

# ISLAMIC FAMILY LAW

## DEMYSTIFYING SHARIAH IN THE PROTECTION OF CHILDREN'S RIGHTS

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VOLUME III

ZALEHA KAMARUDDIN

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INTERNATIONAL ISLAMIC UNIVERSITY MALAYSIA



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DEMYSTIFYING SHARI'AH IN THE  
PROTECTION OF CHILDREN'S  
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**VOLUME III**

Editor  
Zaleha Kamaruddin



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*Mutiah Hud and Prof. Dr. Mohd Akram Shair  
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# MAINTENANCE OF ILLEGITIMATE CHILD BY BIOLOGICAL FATHER IN ISLAMIC LAW: AN ANALYSIS

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*Tam Peck Shen and Assoc. Prof. Dr. Azizah Mohamad*

## INTRODUCTION

Islam, a perfect religion for mankind, lays the Straightest Path to be followed by those who wish to attain blissful and ideal life.<sup>1</sup> Its Law, the *Shari'ah*<sup>2</sup>, is derived from the Holy Qur'an and *Sunnah*<sup>3</sup> of Prophet Muhammad (s.a.w) to ensure an orderly, peaceful and stable environment to live in. While it is undisputable that the purpose of the *Shari'ah* is to provide justice, nonetheless it is undeniable that "justice" is always a mysterious notion unperceivable by logic per se. This unique attitude<sup>4</sup> of the *Shari'ah* is clearly demonstrated in the complicated issue pertaining to the *nasab* of illegitimate<sup>5</sup> children (*walad al-zina*).<sup>6</sup>

## Background

It is worth noting that the word "legitimacy" is substantially used to denote "paternity." As per Syed Khalid, "when paternity is established, legitimacy is also established."<sup>7</sup> Therefore, subsequent use of that word herein is exclusively dedicated to that meaning. Majority of the