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# AN EXAMINATION OF EVIDENCE OF LINEAGE IN THE LIGHT OF THEMES OF WORSHIP AND REASONING: A CONCEPTUAL AND ANALYTICAL STUDY

[Sulaiman Salhab, Belal Barakat](#) ; [Muhsin, Sayyed Mohamed](#)[Save all to author list](#)<sup>a</sup> Department of Fiqh and Usul al-Fiqh, AHAS KIRKHS, International Islamic University Malaysia, Gombak, Kuala Lumpur, 53100, Malaysia[View PDF](#) [Full text options](#) [Export](#) [Abstract](#)[Author keywords](#)[SciVal Topics](#)

## Abstract

The issue of lineage in Islamic jurisprudence has long attracted scholarly attention due to its relevance across various Fiqh chapters. As human knowledge, particularly in genetics, has advanced, this interest has evolved. Today, modern techniques like DNA testing can accurately establish lineage, prompting a need to evaluate whether such methods are valid for affirming, denying, or proving lineage. This requires a review of traditional legal evidences on lineage and an exploration of whether analogy (qiyās) can be applied to these contemporary methods, making this research highly significant. One of the most important perspectives through which this topic can be examined — and which has not received sufficient research and study — is the consideration of the legal texts related to lineage and the extent to which they are devotional or subject to reasoning, and thus whether analogy can be applied to them, which is the core issue of this research. According to the researchers' knowledge, no study has yet been conducted that exclusively addresses this topic from this particular angle, thoroughly explores it, and sheds light on its complexities. To resolve this issue and achieve the objective of this study, the researchers gathered as many scholarly opinions as they could find regarding the evidences for lineage and assessed them through the lens of

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ta'abbud (devotion) and ta'lil (rationalization) using an inductive method. They then proceeded to analyze and explore these opinions and evidences, grounding them in jurisprudential foundations. Afterward, they reconstructed their findings into a clear and well-defined framework. This led them to the conclusion that there is only one definitive proof for establishing lineage, which is the valid marriage — despite differences among scholars regarding its precise meaning. Some defined it as merely the contract between a man and a woman, others as the possibility of consummation, while a third group held that actual consummation must have occurred. Any other forms of evidence serve only to reveal lineage. The study also concluded that there is only one definitive proof for disavowing lineage, which is the dālil al-li'ān (the procedure of mutual cursing). The Ḥanafī school held that the proof for establishing lineage is based on ta'abbud (devotional compliance), while the majority of scholars believed it to be based on ta'lil (rationalization). The majority then differed regarding the rationale: most confined it to legitimate marital relations (firāsh shar'ī), whereas some extended it to any situation where the rationale is present, as long as it is not contradicted by established legitimate marital relations. Similarly, scholars differed in their views on the evidences for revealing lineage. Finally, the researchers concluded that the proof for disavowing lineage — li'ān — is considered ta'abbudi (devotional) according to some scholars, while others view it as rationalized (mu'allal) by a limited rationale. In both cases, it cannot be extended or analogized. Based on this, the study contributes to regulating and establishing the foundations for all contemporary methods used in determining lineage. Accordingly, the researchers recommend reconsidering all issues related to lineage determination through modern methods and aligning them with the conclusions reached in this study. © The authors (2024).

### Author keywords

denial; lineage; proof; reasoning; Worship





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### References (69)

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- 1 Abā Ḥusayn, A. M. M.  
Ithbāt al-nasab bi-al-baṣmah al-wirāthīyah ba'da nafhi bāll'ān: dirāsah fiqhīyah  
(2015) *Majallat al-Jam'iyah al-fiqhīyah al-Sa'ūdiyyah*, 21 (1), pp. 421-510.
- 2 Abd al-Ṣamad, D., Alī al-Qabāṭī, M.  
Nasab Wuld al-zinā: dirāsah fiqhīyah fī ḍawī' Maqṣad ḥifẓ al-nasl  
(2017) *Majallat al-'Ulūm al-Islāmiyah al-Dawliyah, Jāmi'at al-Madīnah al-'Ālamīyah*, 1 (2), pp. 105-139.
- 3 Ain Aziz, S. N., Razaly, M. Z., Othman, N., Saja@Mearaj, M., Yaakob, A. N., Md, Nawo. S.  
Attribution of illegitimate child's nasb to the biological father: Analysis from the perspective of Malaysian Law, Muzakarah Fatwa Committee, State Fatwas and Maqasid Al-Shariah  
(2019) *Insight Journal*, 8, pp. 217-234.  
<https://doi.org/10.24191/ij.v8i0.104>

- 4 Al-Kashnāwī, H. A.  
*As'hal al-madārik sharḥ Irshād al-sālik fī madhhab Imām al-a'immaḥ Mālik*  
(n.d). Dār al-Fikr
- 
- 5 Al-Āmidī, A. M.  
(1404) *Al-Iḥkām fī uṣūl al-aḥkām*. Cited 18 times.  
Dār al-Kitāb al-'Arabī
- 
- 6 Al-'Aṭṭār, H.  
*Hāshiyat al-'Aṭṭār 'alá jam'i al-jawāmi'*. Cited 2 times.  
(n.d). Dār al-Kutub al-'Ilmiyah
- 
- 7 Al-azrīrāni al-Ḥanbalī, A. A. M.  
*Īqāḥ al-Dalā'il fī al-fīraq bayna al-masā'il*  
(1431). Dār Ibn al-Jawzī
- 
- 8 Al-Bahūtī, M. Y.  
(2008) *Kashshāf al-Qinā' 'an al-Iqnā'*. Cited 73 times.  
Wizārat al-'Adl fī al-Mamlakah al-'Arabiyyah al-Su'ūdiyyah
- 
- 9 Al-Bakrī, U. M.  
(1995) *Hāshiyat I'ā'nat al-ṭālibīn 'alá ḥall al-fāz Fatḥ al-Mu'īn li-sharḥ Qurrat al-'Ayn bi-muhimmāt al-Dīn*  
Dār al-Kutub al-'Ilmiyah
- 
- 10 Al-bujayramī, S. M. U  
(1996) *Tuḥfat al-Ḥabīb 'alá sharḥ al-Khaṭīb*. Cited 5 times.  
Dār al-Kutub al-'Ilmiyah
- 
- 11 Al-Bukhārī, M. I.  
(1437) *Ṣaḥīḥ al-Bukhārī*. Cited 93 times.  
'Aṭā'āt al-'Ilm
- 
- 12 Al-Dasūqī, M. A. A.  
*Hāshiyat al-Dasūqī 'alá al-sharḥ al-kabīr*. Cited 10 times.  
(n.d). Dār al-Fikr
-

- 13 Al-Ghazālī, M. M.  
(1417) *Al-Wasīf fī al-madhhab*  
Dār al-Salām
- 
- 14 Al-Ghazālī, M. M.  
(1971) *Shifā' al-ghalīl fī bayān al-shubah wāl mukhayal wa-masālik al-Ta'īl*. Cited 27 times.  
Maṭba'at al-Irshād
- 
- 15 Al-Ghazālī, M. M.  
(1997) *Al-Mustaṣfá fī 'ilm al-uṣūl*. Cited 303 times.  
Mu'assasat al-Risālah
- 
- 16 Al-Izz ibn 'Abd al-Salām, I. A.  
(1999) *Qawā'id al-aḥkām fī maṣāliḥ al-anām*  
Dār al-Kutub al-'Ilmiyah
- 
- 17 Al-Jaṣṣāṣ  
(2010) *Sharḥ Mukhtaṣar al-Ṭahāwī*  
Dār al-Bashā'ir al-Islāmiyah
- 
- 18 Al-Jawharī, I. M.  
(1987) *Al-ṣiḥāḥ Tāj al-lughah wa-ṣiḥāḥ al-'Arabiyah*. Cited 45 times.  
Dār al-'Ilm lil-Malāyīn
- 
- 19 Al-Jazarī, M. Y.  
(1993) *Mi'rāj al-Minhāj sharḥ Minhāj al-wuṣūl ilá 'ilm al-uṣūl lil-Qāḍi al-Bayḍāwī*  
Maṭba'at al-Ḥusayn al-Islāmiyyah
- 
- 20 Al-Jurjānī, A. M.  
(1985) *Al-ta'ryfāt*  
Maktabat Lubnān
- 
- 21 Al-Juwaynī, A. A.  
(1399) *Al-burhān fī uṣūl al-fiqh*. Cited 70 times.  
Qaṭar
-

- 22 Al-Kāsānī, M.  
*Badā'ī' al-ṣanā'ī' fī tartīb al-sharā'ī'*  
(1328). Maṭba'at al-Jamāliyah
- 
- 23 Al-khaṭāby, H. M. I.  
(1932) *Ma'ālim al-sunan*. Cited 10 times.  
al-Maṭba'ah al-'Ilmīyah
- 
- 24 Al-Maqdisī, A. I.  
(2003) *Al-'Uddah sharḥ al-'Umdah, fī fiqh Imām al-Sunnah Aḥmad ibn Ḥanbal*  
Dār al-ḥadīth
- 
- 25 Al-Marīnī, A.  
(2002) *Al-qawā'id al-uṣūliyah 'inda al-Imām al-Shāfi'ī min khilāl kitābihi al-Muwāfaqāt*  
Dār Ibn al-Qayyim
- 
- 26 Al-Māwardī, A. M. M. H.  
(1999) *Al-Ḥāwī al-kabīr fī fiqh madhhab al-Imām al-Shāfi'ī*. Cited 68 times.  
Dār al-Kutub al-'Ilmīyah
- 
- 27 Al-Namlah, A. A.  
(1999) *Al-Muhadhdhab fī 'ilm uṣūl al-fiqh al-muqāran*. Cited 6 times.  
Maktabat al-Rushd
- 
- 28 Al-Nasfī, A. A.  
(2011) *Kanz al-daqa'iq*  
Dār al-Bashā'ir al-Islāmīyah wa-Dār al-Sarrāj
- 
- 29 Al-qādī 'iyād, M. I.  
(1998) *Ikmāl al-Mu'allim bi-Fawā'id Muslim*. Cited 11 times.  
Dār al-Wafā' li-Ṭ-Ṭibā'ah wa-N-Nashr wa-T-Tawzī'
- 
- 30 Al-Rāzī, M. A. A.  
(1994) *Mukhtār al-ṣiḥāḥ*. Cited 3 times.  
Dār al-Kutub al-'Ilmīyah
-

- 31 Al-Rāzī, M. U.  
(1400) *Al-Maḥṣūl fī 'ilm al-uṣūl*  
Jāmi'at al-Imām Muḥammad ibn Sa'ūd al-Islāmīyah
- 
- 32 Al-Sabtī, I. M. I.  
(1998) *Ikmāl al-Mu'allim bi-fawā'id muslim*. Cited 11 times.  
Dār al-Wafā' lil-Ṭibā'ah wa-al-Nashr wa-al-Tawzī'
- 
- 33 Al-Sarakhsī, M. A.  
*Tamhīd al-Fuṣūl fī al-uṣūl*  
(n.d). Dār al-Ma'rifah
- 
- 34 Al-Sarakhsī, M. A. A.  
*Al-Mabsūf*. Cited 18 times.  
(n.d). Dār al-Ma'rifah
- 
- 35 Al-Ṣāwī, A. M.  
(1962) *Ḥāshiyat al-Ṣāwī 'alā al-sharḥ al-Ṣaghīr*. Cited 2 times.  
Maktabat Muṣṭafá al-Bābī al-Ḥalabī
- 
- 36 Al-Shawkānī, M. A. A.  
(1993) *Nayl al-awḥār sharḥ Muntaqá al-akhbār*. Cited 61 times.  
Dār al-ḥadīth
- 
- 37 Al-Shīrāzī, I. A. Y.  
*Al-Muḥadhdhab fī fiqh al-Imām al-Shāfi'ī*. Cited 50 times.  
(n.d). Dār al-Kutub al-'Ilmīyah
- 
- 38 Al-Shirwānī, A., Al-'Abbādī, A. Q.  
(1996) *Ḥawāshī al-Shirwānī wa-Ibn Qāsim al-'Abbādī 'alā Tuḥfat al-muḥtāj bi-sharḥ al-Minhāj*  
Dār al-Kutub al-'Ilmīyah
- 
- 39 Al-Subkī, A. A.  
(1404) *Al-Ibhāj fī sharḥ al-Minhāj 'alā Minhāj al-wuṣūl ilá 'ilm al-uṣūl li al-bayḍāwī*  
Dār al-Kutub al-'Ilmīyah
-

- 40 Al-Taftāzānī, M. U.  
(1996) *Sharḥ al-Talwīḥ 'alá al-Tawqīḥ li-matn al-Tanqīḥ fī uṣūl al-fiqh*  
Dār al-Kutub al-'Ilmiyah
- 
- 41 Al-Ṭūfī, S. A. A.  
(1987) *Sharḥ Mukhtaṣar al-Rawḍah*. Cited 2 times.  
Mu'assasat al-Risālah
- 
- 42 Al-Zarkashī, M. A. B.  
(2000) *Al-Baḥr al-muḥīṭ fī uṣūl al-fiqh*. Cited 18 times.  
Dār al-Kutub al-'Ilmiyah
- 
- 43 Al-Zinkī, S. Q.  
Al-Bu'd alt'bdy fī al-tashrī' al-Islāmī min manẓūr uṣūlī  
(2007) *Majallat al-Dirāsāt al-Islāmīyah, Majma' al-Buḥūth al-Islāmīyah*, 42 (4), pp. 163-197.
- 
- 44 Al-Zubaydī, M. M. A.  
(1994) *Tāj al-'arūs min Jawāhir al-Qāmūs*  
Maṭba'at Ḥukūmat al-Kuwayt
- 
- 45 Burqā'h, S. U.  
(2007) *Al-nasab wa-madā Ta'thīr al-mustajaddāt al-'Ilmiyah fī ithbāth-dirāsah fiqhīyah tahlīliyah*  
Dār Kunūz Ishbīliyah lil-Nashr wa-al-Tawzī'
- 
- 46 Elfa, Surwati, Fajri, Y.  
(2021) *Al-Istinbath: Jurnal Hukum Islam*, 6 (2), pp. 341-366. Cited 4 times.  
<http://journal.iaincurup.ac.id/index.php/alistinbath/article/view/3479/pdf>  
doi: 10.29240/jhi.v6i2.3479
- 
- 47 Hasan, M., Ma'u, D.H., Muallim  
Inheritance Property Distribution Models Among the Muslim  
Community of Borneo-Nusantara  
(2024) *Al-Adalah*, 21 (1), p. 175.  
<https://ejournal.radenintan.ac.id/index.php/adalah/article/view/22310>  
doi: 10.24042/adalah.v21i1.22310  
View at Publisher
-

- 48 Hilālī, S. M.  
(2010) *Al-Biṣmah al-Warāthiyyah wa- 'Alā 'iqahā al-Shar' iyyah: Āfāq Fiqhiyyah wa-Qānūniyyah Jadīdah, Dirāsah Muqāranah*  
Maktabat Wahbah
- 
- 49 Ibn al-'Arabī, M. A.  
(2003) *Aḥkām al-Qur'ān*. Cited 5 times.  
Dār al-Kutub al-'Ilmiyyah
- 
- 50 Ibn al-Qaṣṣār, A. U. A.  
(2006) *'Uyūn al-Adillah fī Masā'il al-Khilāf bayna Fuqahā' al-Amṣār Jāmi'at al-Imām Muḥammad b. Su'ūd al-Islāmiyyah*
- 
- 51 Ibn 'Āshūr, M. A.  
(2015) *Jamharat maqālāt wa-rasā'il al-Shaykh al-Imām Muḥammad al-Ṭāhir Ibn 'Āshūr*  
Dār al-Nafā'is
- 
- 52 Ibn Ḥajar al-Haytamī, A. M. A.  
(2001) *Tuḥfat al-muḥtāj bi-sharḥ al-Minhāj*. Cited 2 times.  
Dār al-Kutub al-'Ilmiyyah
- 
- 53 Ibn manzūr, M. M.  
*Lisān al-'Arab*. Cited 29 times.  
(n.d). Dār al-Ma'ārif
- 
- 54 Ibn Mawdūd al-Mawṣilī, A. M.  
(1937) *Al-Ikhtiyār li-ta'līl al-Mukhtār, 'alayhi ta'līqāt: Maḥmūd Abū daqīqah*  
Maṭba'at al-Ḥalabī
- 
- 55 Ibn Qāḍī Shuhbah, M. A.  
(2011) *Bidāyat al-muḥtāj fī sharḥ al-Minhāj*  
Dār al-Minhāj
- 
- 56 Ibn Qayyim al-Jawziyyah, M. A. A.  
(2019) *Al-ḥuruq al-Ḥikamiyyah fī al-siyāsah al-shar'iyyah*. Cited 3 times.  
Dār 'aṭā'at al-'Ilm
-



57 Ibn Qayyim al-Jawzīyah, M. A. A.  
(2019) *Ighāthat al-lahfān min maṣāyid al-Shayṭān*. Cited 2 times.  
Dār 'aṭā'āt al-'Ilm

---

58 Ibn Qayyim al-Jawzīyah, M. A. A.  
(2019) *Zād al-ma'ād fī Hudá Khayr al-'ibād*  
Dār 'aṭā'āt al-'Ilm

---

59 Ibn Rushd, M.A. M.  
(2004) *Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid*. Cited 194 times.  
Dār al-ḥadīth

---

60 (2004) *Al-Mu'jam al-Wasīf*  
Maktabat al-Shurūq al-Dawliyah

---

61 Mannun, I.  
*Nibrās al-'uqūl*  
(1345). Maṭba'at al-Taḍāmun al-akhwā

---

62 Shariff, A.A.M., Azhar, A., Rajamanickam, R., Manap, N.A., Hussein, S.M., Said, M.H.Md., Halim, A.H.A., (...), Markom, R.  
**Analysis on admissibility of DNA evidence in Malaysian syariah courts**  
  
(2019) *Academic Journal of Interdisciplinary Studies*, 8 (4), pp. 159-169. Cited 5 times.  
<https://www.richtmann.org/journal/index.php/ajis/article/view/10621/10245>  
doi: 10.36941/ajis-2019-0050  
  
View at Publisher

---

63 Muslim, A.  
(1955) *Ṣaḥīḥ Muslim*. Cited 57 times.  
Dār Iḥyā' al-Turāth al-'Arabī

---

64 Salhab, R. M.  
(2010) *Al-qiyās fī al-'ibādāt wa-taḥbīqātuhu fī al-madhab alshāfi'y-dirāsah ta'sīliyah taḥbīqiyah*  
Dār ibn hazm

---

□ 65 Shalabī, M. M.  
(1947) *Ta'li'l al-aḥkām*. Cited 4 times.  
Maṭba'at al-Azhar

---

□ 66 Shalabī, M. M.  
*Uṣūl al-fiqh al-Islāmī*. Cited 144 times.  
(n.d). al-Dār al-Jāmi'iyah lil-Ṭibā'ah wa-al-Nashr

---

□ 67 Sibarani, W.E.  
  
Modern Justice: Indonesia's Supreme Court's Challenges to Uphold Fair Trial Principles Through Digitalization  
([Open Access](#))  
  
(2023) *Brawijaya Law Journal*, 10 (1), pp. 106-121.  
<https://lawjournal.ub.ac.id/index.php/law/article/view/1053/147>  
doi: 10.21776/ub.blj.2023.010.01.07  
  
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---

□ 68 Sulaymān, R. S. Y.  
(2003) *Al-Ta'li'l bi-al-ḥikmah, [Risālah jāmi'iyah quddimat astkmālan li-mutaḥallabāt darajat al-mājistīr fī al-fiqh wa-al-tashrī', Jāmi'at al-Najāḥ al-Waṭaniyah]*  
Jāmi'at al-Najāḥ al-Waṭaniyah Archive  
<https://hdl.handle.net/20.500.11888/3195>

---

□ 69 Zaydān, A. A  
(1996) *Al-Wajīz fī uṣūl al-fiqh*. Cited 37 times.  
Mu'assasat al-Risālah

---

🔍 Sulaiman Salhab, B.B.; Department of Fiqh and Usul al-Fiqh, AHAS KIRKHS,  
International Islamic University Malaysia, Gombak, Kuala Lumpur, Malaysia;  
email:belalsalhab@iiu.edu.my  
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