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Establishing the Jurisprudential Evidence for Considering Medical Test Results as Indicative Proof

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ABSTRACT

The jurisprudential means of proving a claim include testimony, oath, the judge's knowledge, confession, written documents, swearing, and judicial presumptions (amārāt). Medical tests encompass a wide range of specialized skills and techniques which, through the use of advanced instruments and diverse scientific and technical analyses, can facilitate judicial proceedings and contribute to the discovery of facts in legal matters. Using a descriptive–analytical method, the present study elucidates and examines the jurisprudential status of the results of modern medical examinations—including DNA analysis, genetic identification, toxicology, autopsy, and psychological assessment—as presumptive evidence (amāra) in the process of proving claims within Imami jurisprudence. First, by examining the concept and structure of amāra in jurisprudence and distinguishing it from other forms of proof, the theoretical foundations for relying on modern scientific data are explored. Drawing upon authoritative jurisprudential sources, rational principles, and judicial practice, the study evaluates the possibility of considering these results as presumptive evidence in establishing judicial matters such as lineage, identity, suspicious death, and psychological status. The findings indicate that scientific developments and the necessity of uncovering the truth, even in cases where traditional texts are silent, have created grounds for accepting the evidentiary value of such specialized scientific findings, particularly among contemporary rational agents. In conclusion, after clarifying potential challenges and addressing opposing viewpoints, the study proposes guidelines for the precise and principled utilization of these medical test results within jurisprudential adjudication.

Keywords: *burden of proof, medical examinations, jurisprudential evidence, presumptive status (amāra).*

Introduction

The extensive advancements in medical sciences and laboratory technologies have transformed methods of fact-finding and proof of claims in judicial settings. In Imami jurisprudence—where the validity of evidence is assessed based on its epistemic value and rational reliability—the question of the legitimacy and probative force of modern medical test results, particularly as presumptive evidence (*amāra*), constitutes one of the emerging and fundamental issues in comparative jurisprudence (1, 2). Results such as DNA testing for establishing lineage and genetic identity, toxicology reports for proving poisoning or homicide, autopsy findings for determining the cause of death, and psychological evaluations for determining legal capacity and criminal responsibility represent scientific

forms of evidence that modern judicial systems treat as quasi-conclusive; however, their jurisprudential position within the framework of Islamic evidentiary principles remains contested (3, 4).

In this context, several essential questions arise: Do medical test results meet the criteria of *amāra* from the standpoint of Imami jurisprudence, and can they serve as bases for deriving judicial or religious rulings? What are the foundations of their probative force compared to traditional jurisprudential presumptions, and what distinctions exist between certainty grounded in empirical science and presumption arising from customary indicators? In cases of conflict between medical results and other forms of evidence—such as *bayyina* (testimony) or confession—which should prevail, and what constitutes the standard of preference? Moreover, can established principles such as the rational conduct of reasonable people (*sīra ʿuqalāʾ*) and the rule of "no harm" (*lā ḍarar*) be invoked to validate these scientific findings within the jurisprudential adjudicatory process (5, 6)?

The present study, adopting an analytical–comparative approach and grounded in jurisprudential sources, inferential principles, and rational standards, seeks to address these questions. Its objective is to articulate a theoretical framework for establishing the jurisprudential basis of treating medical test results as presumptive evidence and to propose a systematic model for integrating modern scientific data into the process of legal reasoning and jurisprudential adjudication—one that responds to contemporary scientific necessities while remaining defensible within the bounds of Islamic evidentiary legitimacy (7, 8).

Theoretical Foundations of Evidence Acquisition in Jurisprudence and Law

What is clear is that the legislator has enumerated the evidentiary means for proving claims; however, in practice, the capabilities of human knowledge in each historical period can expand the evidentiary domain. Thus, scholars of this field may, with full methodological rigor, determine the number and scope of evidentiary means recognized in Islamic law during a specific period. Continuing this discussion, the jurisprudential and legal opinions on the exclusive or non-exclusive nature of evidentiary means are examined and critiqued (9).

Jurisprudential Opinions

Jurisprudents have adopted two general approaches in enumerating the shar'i means that establish claims.

The first approach involves limiting the evidentiary means to a specific set of recognized proofs to which both parties in litigation are bound, and beyond which the court will not accept additional grounds. Likewise, the judge is restricted to issuing a verdict based solely on these defined proofs. This view is the dominant opinion among classical jurists (10).

Some jurists, relying on the prophetic statement "I judge between you on the basis of *bayyina* and oaths," argue for restricting proof to testimony and oath. This view has been challenged by the assertion that the Qur'an and prophetic traditions employ *bayyina* in its broad linguistic sense—meaning anything that can reveal an unknown matter. Moreover, Qur'an 17:36 ("Do not pursue that of which you have no knowledge") does not support their restrictive reading. Most importantly, the cited hadith does not even mention confession, despite universal agreement on its probative force, indicating that the hadith was not intended as an exhaustive list (11, 12).

The second approach rejects restricting evidentiary methods, holding that neither the litigants nor the judge are confined to a predefined list of proofs. Rather, the parties may present any grounds capable of establishing their claim, and the judge may accept any evidence that, in his assessment, leads to the truth and supports the claim. This group believes that Islamic law does not provide a text explicitly limiting evidentiary means; rather, the Lawgiver

merely emphasized certain methods—such as testimony, confession, and oath—and then, through general principles like Qur'an 17:36, recognized any form of reliable certainty as valid proof. Accordingly, judicial knowledge, presumptions (*amārāt*), and outward appearances (*ẓawāhir*) have been treated as authoritative (13, 14).

Although the majority of scholars favor limiting evidentiary means to a specific set, they nonetheless disagree over the types of recognized evidence. For example, some accept both the plaintiff's oath and the defendant's refusal (*nukūl*) as valid evidence, whereas others reject the plaintiff's oath in cases of *nukūl*. Similarly, while many agree on the evidentiary validity of testimony by two male witnesses or one man and two women, they disagree on whether such testimony applies solely to financial matters or also extends to non-financial issues such as *ḥudūd*, *qiṣāṣ*, marriage, and divorce (15).

Based on the foregoing, it becomes clear that evidentiary means are not inherently exclusive, even though the legislator lists them in Article 1258 of the Civil Code. The jurisprudential writings indicate that Islamic law does not impose strict exclusivity on evidentiary means. Nevertheless, this conclusion cannot be accepted in absolute terms (16), for Islamic law does restrict evidentiary means in matters such as *ḥudūd* and *qiṣāṣ*. Thus, ordinary judicial knowledge obtained through means not sanctioned by the Sharī'a cannot establish criminal liability in these domains (17, 18).

Opinions of Legal Scholars

Legal scholars also disagree on whether evidentiary means are exclusive or not, and their opinions can be grouped into three general categories.

The first group rejects exclusivity and, relying on Qur'an 17:36, maintains that "any means of proving a claim that emerges over time naturally falls under the scope of this verse, and the Lawgiver has not confined the followers to a limited set of evidentiary means" (10).

The second group affirms exclusivity, arguing that any method offered as proof must fall within the statutory definition of recognized evidentiary means. For this reason, they reject reliance on sound recordings or video footage as independent proof (19).

The third group also views evidentiary means as exclusive but accords great significance to judicial presumptions, asserting that "all new evidentiary methods—such as audio recordings, facsimile transmissions, and televised images—are admissible within the conceptual framework of judicial presumptions" (20).

Accordingly, all newly emerging forms of evidence may be accommodated within the scope of judicial presumptions. On this basis, legal scholars classify evidentiary means as follows:

1. Statutory evidence
2. Free evidence (21, 22).

This classification recognizes that Iran's legal system incorporates elements of both statutory and free-evaluation models. That is, while certain evidentiary means are enumerated in the law—a characteristic of the statutory model—the assessment of evidentiary weight in some cases is left to judicial discretion, reflecting the free-evaluation model. Thus, Iran's evidentiary system is a hybrid one.

Nevertheless, some scholars maintain that the prevailing approach in Iran remains primarily statutory (13). Under this view, evidentiary means fall into the following categories:

A. Statutory (legal) evidence

These are the evidentiary means expressly enumerated and anticipated by the legislator. Individuals seeking to prove legal acts or events must rely exclusively on these means. Furthermore, their evidentiary value is predetermined by statute, leaving the judge no discretion to alter their weight (9).

B. Free or moral evidence

In the free-evaluation system, evidentiary means are not exhaustively enumerated by statute, and their probative value is determined based on the judge's conscience and rational satisfaction. In other words, moral evidence refers to any method capable of establishing a claim (23).

Differences among Contemporary Jurists on Medical Tests as Evidence in Litigation

The disagreements among contemporary jurists regarding medical tests as evidentiary means in litigation constitute an important and emerging topic in Islamic jurisprudence. Due to the rapid advancement of medical sciences and the significant role of such tests in establishing facts, this issue has attracted considerable attention. In this regard, two general approaches can be discerned among contemporary jurists. First, a group of contemporary jurists accepts the probative force (*ḥujjiyya*) of medical tests when they result in certainty and definitive knowledge for the judge. According to this view, if medical examinations yield results that bring about the judge's certain and decisive knowledge, these tests are regarded as valid shar'i proof and legal argument and must be relied upon. For example, genetic tests such as DNA analysis, which are used in establishing lineage, are considered scientifically and jurisprudentially definitive and are therefore accepted by courts. This approach is grounded in the principle that any evidence which produces certainty and knowledge for the judge possesses probative force, and thus medical tests are treated as forms of evidence derived from modern scientific knowledge. On the other hand, a second group of contemporary jurists is more cautious about the definitive probativity of medical tests and maintains that such tests cannot be accepted as independent evidentiary means for proving claims. These jurists view medical tests primarily as circumstantial indicators and presumptions (*qarā'in wa amārāt*) to which the judge may refer, but the final decision rests with him, and the test result alone does not necessitate a conclusive judgment. From their perspective, due to scientific limitations and the possibility of error in some cases, medical tests do not always attain the level of certainty required to constitute shar'i proof and must therefore be evaluated alongside other evidentiary means. Furthermore, there are differences concerning the classification and probative value of various types of medical tests. Some jurists classify tests based on their scientific method and quality into categories such as pathology, toxicology, serology, and genetics and assign different degrees of probative force to each category. Others argue that the validity of tests as evidence in litigation must be assessed according to jurisprudential criteria and the general rules governing probative force, such as certainty, conviction, and absence of doubt (24).

It may be said that the disagreements among contemporary jurists on this issue are mainly focused on two principal axes: first, whether to accept or reject the probative force of medical tests as independent evidentiary means for establishing claims based on the criteria of certainty and the judge's knowledge; and second, differences in the level of validity and the types of tests that can be regarded as shar'i proof. Ultimately, these disagreements affect judicial decision-making and the extent to which courts rely on medical tests in the process of proving claims.

Explanation and Analysis of the Jurisprudential Status of Medical Test Results

This section explains and analyzes the jurisprudential status of medical test results—including DNA analysis, genetic identification, toxicology, autopsy, and psychological assessment—as presumptive evidence (*amāra*) in the process of proving claims in Imami jurisprudence.

Jurisprudential Dimensions of the Probative Force of DNA Testing in Establishing Lineage

Classical jurists did not explicitly address the role of modern methods such as DNA analysis in establishing lineage. However, based on contemporary juristic opinions and the responses obtained from leading authorities (*marājiʿ al-taqlīd*) through inquiries made by research centers devoted to jurisprudential studies, the views of jurists on this issue can be divided into two groups.

The first group, in cases involving the establishment of lineage, argues that the methods for proving and connecting individuals through lineage are not exclusive, and since the Lawgiver has accepted even the simplest and most basic method of establishing lineage, such as casting lots (*qurʿa*), some Imami jurists recognize the probative force of DNA test results in proving lineage (25). According to this group—which reflects the view of most contemporary authorities—such precise scientific tests do not have inherent jurisprudential superiority in establishing lineage or serving as an independent basis for judgment unless they produce certainty for the judge. In contrast, some other authorities (the second group) do not recognize these tests as having any probative value at all. Thus, based on the views of the authorities, it can be stated that DNA testing cannot be treated as a standalone sharʿi proof for establishing a child's lineage unless it generates knowledge, reassurance, or a strong presumption of the existence of the relationship, in which case the judge may issue a ruling based on his knowledge, reassurance, or strong presumption (6, 8). In other words, the principal basis for jurists who accept DNA testing in establishing lineage is its capacity to produce definitive knowledge or knowledge that yields firm reassurance.

It is worth noting that, in addition to the authorities, some contemporary jurists have conducted detailed and explicit studies on this subject and have stated: "If, from a medical perspective, DNA evidence establishes paternity and filiation either definitively or in a manner that generates firm reassurance, we accept it absolutely, both in affirming and in negating lineage" (5). It is also noteworthy that Sunni scholars in Arab countries have addressed this issue in their books and academic articles, and many contemporary Sunni scholars have engaged with this subject, with some of them accepting genetic tests (DNA) as sharʿi proof in establishing lineage either absolutely or in a restricted manner (26, 27). The Fiqh Academy in Mecca has even explicitly permitted the use of DNA in establishing lineage in certain cases (5).

Most legal scholars, when discussing other evidentiary means for proving lineage, emphasize that the means of establishing lineage are not confined to the presumption of marriage (*amārat al-firāsh*). Relying on Articles 1322 and 1323 of the Civil Code and recognizing that the presumption of marriage is rebuttable, they refer to other evidentiary means such as medical tests (2, 28). However, they have not always analyzed in detail the nature of this type of evidence or its precise role in establishing lineage. Some, even without explicitly mentioning DNA tests, have treated blood tests—which, from a medical perspective, offer a significantly lower probability of establishing lineage than genetic tests—as part of judicial presumptions to be considered by the judge (4). In some cases, such tests are classified as a form of expert opinion whose evidentiary value, like testimony, must be assessed by the

judge under Articles 241 and 248 of the Code of Civil Procedure, and they are therefore regarded as a means of generating the judge's knowledge (8).

Regarding the question "In the absence of testimony or confession, and after conducting DNA testing, do the opinions of forensic physicians about the affiliation or non-affiliation of a newborn to an accused (of committing fornication) have probative force?", the Legal Department of the Judiciary has stated that reliance on such tests for proving lineage is conditional and that the judge's intellectual and scientific conviction is a prerequisite for accepting them (6, 9).

From the statements of the authorities and jurists, it can be inferred that their principal basis for accepting this method is its capacity to generate definitive knowledge or knowledge that leads to firm reassurance. In fact, given the high degree of reliability associated with such tests, the probative force of DNA analysis in establishing lineage can be grounded in two main jurisprudential foundations.

The Probative Force of DNA Testing as Definitive Evidence Based on the Authority of Certainty

Assuming a 100% level of certainty for the test (for example, DNA analysis), its shar'i probativity can be justified by appealing to the intrinsic authority of certainty (*ḥujjiyyat al-qaṭ'*). In the principles of jurisprudence, certainty (*qaṭ'*) is a psychological state in which a person reaches conviction about a matter without doubt and where the possibility of error is eliminated for that person; in other words, certainty refers to a state in which, from a rational standpoint, the probability of error is zero (20, 21).

The crucial point is that the certainty obtained from DNA testing is not merely an individual's subjective conviction; rather, its correspondence with reality can be objectively established for the judge and others. For this reason, it may be treated as *uṣūlī* certainty (certainty recognized in legal theory) that possesses intrinsic probative force. In legal theory, the intrinsic probativity of knowledge or certainty means that the Lawgiver (God) has designated certain methods as ways that lead to reality, and these methods are considered markers of knowledge. Consequently, the probative force of certainty is established by the Lawgiver, and it is impossible for the Sharī'a to prohibit acting upon certainty, for this would entail a contradiction (11, 13, 14, 20, 23, 29).

Some scholars have rejected the notion of shar'i probativity of knowledge on the grounds that "disclosiveness" (*kāshifiyya*) is an ontological property and thus cannot be reconciled with probativity, which is an evaluative and normative construct dependent on the Lawgiver's enactment (29). In response, it is argued that the obligation to follow certainty is a rational rule and therefore constitutes one of the sources of legal determination, and that shar'i rulings do not conflict with rational rulings. In the event of apparent conflict, textual evidence must be interpreted to avoid invalidation (5).

Even if the intrinsic probativity of certainty is understood to require an explicit enactment by the Lawgiver, the absence of any prohibition by the Sharī'a is itself sufficient; that is, if the Lawgiver did not accept certainty as a basis for establishing rulings, this would have had to be expressly stated, or the emphasis would have been placed exclusively on the formal validity of traditional forms of evidence. Yet, in the context of establishing lineage, the Lawgiver has endorsed some of the weakest evidentiary means, such as casting lots, the presumption of marriage, confession, and testimony—all of which are probabilistic and cannot withstand the force of definitive certainty. Consequently, the absence of any prohibition by the Sharī'a in this area suffices to accept the shar'i probativity of certainty in determining lineage, especially given that the Sharī'a seeks to protect lineage, not to negate the authority of certainty (4).

In summary, when DNA testing yields conclusive results, the intrinsic probative force of certainty is acceptable both on rational grounds and in light of the Lawgiver's designation of certain methods as ways to achieve certainty. The shar'i probativity of such certainty is thus defensible and has not been rejected by the Sharīʿa, and therefore one may rely on the certainty resulting from definitive tests such as DNA analysis. This conclusion has been emphasized in discussions within the principles of jurisprudence and Islamic law (13, 20, 29).

Reliance on Ordinary (Customary) Knowledge

Although DNA testing in determining lineage is highly precise, its certainty is not always 100%, and some experts in genetics and laboratory sciences estimate its accuracy at approximately 99.95%. This margin of error is practically negligible in genetic science and does not undermine the evidentiary value of the test. To confirm the probativity of this test in jurisprudence, one may appeal to *ordinary knowledge* (*ʿilm ʿurfī*). Ordinary knowledge is a type of knowledge commonly accepted by most people in a given society and time, such that they do not consider the possibility of its falsity, even though the possibility may exist rationally. This type of knowledge produces reassurance and psychological tranquility, and people regard it as uncovering the truth. In both law and Sharīʿa, ordinary and conventional knowledge serves as a tool for resolving disputes, and its probativity stems from its ability to create reassurance, even if it is not absolutely definitive (19, 21, 30).

Shaykh al-Ṭūsī defined knowledge as *"that which produces tranquility of the soul"*, meaning knowledge that calms the mind, not necessarily knowledge that entails absolute certainty and impossibility of contradiction. Therefore, the jurist deals with ordinary, reassuring knowledge, not with knowledge that excludes every possible contrary hypothesis. From this perspective, DNA testing—because it produces reassurance and societal tranquility— possesses probative force and can be relied upon in jurisprudence (27).

Jurists have considered the criterion for the probativity of ordinary or reassuring knowledge to be grounded upon rational convention (*binā' al-ʿuqalā'*) (17, 26), and they have regarded it as a rational proof that the Lawgiver has not rejected (5). Yet some scholars (14) have contested the probativity of ordinary knowledge, arguing that if the basis of probativity includes customary reassurance, then in the case of adultery only two just witnesses should suffice to establish the matter, since they produce reassurance—yet the Sharīʿa still requires four witnesses.

In response, it should be noted that in certain contexts—such as testimony for proving adultery—the evidentiary requirements are explicitly stipulated by the Lawgiver and cannot be altered by rational convention. Moreover, the probativity of ordinary knowledge is based on rational methods for establishing truth and the judge's inner conviction. Rational methods in jurisprudence are not subject to exceptions: as long as the subject matter remains as defined, the ruling applies; once the subject changes, the ruling also changes. In contrast, rational *conventions* (sīra ʿuqalā'), which form the basis for accepting ordinary knowledge, can be restricted by Sharīʿa texts. For example, the rule of possession (*qaʿidat al-yad*)—a rational presumption—is subject to exceptions in Sharīʿa, such as in cases of sexual crimes, where testimony by two witnesses is insufficient. Therefore, while rational certainty is not subject to exceptions, the probativity of ordinary knowledge based on social convention may be limited in specific sensitive cases and thus is not considered absolute (16).

Accordingly, based on the probativity of ordinary knowledge as understood by rational convention, even if DNA testing is not 100% decisive—such as when it is 97% or 98% accurate—its probative force in establishing lineage can still be accepted. As some contemporary jurists have explicitly stated (5), the probativity of this test does not depend on whether it produces absolute certainty (100%) or merely strong reassurance (e.g., 98%), because the

former constitutes rational certainty, while the latter constitutes rational convention—and neither has been rejected by the Lawgiver. In both cases, the evidentiary value of the test for uncovering truth and establishing biological relationships (paternity and filiation) is acceptable (4).

When DNA testing definitively establishes paternity or filiation, an important question arises: does this natural lineage correspond to the *shar'i* notion of lineage? Many jurists and legal scholars maintain that legitimate lineage (*nasab mashrūʿ*) is based on a marital bond, and therefore the child born of fornication is not legally affiliated with the man or woman involved. However, from a legal-theoretical perspective, lineage is a social fact upon which Sharīʿa consequences are constructed, and it does not require the Lawgiver's creation as an ontological fact.

Although Imami jurists and the Civil Code affirm the non-affiliation of a child born of adultery, this does not negate the existence of natural lineage; rather, it establishes a rule called "non-affiliation" (*adam al-ilḥāq*) meant to protect social order and deter illicit sexual relations. Thus, even if DNA testing establishes natural lineage that did not result from lawful marriage, it nonetheless establishes the factual lineage that serves as the basis for subsequent Sharīʿa rulings.

In cases where the presence of a Sharīʿa barrier (such as adultery) is uncertain, some jurists apply the principle of *istishāb* (presumption of continuity) and assume the absence of adultery, thereby allowing the legal consequences of legitimate lineage to follow. Conversely, if DNA testing clearly demonstrates that lineage resulted from illicit relations, one cannot rely on the presumption of marriage (*amārat al-firāsh*) to deny natural lineage, because the presumption of marriage was established only for cases of uncertainty and not to negate scientifically established natural lineage. DNA testing establishes natural lineage but cannot independently prove the commission of adultery, as semen may be transferred through nonsexual or mistaken circumstances. Proving adultery requires specific Sharīʿa evidence. Thus, DNA testing establishes factual lineage, whereas establishing *shar'i* legitimate lineage and its consequences requires separate legal and jurisprudential considerations (4, 5).

It appears that in Islamic jurisprudence, the use of DNA testing for establishing lineage or identity remains a subject of debate. Some jurists regard this method as reliably probative, while others do not. This divergence stems from the underlying question of whether modern technology can replace traditional evidentiary methods such as the testimony of two just witnesses.

Jurisprudential Dimensions of Establishing Genetic Identity Testing

Although genetic identity testing is an effective and reliable method for proving crimes and identifying offenders, it affects certain individual rights and may risk infringing them. In particular, compulsory extraction of tissue or biological samples from a suspect may conflict with the principle of "non-violation of bodily integrity," which is recognized in medical law. For example, the French Law of 18 March 2003 (Article 76) criminalizes a suspect's refusal to provide a biological sample and imposes penalties of up to one year of imprisonment and a €15,000 fine.

In contrast, the 1996 judgment of the European Court of Human Rights against the United Kingdom emphasized that in genetic identity testing the principle of *non-self-incrimination* must be observed, and the accused has the right to provide or refuse to provide a biological sample. In practice, however, refusal usually implies that the suspect has something to hide.

In many legal systems, the principle of freedom to present evidence in criminal procedure prevails, allowing both parties to introduce genetic evidence for either conviction or exoneration, while the burden of proof remains with

the prosecution. Moreover, the state may, in the interest of public safety and social order, compel the suspect to undergo genetic testing pursuant to judicial authorization—provided that dignity and individual rights are preserved.

In Iran's legal system, although no explicit statutory obligation exists, permissions for creating DNA databases of suspects and convicts have been recognized. It has been proposed that revisions to the Code of Criminal Procedure and the Islamic Penal Code should expressly recognize genetic testing as one of the bases for establishing judicial knowledge (*ʿilm al-qāḍī*) and should include provisions authorizing compelled testing under judicial order. Article 83 emphasizes the necessity of involving qualified experts such as physicians, pharmacists, engineers, and assessors—indicating the influence and evidentiary value of expert views and scientific tests. Article 88 refers specifically to "medical examinations and tests," a phrase broad enough to encompass all scientific tests, including molecular DNA analysis, for crime detection. Article 94 further states that where the identity of a deceased person is unknown, the judge may use any method deemed appropriate—including photography and detailed marking—to determine identity. This provision is not limited to any particular method and therefore can justify the use of DNA testing, even though molecular techniques were not common at the time of the law's enactment.

Nevertheless, Iranian law does not explicitly provide detailed rules on the admissibility and use of DNA test results in court. Iran's criminal justice system, which grants significant weight to the judge's personal knowledge under Article 105 of the Islamic Penal Code, can consider DNA testing as one of the strongest applications of judicial knowledge and use it in adjudication. Conversely, the absence of explicit legislative reference to biological methods of crime detection is attributable to the jurisprudential foundation of Iranian law: in Islamic jurisprudence, the judge's knowledge encompasses all human sciences and techniques, and any scientific test that aids in the discovery of truth falls within the scope of judicial knowledge (13, 20).

Therefore, given the current capabilities of forensic and police laboratories in Iran and the prominent role of DNA testing in uncovering the truth, one may conclude that this method is implicitly accepted within judicial practice but requires legislative reform and explicit statutory delineation to ensure the protection of individual rights and human dignity (2).

Since Iran's Constitution draws its foundations from Islamic law and Twelver Shīʿī jurisprudence, national legislation must not conflict with Islamic principles or Shīʿī doctrine. Accordingly, the juristic views and *istiftāʾ* responses of leading Shīʿī authorities regarding the following questions are relevant:

1. "DNA testing is a molecular method of crime detection that can conclusively affirm or deny the attribution of biological material (e.g., blood) to a suspect. Can this method serve as a form of judicial knowledge (*ʿilm al-qāḍī*) in issuing judicial rulings?"
2. "If the answer is affirmative, what is the ruling on obtaining a blood sample or biological material from a suspect without his consent for DNA testing?"

Examining the responses reveals a notable point: senior jurists do not hold a uniform or harmonized view on this matter, and their answers diverge significantly. This divergence may stem in part from the insufficient engagement of juristic and legal communities with molecular forensic methods and the relative novelty of such questions in seminaries and universities.

These responses can generally be grouped into three categories:

1. Jurists who deem the use of DNA analysis permissible.
2. Jurists who consider DNA analysis permissible only in cases of *luwth* (suspicion requiring oath-procedures) and require *qasāma* (oath-based procedures).

3. Jurists who do not accept DNA testing as a valid form of judicial knowledge.

Within the first category, the following views may be noted:

Ayatollah al-ʿUẓmā Mousavi Ardebili—who formerly served as head of the Judiciary—expressed a particularly clear view (reflected in scholarly analyses). He regarded the use of DNA testing as permissible when error-free and supplemented by other corroborating evidence, except in certain *ḥudūd* cases such as adultery, which require distinct evidentiary standards. He also held that taking blood from a suspect, when necessary and even without their consent, is permissible (1).

The broader views of contemporary jurists can be summarized as follows:

- **Category One:** Ayatollah Alavi Gorgani accepts the method when it generates judicial certainty and permits compelled sampling when necessary. Ayatollah Ṣāfī Golpaygānī also considers DNA testing valid when it produces certainty for the qualified judge, although he does not permit taking blood without the suspect's consent.
- **Category Two:** Ayatollah Subḥānī regards DNA testing under certain circumstances as part of *luwth*, requiring *qasāma* for establishing guilt.
- **Category Three:** Ayatollah Makārim Shirāzī, Ayatollah Nūrī Hamedānī, and Ayatollah Madanī Tabrīzī do not consider such scientific methods sufficient for establishing criminal guilt and argue that these sciences lack shar'i probativity (5, 14).
- **Leader's view:** The Supreme Leader has stated that the criterion is compliance with the law. As the authority over Islamic governance, and given that he does not oppose the use of scientific evidence in courts, his view may be considered instructive.

These divergences reflect factors such as limited familiarity among some jurists with biological sciences and relevant jurisprudential principles, as well as the novelty of molecular forensic applications in Iran's legal and academic environment. For example, Ayatollah Mousavi Ardebili—due to his judicial experience—considered the method permissible based on scientific grounding (1).

Given these viewpoints and the vital importance of DNA evidence in uncovering truth, it is expected that the legislature will enact explicit regulations governing scientific methods in proving crimes so that unresolved cases may be reduced, innocent individuals may be protected from wrongful convictions based on false testimony or coerced confessions, and a secure society with greater public confidence may be fostered (1).

Ultimately, in the administration of genetic testing, the preservation of human dignity, reputation, and civil rights is essential, and any restrictive actions or intrusions into privacy without legal authorization and judicial oversight are impermissible.

Jurisprudential Dimensions of the Evidentiary Value of Tests under the Rule of Firāsh

The Devotional (Taʿabbudī) Nature of the Rule of Firāsh

Reliance on tests such as DNA analysis in establishing lineage is a relatively new method, and therefore classical jurists did not discuss it explicitly, although they did address methods such as physiognomy (*qiyāfa*) and similar techniques for establishing lineage and considered such methods invalid. The absence or, more precisely, the non-discovery of scientific methods in earlier times led jurists, in order to preserve the institution of the family and prevent

the abandonment and confusion of children, to construct the *rule of firāsh* (*qāʿidat al-firāsh*). Under this rule, provided that certain conditions are met, the child is affiliated with the husband (16).

It is clear that such affiliation is not based on absolute certainty, but is devotional (*taʿabbudī*) in nature. Now that scientific methods can establish affiliation with a high degree of certainty, it is necessary for jurists and legal scholars to reconsider this issue. For this reason, the extent of the probativity of such tests and the manner of relying on them has become a subject of debate, critique, and analysis among jurists.

Some jurists maintain that, according to the rule of firāsh, the child is affiliated with the husband; and if a DNA test indicates otherwise, that test should not be relied upon. According to this view, as long as the minimum and maximum periods of gestation and the normal, Sharīʿa-based, customary, and rational possibility of marital relations are satisfied, the child is affiliated with the husband on the basis of the rule of firāsh, and there is no room for testing, nor any real dispute in such a case.

Others, however, accept the probative force of these tests when they generate knowledge for the judge and affirm that if genetic fingerprinting produces reassurance, it is valid without distinction in establishing or negating the claim (7).

In summarizing these positions, it has been argued that such a test cannot be regarded as a shar'i proof for establishing the child's lineage unless it produces knowledge, reassurance, or a strong presumption of lineage for the judge, in which case the judge may rule on the basis of that knowledge, reassurance, or strong presumption (8).

The principal reason some jurists accept the probative force of tests such as DNA in establishing lineage is that they generate definitive knowledge or knowledge that yields firm reassurance for the judge. In other words, these tests are deemed valid only when they lead to certainty and decisiveness in the judge's mind. However, some jurists argue that the mere fact that a type of knowledge uncovers reality is not sufficient; rather, its probativity depends on the Lawgiver's enactment—meaning that the Sharīʿa must recognize it as valid evidence (18).

In response, it has been said that the obligation to follow certainty (definitive knowledge) is a rational obligation, and the probativity of such knowledge is grounded in reason, which is itself one of the sources of legal determination. It is also emphasized that Sharīʿa rulings and scriptural texts do not conflict with rational judgments at the level of foundational validity; and if a conflict is hypothetically assumed, the scriptural texts must be interpreted to avoid invalidating the rational obligation. Therefore, the probative force of definitive knowledge—such as certainty produced by DNA testing—is acceptable even if the Lawgiver has not explicitly mentioned it, because in this domain reason and Sharīʿa are in harmony (7).

Assuming, however, that one adopts the view that the intrinsic validity of certainty is not sufficient for establishing a ruling and requires an enactment by the Lawgiver, the question arises whether the mere absence of any Sharīʿa prohibition is enough to rely on a given evidentiary method. This question is especially important because whenever the Lawgiver has not accepted certainty for establishing a ruling, this has been explicitly clarified. For example, in proving *ḥadd* crimes such as adultery, mere knowledge is not sufficient for punishment, and the crime can only be established by the specific means designated by the Sharīʿa (28).

It is clear that in cases such as the one under consideration, when scientific results definitively demonstrate the non-affiliation of a child to a particular person, certainty is achieved. In such circumstances, instead of relying on the rule of firāsh—which is wholly based on presumption—one should rely on certainty derived from knowledge and scientific evidence.

Given that the certainty produced by DNA testing in cases where the result indicates genetic matching is not always 100% and that a small margin of error remains, the question arises whether this level of reliability, which is accepted in genetic science, is also acceptable in jurisprudence. In response, it has been stated that ordinary knowledge is accepted in jurisprudence as a basis for reliance in legal matters (21). Ordinary knowledge is a type of knowledge in which a minority of people might still entertain the possibility of error, but the majority regard it as certain and believe it uncovers reality (10).

Ordinary knowledge possesses probativity in jurisprudence because it produces tranquility and reassurance in the soul. Shaykh al-Ṭūsī, in defining knowledge, regarded it as ordinary (customary) knowledge, not knowledge in the strict philosophical sense, because the jurist deals with ordinary knowledge in the sense of reassurance, not with absolute demonstrative knowledge that excludes every possible contrary hypothesis (18, 27). Therefore, in light of the probativity of customary knowledge and the rational practice of people in accepting and trusting it, even when DNA testing is not absolutely 100% definitive, its probative force in establishing lineage can be accepted.

Like jurists, legal scholars also differ on whether and to what extent DNA testing can prevail over the rule of firāsh. In the matter of establishing lineage, the legislator in Article 1158 of the Civil Code has recognized the presumption of firāsh as a legal presumption in order to protect the interests of society and the family, and especially to safeguard the child (12). Some legal scholars describe the presumption of firāsh as an absolute presumption, making proof to the contrary conditional on specific circumstances. They argue that only *liʿān* (mutual cursing) or certainty can counter the rule of firāsh; any other form of evidence that lacks this nature is inadmissible (9, 20, 22).

In contrast, other scholars contend that if the father–child relationship can be established by the rule of firāsh, it can also be established by any other valid evidence. They thus maintain that the Iranian legislator has not imposed any evidentiary limitation on establishing lineage and that lineage can also be proven through judicial presumptions (12).

As a result, most legal scholars, when discussing evidentiary means for establishing lineage, explicitly affirm that such means are not limited to the presumption of firāsh. Citing Articles 1322 and 1323 of the Civil Code and noting the rebuttable nature of the presumption of firāsh, they refer to other forms of evidence, including medical tests (28). Nevertheless, they often refrain from elaborating on the precise role and manner of reliance on such tests in establishing lineage. Some, even without expressly mentioning DNA testing, treat blood tests—which have a lower medical probability of proving lineage than genetic testing—as part of the judicial presumptions considered by the judge (4).

At times, results obtained from such tests are regarded as medical expert opinions whose evidentiary value, like witness testimony, must be assessed by the judge pursuant to Articles 241 and 248 of the Law on the Establishment of Public and Revolutionary Courts in Civil Matters; in this context, they are treated as a means of generating the judge's knowledge (8).

Some scholars further argue that if the expert's conclusion reaches the level of certainty, the judge cannot disregard that certainty. If the manner of expert expression is scientifically and methodologically refined, the court will have an appropriate process for evaluating the credibility of medical expert opinions and for drawing on scientific knowledge. These scholars suggest that treating scientific expert opinions as a form of "testimony" would be beneficial, because classifying them as witness testimony allows the court to assess their weight using the same criteria applied to ordinary witnesses (7).

A review of jurisprudential and legal opinions indicates that, in the case under consideration, the sole argument advanced by the plaintiff is the presumption of firāsh. This presumption is valid only when the surrounding circumstances, evidence, and conditions do not contradict it. In the case at hand, given the forensic report that clearly denies the paternity relationship, this condition is not satisfied. Accordingly, the appellate court rejected the plaintiff's claim and issued a judgment dismissing the action, although this view was not upheld by the Supreme Court.

In assessing these judgments, two points deserve attention.

First, the genetic test was conducted between the child and the husband, and the results indicate the absence of a paternity relationship. Since it is now known that the husband is not the biological father, there is no basis for invoking the rule of firāsh or Article 1158 of the Civil Code, and reliance on the mere existence of the presumption of firāsh becomes inadmissible. In applying the rule of firāsh, two elements must be considered: doubt regarding affiliation and the possibility of affiliation. The rule applies only where there is doubt and where affiliation is both rationally and juridically possible.

In short, the probativity of DNA testing in establishing lineage rests on definitive knowledge and rational certainty, and this probativity is justifiable and acceptable in light of jurisprudential foundations and principles of legislation, even though some jurists may insist that its probativity ultimately depends on the Lawgiver's explicit or implicit recognition.

The Necessity of Considering the Results of DNA Testing in Cases of Conflict with the Rule of Firāsh

If the spouses dispute the lineage of a child such that the wife claims that the child is affiliated with the husband, while the husband denies the affiliation, the newborn child will be affiliated with the husband unless the husband proves that the rule of firāsh does not apply; that is, he must demonstrate that the interval between intercourse and childbirth was less than six months or more than ten months. In situations where scientific evidence—such as DNA testing—indicates non-affiliation of the child to the father, the established practice of the Supreme Court has been to give precedence to the rule of firāsh over definitive scientific evidence. In fact, in such cases, the Supreme Court, irrespective of the evidentiary authority and probativity of the forensic medical expert's knowledge, treats the result of DNA testing as inadmissible when it conflicts with the presumption of firāsh.

Although it is jurisprudentially common to reject reliance on such tests in these circumstances, it is nonetheless possible—by relying on the opinions of jurists who consider these tests valid—to reconcile the objective of dispute resolution with the ultimate aim of discovering the truth. That is, if scientific tests demonstrate non-affiliation while the conditions of the rule of firāsh are satisfied, it may be argued that these tests possess evidentiary capacity and are capable of reliance.

Given that DNA testing has now reached the level of scientific certainty, disregarding such scientific findings while relying on methods created in an era when scientific testing could not determine lineage constitutes a neglect of human scientific advancement.

The repeated successful application of DNA testing over the years and its widespread acceptance by scientific institutions necessarily provides courts with a form of awareness that can affect their understanding of the matter in dispute. In reality, the evidentiary nature of the rule of firāsh arises only in cases where the truth is unknown; therefore, it is difficult to argue that, where a scientific method exists that can determine parentage with certainty, the legal process should continue to rely on a presumption that uncovers the truth only probabilistically.

On this basis, the decisions issued by the trial court and the justification of the Supreme Court rely solely on the formal applicability of the rule of firāsh. However, as stated earlier, the rule of firāsh pertains to the sphere of proof and is applicable only when there is doubt and ignorance regarding the identity of the biological father. When certainty is attained and the identity of the biological father is known, recourse to this rule is precluded. Accordingly, contrary to the reasoning of the trial court and the Supreme Court, it may be said that the judgment of the appellate court is entirely justified in its conclusion. This view does not imply that the opinion of the forensic medical expert should be treated as the final word in such disputes; rather, as with all expert opinions, it must be evaluated by the court.

Although the assessment and analysis of an expert opinion is important in all cases, such assessment becomes critically important in family-law matters, particularly in disputes over the negation of lineage, due to the severe negative consequences these decisions may have for the social standing of women and children. For this reason, a judicial order to repeat such tests—in reputable and trusted laboratories—is necessary to ensure sufficient confidence before departing from the rule of firāsh (Maḥmūdī, 2022, p. 18).

It appears that, for the application of the rule of firāsh, it must be possible to establish the physical presence of the individual at the relevant place and time. In this regard, scientific testing may play an important role. For example, with the use of modern technologies such as surveillance cameras or GPS devices, the presence of an individual can be demonstrated. Nevertheless, the use of scientific testing within the rule of firāsh also has limitations and challenges. For instance, in some cases the results of scientific testing may not be definitive, or the use of such tests may conflict with the individual's right to privacy.

Jurisprudential Dimensions of Toxicology Testing

The jurisprudential dimensions of toxicology testing as evidentiary material in judicial practice, from the perspective of Imāmī jurisprudence and legal foundations, hold significant importance. First, it must be noted that medical tests, as forms of evidence, appear after testimony, confession, oath, and other classical evidentiary means, and are categorized as judicial presumptions (*amārāt qaḍā'iyya*). They may be relied upon by the judge when they create knowledge and reassurance.

From a jurisprudential perspective, medical testing is probative only when it produces definitive knowledge; that is, the test must possess scientific reliability and definitive results in order to be deemed probative and to directly influence judicial rulings (Miṣbāḥ-Zādeh, 2023).

One major jurisprudential aspect concerns the expertise and qualifications of the specialists and laboratory centers. Since a judge cannot personally determine highly technical matters, he must rely on expert opinions and the results of medical tests. If such expert opinions lead the judge to a state of knowledge, they become "the judge's knowledge" (*ʿilm al-qāḍī*), which is probative in adjudication. However, this issue remains a matter of jurisprudential dispute, with some accepting medical tests as judicial presumptions, and others refusing to treat them as determinative evidence unless they reach full scientific certainty.

Additionally, medical tests—based on jurisprudential classifications (estimative, sensory, and inferential evidence)—require evaluation of their own specific criteria of probativity. Toxicology testing, in criminal matters related to poisoning, can uncover the truth and facilitate the discovery of crime, provided that scientific, jurisprudential, and procedural conditions are met and that the judge places trust in the result (Fakhrāzar et al., 2024).

It may be concluded that Islamic jurisprudence emphasizes that medical tests should not replace other evidentiary means but may serve as complementary presumptions that generate judicial knowledge. In cases where tests do not produce certainty, the judge must exercise caution. Thus, the jurisprudential role of toxicology testing lies in maintaining a balance between the credibility of modern scientific evidence and adherence to the principles of fair adjudication and the protection of the rights of the accused or the claimant.

Jurisprudential Dimensions of Autopsy Testing

The jurisprudential dimensions of autopsy testing as evidentiary material in judicial proceedings represent a significant intersection of scientific–forensic inquiry and jurisprudential principles within the Imāmī legal system. Autopsy, as a method of forensic medicine, is used to uncover facts related to the cause of death and the physical condition of the corpse, and it serves as a judicial presumption in criminal and civil disputes.

From a jurisprudential standpoint, autopsy constitutes a presumptive evidentiary means that may lead the judge to a state of knowledge and may produce certainty, provided that the results are scientific, accurate, and reliable. This method allows for the precise determination of causes and conditions of death, injuries, and the effects of toxic substances or other factors—matters that often reveal the truth and form the basis for judicial rulings.

According to jurisprudential doctrine, autopsy should not stand as the sole basis for judgment but must be used alongside other evidentiary means such as testimony, confession, and judicial presumptions. Its probativity is contingent on scientific reliability and the absence of deficiencies in the procedural steps of the autopsy. Furthermore, the sanctity of the human body and the ethical–jurisprudential norms of medical practice must be respected throughout the autopsy process (Miṣbāḥ-Zādeh, 2023).

In summary, the jurisprudential dimensions of autopsy testing in adjudication entail a balance between medical science and jurisprudential principles, upholding justice and rights, and attending to the technical and scientific conditions of such examinations. Autopsy is accepted in judicial practice as a complementary evidentiary means and is given particular emphasis in certain contexts.

Jurisprudential Dimensions of Psychological Medical Testing

Psychological medical testing—one of the branches of forensic medicine—plays an important role in determining the mental state of individuals in criminal and civil cases, such as assessing the mental health of the accused, criminal responsibility, legal capacity, or discharge status. As a form of expert evidence and judicial presumption, such tests may be relied upon in judicial proceedings.

From a jurisprudential perspective, psychological testing is probative only when its results are prepared by qualified experts using valid scientific methods and when it produces definitive knowledge for the judge. In such circumstances, the judge may treat the result as valid evidence. Nevertheless, psychological tests should not independently and absolutely replace other evidentiary means, such as testimony or confession; rather, the judge must evaluate all forms of evidence before issuing a ruling. Furthermore, the preservation of individual rights and human dignity during such testing is jurisprudentially essential, and violations of the privacy or personal rights of the accused or claimant are impermissible (Fakhrāzar et al., 2024).

There remain jurisprudential disagreements about whether these tests possess decisive or merely presumptive probativity, because psychological science often relies on probabilistic and statistical methods, which inherently involve some degree of uncertainty. This necessitates heightened caution within Islamic jurisprudence to avoid

judicial error. Therefore, the jurisprudential role of psychological medical testing lies in rigorous scientific validation, respect for human rights, and serving as a complement to other evidentiary means to assist the judge in discovering the truth.

Establishing Jurisprudential Evidence for the Presumptive Nature (Amāra) of Medical Test Results

In this section, the jurisprudential arguments concerning medical tests as evidentiary means in litigation are examined.

Jurisprudential Evidence for Considering Medical Tests as Amārāt

The jurisprudential basis for considering medical tests as *amārāt*—presumptive evidentiary signs—rests on the principle that medical tests, as probabilistic indicators and scientific clues, cannot independently serve as grounds for issuing definitive rulings, but rather assist the judge in attaining knowledge or certainty when combined with other evidence. Contemporary jurists, including ʿAllāmah al-Ḥurr al-ʿĀmilī, classify medical examinations among the *amārāt* because their indication of the occurrence or non-occurrence of the relevant fact remains probabilistic and does not independently generate legal certainty (26).

Based on the jurisprudential maxims, “presumption remains presumption until certainty overrides it” and the principle of habitual presumption (*amārat al-iʿtiyād*), any indication that creates a rationally reliable probability according to common practice is deemed an *amāra*. Medical tests performed by qualified experts and grounded in scientific methodology are thus viewed as specialized, credible *amārāt* capable of creating a strong presumption and guiding the judge toward affirming or rejecting a claim (26).

It follows that medical tests, due to their limited capacity for generating complete certainty, are primarily regarded as judicial presumptions which, when combined with other evidentiary means such as testimony or confession, can lead to the judge’s knowledge. Thus, their role in jurisprudence is supplementary and reinforcing, rather than substitutive of the definitive evidentiary means.

Jurisprudential Evidence for Considering Medical Tests as Sources of Judicial Knowledge (ʿIlm al-Qāḍī)

The jurisprudential foundation for recognizing medical tests as sources of judicial knowledge is that, whenever such tests produce definite certainty for the judge, they assume the status of *ʿilm al-qāḍī* and thereby constitute an authoritative basis for judgment. Shahīd Thānī states that judicial knowledge—whenever it leads to certainty for the judge—is among the most authoritative evidentiary means, and if a medical test based on scientific methodology yields such certainty, the judge must rely upon it (31).

According to jurisprudential teachings, *ʿilm al-qāḍī* is one of the strongest evidentiary bases because it arises from the judge’s direct understanding of the matter and his evaluation of the evidence. Therefore, when medical tests—such as DNA examinations or other specialized analyses—produce certainty, no independent proof is required, and such certainty supersedes all other evidentiary means (31).

This view rests upon the principle “knowledge concerning the subject of dispute is itself proof”, obligating the judge to rule accordingly. Thus, medical tests function as judicial knowledge only when they result in certainty, and the judge—by legal and rational standards—recognizes them as valid and authoritative.

In conclusion, medical tests constitute a reliable and admissible source of judicial knowledge; and if they produce certainty, the judge must treat them as definitive proof and base the ruling upon them.

Jurisprudential Evidence for Considering Medical Tests as Expert Opinion (Ra'y Ahl al-Khibra)

The jurisprudential basis for classifying medical testing as expert opinion derives from the principle that the opinion of specialists—particularly in matters beyond the judge's expertise—is authoritative and constitutes valid evidence. According to the jurisprudential teachings of al-Ṭūsī, the expert opinions of medical professionals, when provided within the scope of recognized scientific expertise, carry evidentiary authority before the judge and must be duly considered (27).

Jurists hold that, because judges are often unable to independently analyze technical matters, consultation with experts is indispensable. The expert's opinion, grounded in specialized knowledge and experience, thereby assumes the status of a strong and credible evidentiary means. Medical expert testimony, based on scientific skill and specialized instruments, is thus recognized as an evidentiary tool that may either create judicial knowledge or at least serve as a significant *amāra* (27).

Consequently, this perspective is based on the jurisprudential maxim "the statement of specialists is authoritative", meaning that medical tests conducted by specialists possess both legal and jurisprudential validity, especially when the judicial question exceeds the judge's personal expertise. Therefore, in the system of evidentiary procedures, medical expert analysis is considered one of the authoritative evidentiary means that can produce judicial knowledge or serve as a reliable presumption.

Conclusion

In light of the discussions presented, it can be concluded that although Imami jurisprudence was unfamiliar with modern scientific tools at the time of the issuance of foundational texts, it nevertheless possesses the theoretical and interpretive capacity to accept the results of medical tests as rational presumptions. The answers to the fundamental questions of this study reveal the following:

First, concerning whether the results of medical tests may be considered presumptive evidence, it must be stated that according to jurisprudential principles, any data based on reliable probability and a type of indicative capacity, which is trusted by rational people of the time, falls within the scope of presumptive validity. Therefore, scientific findings derived from DNA analysis, genetic identification, toxicology, autopsy, and psychological assessments—which follow precise, repeatable, and assessable experimental methods—may be classified within the framework of jurisprudential presumptions.

Second, regarding the distinction between scientific probability and the probability derived from conventional indicators, it should be noted that scientific probability is supported by laboratory systems and defined error-control mechanisms, giving it a higher degree of reliability than many traditional jurisprudential indicators. Thus, the rational criterion for credibility is the same in both cases, and the difference lies only in the source of assurance, not in the nature of evidentiary validity.

Third, in cases of conflict between medical data and other forms of evidence such as testimony or confession, the criterion for preference is the level of indicativeness and reliability. This means that if the result of a test provides a dominant and generally accepted degree of confidence regarding the truth, it prevails over weaker evidence, since rational presumptions with stronger capacity for uncovering reality are endorsed.

Fourth, based on rational principles and jurisprudential foundations such as common rational practice, the rule of no-harm, and the rule of eliminating hardship, the acceptance of such data is not only permissible but necessary,

because rejecting scientifically reliable results may prolong harm, waste rights, or lead to unjust rulings—outcomes that contradict the aims of the Sharīʿa.

From the author's perspective, the jurisprudential considerations of presumptions, judicial knowledge, and expert opinion—each pertaining to the evidentiary status of medical tests—carry their own significance and distinct role in uncovering truth and issuing judgments. Nonetheless, medical tests, with their particular features and limitations, must be analyzed carefully and in harmony with jurisprudential principles.

From the standpoint of jurisprudential evidence, medical tests—as modern instruments for uncovering facts—are not considered primary forms of proof such as testimony or confession. However, they must still be evaluated in accordance with general evidentiary principles such as presumptive validity, certainty, and judicial knowledge. In many cases, medical tests function as presumptions, meaning that they serve as indicators with probabilistic value that may incline the judge toward one side of the dispute, even if they do not necessarily yield absolute certainty. This characteristic makes medical tests a form of specialized scientific presumption used alongside other evidentiary means to help the judge arrive at a comprehensive understanding.

In the context of judicial knowledge, medical tests may reach a level of definitiveness that leaves no room for judicial doubt, as in the case of DNA testing in establishing lineage, which produces certainty both scientifically and socially. In such cases, the tests transform into judicial knowledge, becoming binding and authoritative.

Finally, expert opinion elevates the status of medical tests. Since a judge does not possess specialized medical knowledge, the opinion of qualified experts holds strong credibility and is accepted as specialized proof. Thus, medical tests possess jurisprudential validity when performed by competent experts whose skills and expertise the judge trusts. The role of medical expertise, therefore, is complementary, reinforcing judicial knowledge and enabling legitimate reliance on test results within the judicial and jurisprudential framework.

Regarding the establishment of jurisprudential evidence for considering medical tests—such as DNA testing, genetic identification, toxicology, autopsy, and psychological assessments—as presumptive proofs, it is necessary to provide solutions that honor jurisprudential foundations while guiding experts and judicial authorities scientifically and appropriately. Based on this, the proposed solutions are as follows:

1. **Formulating a clear jurisprudential–rational framework for the presumptive status of medical results**: Establishing precise criteria grounded in jurisprudential principles—such as probabilistic indicativeness, rational practice, and rules like no-harm and elimination of hardship—to determine the conditions under which medical findings gain presumptive validity, applicable to results such as DNA and toxicology tests.
2. **Clarifying the status of scientific presumptions in comparative jurisprudence**: Explaining the similarities and differences between empirical probabilistic data and traditional jurisprudential presumptions, and acknowledging scientific findings as rational presumptions considering their precision, repeatability, and measurable error rates.
3. **Requiring precise and specialized expert analysis aligned with modern scientific standards**: Obligating the judicial system to rely on accredited laboratories and qualified experts adhering to scientific and ethical standards—such as certified genetic laboratories and trained independent specialists capable of providing reliable scientific interpretation.
4. **Developing jurisprudential-scientific protocols for interaction with other forms of evidence**: Creating official guidelines detailing how medical test results should be weighed, combined with, or preferred over

other forms of evidence such as testimony, confession, or oath, based on the degree of reliability and capacity to uncover truth.

5. **Providing training and enhancing the knowledge of judges and jurists regarding new laboratory technologies**: Offering specialized programs to familiarize judges and qualified jurists with scientific principles of DNA analysis, toxicology, autopsy, and psychological evaluation, enabling better understanding and fair assessment of findings.
6. **Conducting ongoing multidisciplinary research and jurisprudential review in relation to new sciences**: Encouraging continuous interdisciplinary research between jurisprudence and forensic medicine in order to update judicial frameworks and improve the adaptability of jurisprudence to scientific and technological developments.
7. **Drafting protective regulations to safeguard individual rights and prevent misuse**: Designing oversight mechanisms for quality control, verification of accuracy, and protection of the rights of defendants and claimants during the use of medical test results in jurisprudential courts.

Together, these strategies create a synergistic framework in which medical test results may be treated as credible and jurisprudentially admissible presumptions in legal proceedings—provided that accuracy, reliability, and rationally accepted conditions within Islamic judicial practice are upheld. Such an approach not only promotes judicial fairness but also empowers jurisprudence to engage constructively with modern scientific advances.

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All authors equally contributed to this study.

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