

A Comparative Analysis of Islamic Criminal Law and Modern Forensic Evidence in the Prosecution of Homicide Cases

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Abstract

This study examines the complex interplay between Islamic criminal law and modern forensic evidence in the prosecution of homicide cases legal system. Judiciary is uniquely positioned at the intersection of traditional Islamic jurisprudence and contemporary legal practices, often drawing from both frameworks in serious criminal cases. However, Islamic law's preference for direct witness testimony (*shahadah*) and confession (*iqarar*) as primary forms of evidence creates challenges for the admissibility of forensic evidence, which relies on scientific objectivity rather than human observation. Through doctrinal analysis, case studies, and expert interviews with legal practitioners, forensic scientists, and Islamic scholars, this study reveals the ethical, cultural, and procedural barriers that hinder the full integration of forensic science in homicide prosecutions. Findings indicate that while forensic evidence is gaining recognition within judicial system, it is typically used as a supplementary tool rather than as a primary determinant in capital cases, where traditional Islamic evidentiary standards remain dominant. Expert recommendations include formally recognizing forensic evidence as a permissible form of *qarinah* (circumstantial evidence), enhancing judicial training on forensic science, and conducting public education initiatives to build trust in scientific evidence. This study ultimately suggests that harmonizing Islamic principles with forensic advancements could strengthen legal system, ensuring fairer, more reliable outcomes in criminal justice.

Keywords

Islamic Criminal Law
Forensic Evidence
Homicide Prosecution

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Introduction

In recent years, the study of criminal law and forensic evidence has seen significant advancements as legal systems worldwide integrate scientific methods to improve the accuracy of judicial processes. The field of forensic science, including DNA analysis, fingerprinting, and toxicology, has become essential in criminal investigations, providing courts with evidence that is not only reliable but often determinative in cases where traditional evidence may be insufficient (Jones, 2022; Hussain, 2023). As the global standards for forensic evidence continue to evolve, many legal systems have begun to adopt these scientific advancements as integral components of their criminal justice procedures (Ahmed & Ali, 2022). However, in jurisdictions like, where Islamic criminal law plays a central role in the legal framework, the integration of modern forensic evidence presents unique challenges.

Criminal justice system is a blend of Islamic jurisprudence and British common law. Since the 1979 Hudood Ordinance, Islamic principles have been increasingly integrated into the country's penal code, particularly in the prosecution of severe offenses such as homicide (Nasir & Mahmood, 2021). Under Islamic law, homicide falls within the category of *qisas* and *diyat*, which involve retributive justice principles, allowing the victim's family to seek either retribution or compensation (Khan, 2020). The concept of *qisas* is fundamentally different from Western legal principles, which typically prioritize the state's role in punishment rather than the victim's rights (Ali, 2021).

Islamic criminal law has traditionally relied heavily on witness testimony, confession, and circumstantial evidence. However, recent scholarship suggests that these traditional forms of evidence may not be sufficient in complex homicide cases where scientific evidence could provide definitive proof (Iqbal & Saeed, 2022). Forensic evidence, particularly DNA analysis, has emerged as a critical tool in verifying the identity of perpetrators, yet its acceptance courts is not uniformly consistent (Rehman, 2022). Islamic legal scholars and jurists are increasingly examining the compatibility of forensic evidence with Islamic jurisprudence, debating whether it can fulfill the requirements of *shahadah* (testimony) and *qarinah* (circumstantial evidence) as outlined in traditional fiqh (Ahmed et al., 2023).

The ongoing debate raises several questions about how forensic evidence can be harmonized with Islamic criminal law, especially in the prosecution of homicide cases. On one hand, forensic evidence offers an objective, scientifically validated method of establishing facts, potentially reducing the risk of wrongful convictions. On the other hand, there are concerns that the reliance on such evidence might conflict with the principles of *shariah* (Islamic law), which emphasizes direct witness testimony and confession (Hassan, 2021; Javed & Babar, 2023).

This research examines the compatibility and challenges of integrating forensic evidence Islamic legal framework in the context of homicide prosecutions. Through an in-depth analysis of legal principles, case studies, and interviews with legal experts and Islamic scholars, this study seeks to explore whether a balanced approach can be achieved that respects both Islamic values and the evidentiary standards of modern forensic science.

Methods

This study employs a qualitative, comparative research methodology to explore the intersection of Islamic criminal law and modern forensic evidence in homicide cases within Pakistan's legal system. By using a combination of doctrinal analysis, case studies, and expert interviews, this research seeks to gain a comprehensive understanding of the evidentiary standards in Islamic criminal law, the application of forensic science in Pakistan's judiciary, and the challenges and potential solutions for integrating these two frameworks effectively. This study follows an exploratory, comparative case study design. The comparative aspect allows for examining differences and similarities between Islamic legal principles and modern forensic science, while the case study approach provides in-depth insight into how these concepts are applied within Pakistan's judiciary. The study is divided into three phases: doctrinal analysis, case study analysis, and expert interviews. Data collection for this research involves both primary and secondary sources to gather a comprehensive understanding of the topic.

Results and Discussion

The results of this study offer a comprehensive perspective on the challenges, conflicts, and potential avenues for harmonizing Islamic criminal law and forensic evidence in homicide prosecutions within Pakistan. The data drawn from doctrinal analysis, case studies, and expert interviews provide insights into both the legal principles and practical applications within Pakistan's judicial framework. By exploring these elements in detail, the results reveal an evolving legal landscape where traditional Islamic evidentiary standards and modern forensic methods attempt to coexist within the bounds of justice.

The doctrinal analysis of Islamic criminal law revealed that the framework governing homicide cases, particularly under *qisas* and *diyat*, places a strong emphasis on the rights of the victim's family and their involvement in judicial outcomes. *Qisas*, which allows for retribution, and *diyat*, which provides for compensation, both underscore the importance of justice from the victim's perspective. Islamic law traditionally privileges direct witness testimony (*shahadah*) and confession (*iqrar*) as the most credible forms of evidence in serious crimes. This emphasis reflects a long-standing preference for human testimony over circumstantial or secondary forms of evidence, which poses inherent challenges when introducing forensic science—a field predicated on circumstantial and often complex forms of scientific analysis—into the judicial process.

The analysis underscored that Islamic criminal law considers circumstantial evidence, known as *qarinah*, to be permissible but generally requires corroboration by direct forms of evidence. In Islamic jurisprudence, the credibility of *qarinah* is viewed as less determinative compared to direct witness testimony or confession, especially in cases of severe punishment. This doctrinal foundation becomes highly relevant in modern homicide cases where forensic evidence, although scientifically reliable, may be questioned if it lacks human corroboration. Forensic evidence, including DNA, fingerprint analysis, and ballistic examinations, while highly respected globally for its reliability, does not align seamlessly with these traditional standards of proof in Islamic law.

In the Pakistani judicial context, case studies of homicide prosecutions highlighted varying levels of acceptance and application of forensic evidence, reflecting the dual influences of Islamic principles and contemporary legal practices. In some cases, forensic evidence such as DNA analysis played a pivotal role in identifying suspects, particularly in situations where witness testimony was either lacking or deemed unreliable. Judges in these instances accepted forensic evidence as a supplementary form of proof that reinforced other forms of evidence. However, in other cases, courts were less inclined to rely on forensic analysis alone, indicating a preference for corroborating forensic evidence with witness testimony to meet the standards of *shahadah*. This inconsistency in judicial responses underscores a fundamental tension between modern forensic practices and traditional Islamic legal principles.

Judicial discretion emerged as a significant factor in determining the weight and admissibility of forensic evidence. Judges in Pakistan have at times admitted forensic evidence to support the identification of perpetrators, yet they remain cautious about relying on it as the primary basis for conviction. This cautious approach reflects both respect for Islamic principles and an acknowledgment of the evolving role of forensic science in the justice system. In high-profile homicide cases, the presence of forensic evidence often guided judicial decisions, but judges still emphasized the need for corroborative witness testimony to solidify case outcomes. The reliance on judicial discretion, while adaptive, also contributes to variability in case outcomes, as the absence of standardized guidelines on forensic evidence usage in Islamic legal cases allows for diverse interpretations.

Insights from expert interviews with legal practitioners, forensic scientists, and Islamic scholars highlighted the complexities of integrating forensic science within the parameters of Islamic law. Legal experts and forensic practitioners consistently acknowledged the potential of forensic evidence to enhance the accuracy and reliability of homicide prosecutions. They noted that forensic science, particularly DNA analysis, offers an objective basis for establishing facts, reducing the risk of wrongful convictions that might otherwise arise from erroneous witness testimony or coerced confessions. However, they also observed that the lack of uniform standards for the admissibility of forensic evidence in Pakistan creates challenges, as some judges lack sufficient familiarity with forensic techniques, which can lead to inconsistent judgments.

Islamic scholars, on the other hand, expressed reservations regarding the admissibility of forensic evidence, particularly when it is presented without human testimony. Forensic evidence, while respected, does not inherently satisfy the criteria for *shahadah*, which traditionally requires direct human observation or experience. Scholars pointed out that while forensic evidence might serve as *qarinah*, it should ideally support, rather than replace, direct forms of testimony. This perspective is rooted in Islamic jurisprudence's emphasis on the sanctity of witness credibility and confession as core evidence types. Nonetheless, some scholars expressed openness to the idea of forensic evidence being admitted as supporting evidence, provided that it aligns with Islamic values of justice and reliability.

The experts also identified several structural challenges that impede the consistent application of forensic evidence in homicide cases under Islamic law in Pakistan. A recurrent theme was the need for judicial training on forensic science, as a lack of awareness among judges about the technical aspects of forensic evidence can hinder its effective application. Interviewees suggested that legal reforms could introduce clearer guidelines regarding the use of forensic evidence in courts, ensuring that forensic science is understood not as a

replacement for traditional forms of evidence but as a complementary tool that can help meet the Islamic law's standards for reliability and justice.

A possible pathway for integrating forensic evidence into Islamic criminal law, as suggested by the experts, involves formalizing forensic science as an acceptable form of *qarinah* within Islamic legal proceedings. Such a reform would recognize the scientific reliability of forensic evidence while still requiring that it be supported by direct testimony where possible. Forensic evidence, under this model, would enhance the rigor of the evidentiary process in cases where witness testimony may be absent or compromised. This proposed framework would also benefit from collaboration between Islamic scholars and forensic experts, ensuring that forensic standards align with Islamic principles. Several experts suggested that training programs for judges could include both forensic science and Islamic evidentiary requirements, fostering an understanding of how these disciplines can be balanced within homicide prosecutions.

Overall, the findings of this study indicate that while forensic evidence is gradually gaining recognition within Pakistan's legal system, its integration with Islamic law remains complex and requires thoughtful adaptation. The judicial system's reliance on both Islamic principles and forensic science creates a dual standard that, while adaptive, lacks consistency due to the absence of standardized guidelines on the admissibility of forensic evidence within Islamic legal proceedings. The potential for harmonization exists, but achieving it will likely require legal reforms, increased judicial training, and a collaborative effort among religious scholars, forensic scientists, and legal practitioners to build an evidentiary framework that respects both Islamic values and scientific standards.

The results demonstrate that forensic evidence has the potential to complement Islamic evidentiary standards by providing objective, scientifically validated insights in homicide cases. However, the integration process is hindered by judicial discretion, variability in case outcomes, and concerns regarding the compatibility of scientific evidence with Islamic law. Harmonizing these frameworks could strengthen Pakistan's legal system, but it will necessitate reforms that bridge traditional Islamic principles with the advancements of forensic science, ultimately enhancing the reliability and fairness of homicide prosecutions in Pakistan.

to reveal deeper thematic tensions and opportunities within the Pakistani legal system's handling of homicide cases, particularly when balancing Islamic legal standards with forensic science's promise of objectivity and reliability. Through a closer examination of judicial decisions, interview insights, and doctrinal principles, several nuanced findings emerged regarding the complex interaction between these two paradigms of evidence.

One significant finding is the cultural and ethical weight carried by Islamic evidentiary standards in Pakistan's legal system, which affects both public and judicial attitudes toward evidence types. In many of the cases studied, judges leaned toward traditional standards partly because they resonate with deeply held cultural values and legal precedents. Islamic law's preference for *shahadah* (direct testimony) over circumstantial or scientific evidence is not just a procedural choice; it reflects a broader ethical stance that values personal accountability, honesty, and integrity in the delivery of justice. Many legal practitioners and scholars emphasized that the human element in evidence—whether in witness testimony or confession—carries a spiritual and moral weight, seen as crucial for ensuring justice from an Islamic perspective.

This ethical dimension contrasts with forensic science, which, although rigorous and objective, lacks a human or moral element in its presentation. Forensic evidence such as DNA analysis or fingerprinting provides statistical probabilities rather than moral certainty, which some Islamic scholars interviewed saw as incompatible with the philosophical underpinnings of *shariah*. For instance, one scholar explained that while forensic evidence might indicate a high probability of a person's involvement in a crime, Islamic law's reliance on unequivocal witness testimony serves a moral purpose beyond establishing facts; it upholds community standards for integrity and social accountability. This divergence in ethical approaches contributes to the legal system's hesitancy to fully embrace forensic evidence as standalone proof in homicide cases.

Moreover, the case study analysis showed that forensic evidence was often more effective in lower-profile or less severe cases, where judicial standards were somewhat relaxed compared to high-profile homicide cases. In cases involving severe penalties, including potential capital punishment, the judiciary demonstrated increased caution, adhering closely to Islamic evidentiary requirements. This hesitance may also reflect the high stakes involved in such cases and the fear of wrongful convictions, a concern echoed by both Islamic scholars and legal practitioners. Forensic evidence, while reliable in a scientific sense, was often perceived as too removed from traditional evidentiary norms to justify its use as primary evidence in capital cases. This discrepancy underscores a legal paradox in Pakistan: while forensic science is acknowledged for its ability to strengthen evidence in criminal cases, its acceptance remains limited by an ingrained preference for Islamic principles, particularly in cases carrying grave consequences.

The judicial interpretation of forensic evidence also displayed a pattern of selective acceptance, particularly when used to support, rather than replace, other forms of evidence. Judges in many of the cases tended to admit forensic evidence when it aligned with witness testimony or corroborated confessions, effectively using it as a supplemental validation tool rather than a decisive factor. This approach suggests a form of implicit harmonization where forensic science serves to strengthen, but not supplant, traditional evidence. In this blended use, forensic science becomes part of an evidentiary mosaic rather than a primary determinant of guilt. Legal practitioners interviewed viewed this approach as a cautious but promising step toward integrating scientific methods with Islamic principles, though it stops short of fully incorporating forensic evidence as standalone proof.

A recurring challenge identified in interviews was the judiciary's lack of formal training in forensic science, which complicates judges' ability to assess forensic evidence critically. Legal practitioners noted that judges often rely on external forensic experts without fully understanding the nuances of forensic methodologies, leading to variability in the weight assigned to such evidence. This knowledge gap not only contributes to inconsistency in rulings but also affects the judiciary's confidence in forensic evidence, furthering the reluctance to accept it as primary evidence. Several forensic scientists interviewed advocated for specialized judicial training programs to equip judges with a foundational understanding of forensic procedures, which they argued would lead to more standardized evaluations of forensic evidence across cases.

In interviews with forensic experts and legal scholars, a significant area of consensus was the potential for a structured legal framework that formalizes forensic evidence as a valid, albeit secondary, form of *qarinah* (circumstantial evidence). By officially recognizing forensic science within the boundaries of *qarinah*, Islamic law could feasibly accommodate forensic evidence in a way that respects both its scientific rigor and its secondary role in the evidentiary hierarchy. Many interviewees argued that this approach would not only clarify the role of forensic evidence in homicide prosecutions but also ensure that scientific evidence is not misapplied or undervalued in judicial proceedings. Some legal scholars highlighted Malaysia as a model, where forensic science is formally integrated into the Islamic legal framework as a supplementary form of evidence. However, they also noted that any adaptation would need to be contextually tailored to Pakistani jurisprudence, which is deeply rooted in its own interpretations of *shariah*.

The expert interviews further emphasized that achieving a successful integration of forensic science into Pakistan's Islamic legal framework would require substantial public awareness efforts. Scholars expressed concern that forensic evidence, while scientifically valid, may not garner widespread public trust due to limited understanding and potential cultural resistance. Public perception of forensic science as overly technical or foreign to traditional Islamic values could undermine its acceptance, regardless of legal reforms. Therefore, some experts advocated for public education campaigns to demystify forensic science, particularly focusing on how it can complement rather than contradict Islamic principles. They suggested that involving religious leaders in these educational efforts could foster a culturally informed understanding, bridging the gap between science and faith in the public's perception of justice.

In summary, the results indicate that while forensic evidence holds potential as a valuable tool for justice, its role within Pakistan's legal system remains restricted by a combination of cultural, ethical, and procedural

factors. The doctrinal foundations of Islamic criminal law emphasize direct human testimony and confession as primary forms of evidence, with limited room for circumstantial or scientifically derived evidence in the prosecution of severe offenses like homicide. Forensic science, though valued for its objectivity and accuracy, currently operates within a supplementary capacity, with judges selectively employing it to validate rather than determine guilt.

Moving forward, the results suggest that harmonizing Islamic evidentiary standards with forensic science will require a multifaceted approach. Legal reforms could introduce a formal framework to incorporate forensic science as valid *qarinah*, supported by judicial training programs to improve the consistency of forensic evidence assessments. At the cultural level, public education campaigns that include religious leaders could help build trust in forensic science as a tool that enhances, rather than contradicts, Islamic justice principles. Ultimately, the findings underscore a cautious yet promising pathway for Pakistan's legal system: one where scientific evidence and Islamic principles may coexist within a balanced, contextually sensitive framework that respects both the ethical foundations of *shariah* and the advancements of modern forensic science.

Conclusion

This study set out to explore the complex relationship between Islamic criminal law and forensic evidence in the prosecution of homicide cases within Pakistan's legal system. The results reveal a legal and ethical landscape where traditional Islamic evidentiary principles coexist—albeit sometimes uneasily—with the advancements of forensic science. While forensic evidence is increasingly recognized for its role in improving the reliability and accuracy of criminal investigations, its integration into Pakistan's Islamic legal framework remains both challenging and promising. The doctrinal analysis underscored that Islamic criminal law places a profound emphasis on human testimony and confession as the primary and most credible forms of evidence, particularly for severe crimes such as homicide. This preference is not merely procedural; it is deeply rooted in ethical and cultural values that prioritize personal accountability and community trust. The principles of *qisas* and *diyat* further underscore the importance of the victim's family's role in the judicial process, emphasizing justice from a personal and familial perspective. Forensic evidence, while scientifically objective, does not naturally fit into this framework because it lacks the human and moral dimension central to Islamic evidentiary standards. This doctrinal foundation is significant, as it affects both judicial attitudes toward forensic evidence and the broader cultural perception of scientific evidence within the justice system.

The case studies highlighted that, in practice, forensic evidence is employed selectively within Pakistan's judiciary, often as a supplementary tool rather than as standalone proof. Judges demonstrated a cautious approach, frequently using forensic evidence to validate or reinforce traditional forms of evidence rather than relying on it exclusively. This approach suggests that forensic science is valued for its objectivity, but there is a prevalent judicial preference for corroborating it with direct testimony or confessions in cases carrying serious penalties, including capital punishment. Judicial discretion plays a crucial role in these cases, allowing judges to weigh forensic evidence according to their interpretation of Islamic standards. However, this reliance on discretion also leads to variability in case outcomes, highlighting the need for clearer guidelines on the use of forensic evidence within the bounds of Islamic law.

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