Abu al-Tayyib, Muhammad Siddiq Khan bin Hassan bin Ali Ibn Lutf Allah al-Husayni al-Bukhari al-Qannuji, *Fath al-Bayan fi Maqasid Al-Qur'an*, 1992 AD, Al-Asriyya Library for Printing and Publishing - Beirut, 4/60.
- Ayman Salih, *Verifying Lineage by Examining the DNA Fingerprinting and Revealing Its Accidental Results*, previous reference, p. 200.

- Al-Bukhari, Sahih Al-Bukhari, previous reference, The Book of Warriors from the People of Infidelity and Apostasy, a chapter on the immoral stone, vol. 6432, 6/499.
- Al-Sabil, Omar, the DNA Fingerprinting and the Extent of its Legitimacy in Lineage and Felony, previous reference, p. 24.
- Al-Bukhari, Sahih Al-Bukhari, previous reference, The Book of Divorce, Chapter: If it is presented by denying the child, vol. 4999, 5/2032.
- Al-Kaabi, Khalifa Ali, the DNA Fingerprinting and its Impact on Jurisprudential Rulings, a comparative study, 1st edition, 1426 AH - 2006 AD, Dar Al-Nafais - Jordan, p. 448.
- Fiqh Council of the Muslim World League in Makkah Al-Mukarramah, the fifteenth session corresponding to 10/31/1998 AD, Kingdom of Saudi Arabia - Riyadh, p. 53.
- Al-Rafi'i, Abd al-Karim bin Muhammad bin Abd al-Karim, Abu al-Qasim al-Rafi'i al-Qazwin, Aziz Sharh Al-Wajiz (al-Sharh al-Kabir), 1 edition, 1417 AH - 1997 AD, Dar al Kotob al ilmiyah, Beirut, Lebanon, 9/383.
- Hilali, Saad El-Din, DNA Fingerprinting and Its Legal Relationships, previous reference, p. 358.
- Ibn Qayyim Al-Jawziyya, Abu Abdullah Muhammad bin Abi Bakr bin Ayyub, Al Turuq al Hukmiyah Fi al-Siyasah al-Shar'iyah, 4th edition, 1440 AH - 2019 AD, Dar Atta'at al-Ilm - Riyadh, Dar Ibn Hazm - Beirut, 10/1.
- Ibn Hajar, Ahmed bin Ali bin Hajar Al-Asqalani, Fath Al-Bari with the explanation of Sahih Al-Bukhari, 1379 AH, Dar Al-Maarifa-Beirut, 9/462.
- Badr Al-Din Al- Ayni, Mahmoud bin Ahmed Al- Ayni Al-Hanafii, Umdat Al-Qari Explanation of Sahih Al-Bukhari, Dar Ihya al-Turath al-Arabi, and Dar Al-Fikr, Beirut, 19/78.
- Muslim, Abu Al-Hussein Muslim bin Al-Hajjaj bin Muslim Al-Qushairi Al-Nisaburi, Al-Jami Al-Sahih - Sahih Muslim -, 1334 AD, Dar ut-Tibaat il-Amire - Turkey, Book of Judges, Chapter on Explanation of the Difference of Mujtahideen, vol. 1720, 5/133.
- Ibn Al-Qayyim, Al Turuq al Hukmiyah, previous reference, p. 9
- Al-Bukhari, Sahih Al-Bukhari, previous reference, Book of Obligations, Chapter Al- Qa'if, vol. 6388, 6/486.
- Al-Nawawi, Abu Zakariya Muhyiddin Yahya bin Sharaf, Al-Nawawi's Explanation of Sahih Muslim, 1st edition, 1414 AH - 1994 AD, Dar Al-Maarifa - Beirut, 10/283.
- Al-Maqdisi, Bahaa al-Din Abd Al-Rahman bin Ibrahim, Al-Uddah Sharh al-Umdah, in the jurisprudence of the Imam of the Sunnah, Ahmed bin Hanbal, 1424 AH - 2003 AD, Dar al-Hadith - Cairo, p. 175.
- Ibn Qayyim Al-Jawziyyah, Abu Abdullah Muhammad bin Abi Bakr bin Ayoub, Bada'i Al-Fawa'id, 1994 AD, Dar Al-Kitab Al-Arabi-Beirut, 4/306.
- Al-Zarqani, Muhammad bin Abd al-Baqi bin Yusuf, Sharh al-Zarqani ala Muwatta' al-Imam Malik, 1 edition, 1424 AH-2003 AD, El Thaqafya El Diniyah, Cairo, 4/50.
- Ayman Salih, Verifying Lineage by Examining the DNA Fingerprinting and Revealing Its Accidental Results, previous reference, p. 213.
- Ibn Al-Qayyim, Al Turuq al Hukmiyah Fi al-Siyasah al-Shar'iyah, previous reference, 1/ 25-26.
- Al-Ashqar, Muhammad Suleiman, Proving Paternity by DNA Fingerprinting, 1998, Symposium on Inheritance, Genetic Engineering, Human Genome, and Genetic Therapy, Islamic Vision, Islamic Organization for Medical Sciences - Kuwait, p. Human Gene Therapy and Islamic Vision, Islamic Organization for Medical Sciences - Kuwait, p. 7, Lander, Eric, 1997 AD, DNA Fingerprinting: science, law, and the last identity investigator in the human genetic code, National Council for Culture, Arts and Literature - Kuwait, p. 215-229, Frossard, Genetic Engineering, previous source, p. 93.
- Judicial Department, Federal Law No. 28 of 2005 regarding personal status, Issue 439, Article 97, p. 14.
- The explanatory memorandum of Federal Law No. 28 of 2005 AD in the matter of personal status, p. 51.