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THE ROLE OF FORENSIC FACIAL RECONSTRUCTION IN SHARIAH COURT: A MAQASID SHARIAH APPROACH TO POSTMORTEM IDENTIFICATION

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ABSTRACT

This article investigates the scientific and technical methods used in forensic facial reconstruction, which include a mix of anthropology, forensic pathology, and computer-aided procedures. It examines the success rate of forensic facial reconstruction in identifying remains and compares traditional approaches to contemporary 3D reconstruction technologies. Forensic facial reconstructions can help identify unknown individuals, but their accuracy is dependent on the corpse's state and the availability of demographic information. Advances in digital technology and artificial intelligence have improved the accuracy of reconstruction, making forensic facial reconstruction more reliable in forensic investigations. Ethical considerations are underlined, particularly when forensic facial reconstruction is employed in legal settings, highlighting the importance of transparency and process standardization. This article is significant because it emphasizes forensic face reconstruction as a feasible method in accordance with the principles of *maqasid al-shariah*, particularly in terms of protecting human dignity (*karamah*). This purpose is achieved through the use of qualitative research instruments, and data were gathered using two methods: document analysis and literature review. However, the article points out that, while forensic facial reconstruction is important, it is not definitive proof, raising concerns about its acceptability in Shariah courts, where evidence must meet stringent standards. This article will present a case for how forensic technology, such as forensic facial reconstruction, might be viewed through the lens of Islamic law (*maqasid al-shariah*), specifically in terms of protecting life, dignity, and justice in the postmortem identification process.

Keywords: Forensic Facial Reconstruction, Maqasid Al-Shariah, Shariah Court

Introduction

A postmortem is a medical examination of a deceased corpse that is used to determine how the individual died. The medical examiner is responsible for determining the deceased individual's identification during the postmortem examination.(Wan Zulkifli, 2023) In this scenario, a presumptive identification is required to continue the investigation into the death and disposal of the remains. They are typically presented with a non-decomposed body that has already been recognized by a family member. Even in this case, the medical examiner received a color image of the deceased's face with an identifiable case number, as well as two sets of classification-ready fingerprints. They also note the deceased's height and weight for future study. (Melissa Conrad, 2024) Therefore, postmortem identification can benefit both modern forensic science and the legal system, particularly in circumstances involving identifying deceased individuals in criminal investigations, disasters, or missing persons.

In connection with that, Forensic facial reconstruction is the last step to be used after other forensics such as DNA or fingerprints are unavailable or insufficient. (Dr. K. Sita Manikyam, 2023) The technology of forensic facial reconstruction has shown to be incredibly effective in criminal situations when there are no clues or obvious indicators to track down a person whose face has been damaged or bodies that have decomposed through time. This type of forensic recreates an individual's features from skeletal remains, particularly in situations of missing or unidentified people. No two human faces are alike, including those of identical twins. Human faces can reveal information such as age, gender, health, ethnicity, and more. Experts can identify subtle changes between faces using this technique, which allows for personal recognition and identification. Superimposition techniques are employed to identify the alleged victim based on the skull photos and the victim's life-size photographs. Life-size photographs of the deceased's head and a transparent skull are placed. In the case of one's identity, the positions of the nose, eyes, ears, and chin agree; in the case of non-identity, the various positions do not superimpose. During the comparison of the facial features of the ante-mortem life-size image and the skull morphology, certain points should be measured and compared, namely the position of the brows, the medial margin of the eyelid, the lateral margin of the eyes, the position of the mustache, the position of the closed mouth, the facial line, the nasion, the position of the ears, the position of the nostrils, height of the nose, width of the nose, and width of the mouth. (Sergio Damas, 2019) Besides, Islamic law experts debate the permissibility of autopsy, balancing the concept of respecting dead bodies with the need to discover the cause of death for scientific and educational purposes. Most legal authorities in Muslim countries allow autopsies for criminal investigations and scientific and educational purposes, based on the principle of *maṣlaḥah* (public interest) and the Islamic legal maxims *al-ḍarurat tubiḥ al-maḥẓurat* (necessity overrides the prohibition) *and iktiyar akhaf al-ḍararayn* (choice of the lesser of two evils). In Muslim nations, autopsies are normally performed by forensics professionals who work for either the ministry of justice or the ministry of health. Thus, it is permitted in severe situations when it becomes necessary, such as when it is done for the purpose of researching fatal diseases, determining the cause of death, conducting research, and providing education, particularly in the field of medicine and need to adapt to advancements in technology.

Align with that, *maqasid al-shariah* basically means creating good or benefiting, thereby rejecting evil and eliminating harm. Therefore, Islamic law or Islamic law is published or embodied in order to achieve the purpose in question. As a whole, *maqasi*d (plural *maqasd*) or the main goals that are meant are related to five important areas. Under this framework, the five fundamental purposes of Islamic Divine law are protected: religion, life, intellect, lineage, and property. This approach provides a helpful checklist for Muslims to respond to science and technology-related challenges. To address the changes occurring in the world as a result of rapid advancement in various disciplines of science and technology, the Islamic ethical framework must be based on these five higher goals of the *maqasid*. Establishing moral standards is crucial to prevent science and technology from causing harm or devastation. The word *al-bayyinah* is derived from the Arabic word *ba-ya-na*, which has a true and obvious meaning. When the verse "*ba-na alshay*" is used, it refers to something or someone whose viewpoint has been explained or defined. From a grammatical standpoint, the term *al-bayyinah* also denotes proof or argument. The Big Arabic-Malay Dictionary of the Dewan Bahasa Pustaka defines al-*bayyinah* as evidentiary argument. From a terminological standpoint, the word *al-bayyinah* has the same meaning as evidence. The term *al-bayyinah* in the Qur'an conveys the above meaning, as in Verse 25 of Surah

al-Hadid, which means: "Indeed, we have sent Our messengers with clear evidence (al-*bayyinat*) Through this concept of *bayyinah* (evidence), it clearly shows that the opinion of a forensic face reconstruction expert can be used as testimony and evidence in a case in a shariah court. To wrap up the introduction, the researcher wishes to go deeper into the admissibility and role of forensic face reconstruction in Shariah court utilizing the *maqasid al-shariah* approach.

Literature Review

Forensic facial reconstruction research depends on a wide range of disciplines, including art, medicine, and law. According to the reading that has been done, there is not much data on the subject of forensic facial reconstruction, particularly in Malaysia. However, the integration of forensic facial reconstruction with Islamic jurisprudence is an emerging area of research that requires careful examination. This literature review analyzes key studies that explore the intersection of forensic science and *maqasid al-shariah* principles in postmortem identification, highlighting their contributions and limitations.

Recent Advances in Forensic Facial Reconstruction

According to the article by Thurzo, Andrej et al. (2021) "Use of Advanced Artificial Intelligence in Forensic Medicine, Forensic Anthropology and Clinical Anatomy." 3D convolutional neural networks (3D CNN) are effective artificial intelligence tools for image processing and recognition that discover key features without human intervention. They are used to extract three-dimensional characteristics, such as those found in cone-beam CT images. The goal is to foster multidisciplinary collaboration between forensic medical specialists and deep learning technologists, allowing clinical forensic professionals who have a basic understanding of advanced artificial intelligence (AI) approaches to advance forensic research. This study describes a novel methodology for 3D convolutional neural networks (CNN) analysis of full-head Cone-beam computed tomography (CBCT) images, which includes algorithms for determining sex, estimating biological age, annotating 3D cephalometric landmarks, predicting growth vectors, and estimating face soft tissue from the skull. The 3D convolutional neural networks (CNN) application has the potential to revolutionize forensic medicine by improving forensic analytical workflows based on 3D neural networks. Forensic 3D reconstructions utilizing artificial intelligence (AI) will be novel, intriguing, and useful ways. However, deploying advanced AI still necessitates interdisciplinary collaboration, but with proper understanding, it can be used to solve unsolved puzzles.

This has been supported by this article Kundu, A., Streed, M., Galzi, P. J., & Johnson, A. (2021)." A detailed review of forensic facial reconstruction techniques". Facial reconstruction is an effective forensic technique for recreating a victim's facial look from the skull. It is typically used to help law enforcement authorities locate missing deceased individuals. Reconstruction procedures are typically focused on the interaction of underlying hard tissues, such as bone structure, and soft tissues, such as face muscles and facial characteristics. Facial reconstruction may be a viable alternative for identifying the remains of a decayed, disfigured, or skeletonized body. It is important to remember that, while the results are empirical in nature, the technique has been used extensively in a variety of settings. Recent technological developments and computer-based procedures have improved the forensic discipline's accuracy and validity. In this study, the researchers look at the most commonly used facial reconstruction techniques, with a focus on manual 3D methods.

Forensic Evidence and Islamic Law in Recent Discourse

This paper Mohamad, Abdul & Ismail, Nurbazla. (2021). "Role of Forensic Evidence in Upholding Justice: Exploring Islamic Law and the Experience of Shariah Courts in Malaysia" investigates the evolution of Islamic evidence law and its function in fact-finding. It investigates the role of forensic evidence in Islamic law, using sources such as the Quran, Prophet's traditions, and companions of the Prophet. The study also looks at the Malaysian Shariah Courts' experience using forensic evidence in family law matters. The study design is content analysis, which uses document analysis to collect data. The study concludes that forensic evidence is not uncommon in Islamic law, since it has been used by Malaysia's Syariah Courts to make conclusions in specific circumstances. It can be accepted as a form of evidence to assist judges in making fair and informed decisions. In the Islamic court system, forensic experts' evidence is identical to their opinions, also known as *ra'y al-khabir*. An expert's opinion is

based on their specialized high-level expertise, and judges use it to make fair conclusions. Thus, forensic evidence is not uncommon or foreign in the Islamic legal system.

Next, this thesis Korbatieh, Souha (2021). "The law of evidence in the Islamic criminal justice system: a critical appraisal in the light of modern technology" examines the impact of modern technology on hudud criminal law, specifically adultery, and its potential incorporation into Islamic criminal law. It suggests that modern technology can be used as circumstantial proof under the legal concept of *ijtihad*, but not for proving hudud crimes like adultery. Instead, modern technology, such as DNA testing, can be used for paternity verification in *li'an* cases or to prove paternity under family laws to provide welfare rights to children. CCTV footage can also be considered admissible evidence in Islamic criminal law. The thesis concludes that while modern technology can be incorporated into sharia evidence laws, there are restrictions due to the unique aspects of *hudud* and its sharia objectives. It offers pragmatic recommendations for integrating modern technology into Islamic criminal law of evidence.

Maqasid al-shariah and Technological Advancements in Forensic Science Compatibility with maqasid al-shariah

The fast development of artificial intelligence (AI) in the twenty-first century has offered various benefits, but it also raises ethical concerns, particularly in terms of privacy and manipulation. This article Mohadi, Mawloud and Tarshany, Yasser. (2023). "*Maqasid al-shariah* and the Ethics of Artificial Intelligence: Contemporary Challenges" examines the notion of *maqasid al-shariah* and its application to AI ethics. The paper contends that AI should follow the principles of *maqasid al-shariah*, which are critical values in Islamic civilization. It presents an integrated, ethical strategy to addressing AI's difficulties, with the goal of cultivating moral individuals and communities who live purpose-driven lives. This method, which is founded on Islamic values and *maqasid*, has the ability to serve as a paradigm for developing an ethical standard for AI research that is widely acceptable and beneficial to humanity. The study thinks that incorporating ideas from Islamic ethic-based and *maqasid*-based approaches to AI will energize the global AI ethics conversation and serve as a starting point for beneficial talks.

This article explains that Aslati, Armi and others (2024). "Utilizing Science and *Maqaṣid al-Shariah* in Resolving Contemporary Issues of Islamic Family Law" the contemporary *ijtihad* is critical for resolving modern socio-cultural challenges, such as the use of DNA in genealogy. This article examines an adaptable approach to Jurisprudence that integrates science with *maqasid al-shariah*. The Four Madhhabs of Jurisprudence should be juxtaposed with science to modernize the face of Jurisprudence. According to the findings, Islamic courts should use certified DNA testing approved by medical professionals to establish ancestry, in keeping with Islam's emphasis on the importance of lineage. Indonesian Islamic family law should be amended to require DNA testing when lineage conflicts occur in order to eliminate uncertainty and prevent incorrect paternity determinations. When deciding on lineage issues, Islamic courts must use caution, taking into account testimonies and expert opinions as *qarinah*. Islam supports seeking expertise in resolving contemporary difficulties, and courts of justice must take a more inclusive and careful approach to protect lineage while adhering to Shariah's aims.

Current Case Studies and Practical Applications Shariah court cases involving forensic science

This study Dr. Asma Azizi, Waqas Ali Haider, Hassan Baig and others. (2023) "Post-mortem in Islamic jurisprudence: examining perspectives, principles and practices" investigates post-mortem procedures in Islamic law, concentrating on the viewpoints, beliefs, and practices that underpin these procedures. The key data sources for the subject are Quranic texts, Hadiths, and fatwas issued by Islamic scholars. It examines the many perspectives and interpretations offered by these sources on the permissibility and conditions of post-mortem procedures, taking into account their goal, necessity, and benefits. The study concludes that Islamic jurisprudence regarding post-mortem procedures varies, reflecting different interpretations of Islamic sources and ideas. However, Islamic opinions are guided by shared themes and values, with a focus on respecting the rights and wishes of the deceased and their family. The paper also discusses the necessity to weigh the benefits and drawbacks of post-mortem operations for individuals and society. The legal status of post-mortem in Islamic law has been investigated, with a focus on its acceptability as evidence in courts. However, the use of post-mortem evidence raises concerns, such as a lack of standardization, regulation, or quality control. The ethical implications of

post-mortem procedures, such as preserving the deceased's honor and respect for the body, are also discussed. The findings promote continued conversation among religious scholars, medical practitioners, and legal authorities to ensure that post-mortem practices are consistent with Islamic beliefs.

The article Faisal, S. M., Samad Khan, A., & Shahid, A. (2024). "The role of forensic evidence in modern criminal investigations" examined the function of forensic evidence in contemporary criminal investigations, following its evolution from ancient methodologies to current science. It examines forensic evidence's reliability and admissibility, as well as potential problems and ethical concerns. The legal basis for accepting forensic evidence, the ethical responsibilities of forensic practitioners, and the broader impact on the criminal justice system are all discussed. The article concludes that a continual change of forensic science is required to aid in the pursuit of justice in today's legal environment. Forensic evidence has travelled profoundly through the scientific, legal, and ethical landscapes, driving the quest of truth and challenging the criminal justice system's norms. However, as forensic science continues to improve, challenges and opportunities emerge, necessitating an ethical commitment. The article investigates the function of forensic evidence in contemporary criminal investigations, following its evolution from ancient methodologies to current science. It examines forensic evidence's reliability and admissibility, as well as potential problems and ethical concerns. The legal basis for accepting forensic evidence, the ethical responsibilities of forensic practitioners, and the broader impact on the criminal justice system are all discussed. The article concludes that a continual change of forensic science is required to aid in the pursuit of justice in today's legal environment. Forensic evidence has travelled profoundly through the scientific, legal, and ethical landscapes, driving the quest of truth and challenging the criminal justice system's norms. However, as forensic science continues to improve, challenges and opportunities emerge, necessitating an ethical commitment.

This study by Hassan, Wan & Abdullah, Nabilah & Arham, Ahmad. (2023). "Application of *Maslahah* and *Mafsadah* Criteria According to Islamic Ethics Perspective on Post-Mortem of Corpses in Malaysia" evaluates the feasibility of post-mortem in Malaysia using a holistic approach based on Islamic ethics under the concept of *maslahah-mafsadah* (benefit-risk). The study uses evidence-based, impact-based, and priority approaches to assess the practice. The results show that the implementation of an autopsy can be considered a step in fulfilling the need for a *zaniyyah* (possibility) manner. However, a Standard Operation Procedure (SOP) is needed before the post-mortem is carried out, as it may violate ethics and law if the concept of *maslahah* and *mafsadah* is exceeded. The study reveals that fatwas on post-mortem are primarily influenced by past Islamic scholars, who are considered *mu'tabar* (honourable) based on fiqh authority sources. Contemporary scholars' views are less considered. The mufti and Fatwa Committee make decisions cautiously, openly, and lenient, allowing Muslim Malay communities to choose and *talfiq* (legal term describing the derivation of rules from material of various schools of Islamic law). Post-mortems are seen as essential for saving people from infectious diseases, improving community health, maintaining trial validity, rejecting tyranny, and preventing vengeance. The application of *maslahah* and *mafsadah* criteria is crucial, as it involves all bodies regardless of race, ethnicity, and religion. Adhering to ethical requirements is a trust that must be fulfilled, especially in post-mortem cases involving Muslim bodies. Knowledge of these aspects can help solve problems in the present and future. A lack of understanding of *fiqh muwazanah* can lead to rejection and a philosophy of rejection. Fiqh priority allows for comparison between situations and circumstances, determining whether a decision brings *maslahah* or avoids *mafsadah*.

Over the last five years, literature on forensic facial reconstruction has focused on technological advancements and their applicability within Islamic legal frameworks, particularly in Shariah courts. The integration of these technologies, guided by the objectives of *maqasid al-shariah*, is being explored to ensure justice, preserve human dignity, and enhance postmortem identification processes. However, there are still ongoing debates about the admissibility and ethical considerations of using such advanced forensic techniques in Shariah courts. Therefore, the researcher selected forensic face reconstruction within the context of *maqasid al-shariah* in order to fill the gap.

Methodology

This study employs a mixed literature review approach to explore the role of forensic facial reconstruction in Shariah courts, specifically through a *maqasid al-shariah* lens. The methodology integrates systematic reviews of both classical Islamic jurisprudence and contemporary forensic science literature to ensure a comprehensive understanding of the subject. The first phase of the review involved a systematic examination of classical and contemporary Islamic legal texts. This analysis focused on identifying relevant *maqasid al-shariah* principles, particularly those concerning the preservation of life, dignity, and justice, which underpin the application of forensic technologies in Islamic law. In the second phase, the study reviewed existing literature on forensic science, with an emphasis on forensic facial reconstruction techniques. This review included scholarly articles, case studies, and reports that evaluate the accuracy, reliability, and ethical considerations of postmortem identification methods. The research also adopts an interdisciplinary approach by integrating findings from Islamic jurisprudence with contemporary forensic methodologies. This integration seeks to determine the alignment between Shariah objectives and the use of forensic facial reconstruction in legal contexts, focusing on ethical and legal permissibility. Additionally, case studies from jurisdictions that utilize forensic evidence, including both secular and Islamic legal systems, were analyzed. This helped to assess the practical application and legal admissibility of forensic facial reconstruction in different court systems, drawing insights for its potential role in Shariah courts. A thematic analysis was conducted to group findings according to key themes such as the ethical implications of postmortem analysis, the integration of science with religious law, and the role of necessity (*darurah*) in using modern forensic technologies. Through this mixed literature review, the study provides a balanced examination of both religious and scientific perspectives. By applying *maqasid al-shariah* principles, the research aims to explore how forensic facial reconstruction can be used in a Shariah-compliant manner for postmortem identification. This research uses a mixed literature review method that systematically examines *maqasid al-shariah* principles alongside forensic science literature to explore the role of forensic facial reconstruction in Shariah courts. The integration of these disciplines is further supported by case study analysis and thematic evaluation of ethical, legal, and religious considerations.

Results and Discussion

The efficacy of forensic facial reconstruction in identification

Forensic facial reconstruction adheres to the principles of *maqasid al-shariah*, which aim to preserve life, secure justice, and safeguard human dignity. The application of forensic technology aids in the identification of unknown deceased individuals, which aids in legal justice, family rights, and the achievement of Islamic law's primary goals. Forensic face reconstruction also seeks to identify persons who can directly assist to the achievement of *maqasid al-shariah* objectives. As a result, by ensuring that the deceased are identified, the Islamic legal system can maintain justice for individuals and families. For example, the case is the discovering of King Richard III (2012). During an archaeological dig in Leicester, United Kingdom, his remains were discovered beneath a car park. Forensic experts employed forensic facial reconstruction to rebuild his face from skeletal fragments, then compared the results to historical representations of the king. This finding verified that the skeleton was that of King Richard III, who perished in 1485 at the Battle of Bosworth. This case demonstrated that forensic facial reconstruction is consistent with Shariah values of preserving life and dignity. In Islam, recognizing unidentified corpses restores dignity, provides closure for families, and fulfils religious funeral responsibilities. This aligns with *maqasid al-shariah*'s purpose of preserving dignity and justice.

Legal Admissibility of Forensic Evidence in Shariah Court

Malaysia's dual legal system allows for the use of modern technologies in Shariah Court proceedings, such as DNA testing and forensics. The Shariah court, which handles Islamic family law matters, is limited to divorce, inheritance, and marriage, while civil courts handle criminal and other legal matters. In cases like Muhamad bin Hassan v. Mohamed Said bin Hassan (1988), DNA testing was used to resolve paternity disputes, impacting inheritance claims governed by Shariah principles in Malaysia. This case highlights how modern forensic techniques can be incorporated into Shariah principles, particularly in family law matters like inheritance and descent. The evolving nature of evidence in

Shariah courts allows for the inclusion of modern technology, provided it is deemed reliable and meets the legal requirements of certainty (*yaqeen*).

Besides, forensic facial reconstruction is acceptable under the principles of *shahadah* (testimony) and *bayyinah* (evidence) to support the use of various forms of evidence as long as it contributes to justice in matters such as inheritance disputes or post-mortem identification. However, the main challenge lies in ensuring that forensic evidence is admissible, especially in the conservative interpretation of Islamic law. To overcome this, a framework based on *maqasid* and contemporary fatwas should be developed to guide the court in using forensic evidence. Despite its effectiveness, forensic face reconstruction's use in Shariah courts is still limited. This research encourages Shariah courts to consider modern forensic methods in postmortem identification, especially in cases where no other method exists. Forensic facial reconstruction helps fulfill the *maqasid* in ensuring justice and protecting descendants, especially in cases of inheritance disputes or murder.

Ethical Considerations in Postmortem Identification

Islamic ethics, guided by Shariah principles, emphasize respect for the dignity of the human body, both during life and after death. Forensic facial reconstruction when used in postmortem identification, must comply with these ethical guidelines to align with Islamic values. Here are some of the main ethical considerations based on Islamic teachings:

1. Preservation of Human Dignity (*karamah al-insan*)

In Islam, human bodies, whether alive or dead, are considered sacred. The dignity of the deceased must be upheld at all times, even during forensic examination or reconstruction. Any handling of the remains of the deceased for the purpose of facial reconstruction must be done with respect. Disfigurement or unnecessary manipulation of the body should be avoided. Therefore, minimally invasive techniques, such as digital reconstruction, may be preferred over physical reconstruction if they are available and adequate.

2. Need (Emergency)

Islam permits actions that may not be permitted in cases of necessity. If forensic facial reconstruction is necessary to achieve justice such as identifying bodies for burial and solving crimes, it may be permitted under the principle of *darurah* (necessity). The implication is that forensic facial reconstruction should be used only when necessary if other methods of identification involving DNA and fingerprints are not available or not feasible. The procedure should be justified with a higher objective, such as fulfilling the *maqasid al-shariah* (Shariah goals) regarding justice and the protection of life.

3. Minimizing Harm (*la darar wa la dirar*)

Prophet Muhammad (PBUH) said, "There can be no harm and no harm can be returned." This hadith emphasizes minimizing harm to others including the deceased.

If forensic facial reconstruction is conducted, it should be done in the least harmful and intrusive manner. Any procedure involving mutilation or unnecessary modification of the body should be avoided. Islamic ethics will prioritize non-invasive methods whenever possible.

4. Family or Authority Consent

In Islam, the body of the deceased is the responsibility of the family or legal guardian, and their consent may be required for any post-mortem examination or intervention. If there is no family or legal heirs, Islamic authorities or legal bodies may be able to give permission. Next, before carrying out forensic face reconstruction, permission should be sought from the family of the deceased. If consent is not possible due to unknown identity or lack of available relatives, legal or religious authorities may need to authorize the process, especially if it is for the greater good such as identifying the body for proper burial or legal proceedings. law

5. Maintaining Justice (*Adl*)

Justice is the core objective of Shariah (*maqasid al-shariah*), which includes ensuring the rights of the deceased, such as proper identification and burial and settling legal matters. Therefore, forensic face reconstruction must be carried out with the aim of providing justice. This could mean identifying a body for a proper burial, solving a crime or helping with legal issues such as inheritance disputes. The ethical intention behind the use of forensic facial reconstruction should be to uphold truth and justice which is the basis of Islamic law.

6. Respect Funeral Practices

Islam attaches great importance to the immediate burial of the body according to Islamic rites. Delaying a funeral without a valid reason, or anything that interferes with the sanctity of the funeral practice, can be seen as unethical. Therefore, postmortem examination, including forensic facial reconstruction should not delay the funeral process. If forensic facial reconstruction is necessary, it should be carried out quickly and with a view to allowing a proper burial to follow. Moreover, once identification is complete, the body should be handled according to Islamic burial customs.

7. Avoiding Defilement or Disfigurement

Islamic teachings clearly forbid the mutilation or desecration of corpses, whether in war or peace, living or dead. The body is a trust from God and must be returned to Him in the most honorable way. Any forensic reconstruction that involves physical changes to the skull or facial structure must be done carefully to avoid disfigurement. Non-invasive or minimally invasive techniques should be preferred to respect this principle.

8. Confidentiality and Privacy (*Sitr*)

Islam emphasizes the importance of maintaining confidentiality and preserving individual dignity, even after death. Public exposure or unnecessary display of the deceased's identity should be avoided unless required by law. Results from forensic facial reconstruction should be treated with confidentiality. The reconstructed image of the deceased may not be displayed publicly or shared unnecessarily, except when required by legal authorities for identification or other reasonable purposes.

In short, respect for human dignity is paramount. The procedure should only be performed when absolutely necessary (emergency) and harm should be minimized with the least invasive method should be used. Permission from family or legal authorities should be obtained when justice and truth should be the primary objective. This is because, immediate burial cannot be delayed without the need to mutilate or pollute the body should be avoided. The confidentiality and privacy of the deceased must be maintained in accordance with this ethical principle providing a framework for conducting forensic facial reconstruction in a manner consistent with Islamic values, especially when dealing with post-mortem cases in legal or investigative settings.

Challenges in Implementing forensic facial reconstruction in Shariah Court

The challenges of implementing forensic facial reconstruction in Shariah courts, it is important to consider both the legal and ethical dimensions, as well as the practical aspects of integrating modern forensic science within a religious legal framework. Below is a structured explanation of these challenges:

1. Lack of Precedent in Shariah Law

Forensic facial reconstruction is a new technique with limited precedent in Sharia courts, relying on oral testimony and circumstantial evidence. This lack of guidance may lead to debates about its validity as evidence.

2. Ethical Concerns Regarding the Handling of Deceased

Forensic facial reconstruction may raise ethical concerns about the purity and dignity of the deceased, potentially violating Islamic ethics. Syariah courts may be hesitant to accept such methods if they are seen as disrespectful.

3. Need for a Clear Religious Ruling (*Fatwa*)

For Shariah courts to adopt forensic facial reconstruction, scholars need to issue a fatwa explaining its permissibility according to Islamic law. This decision must balance *maqasid al-shariah* (Shariah goals) against possible violations of post-mortem procedures.

4. Skepticism About Scientific Accuracy

Shariah courts may question the accuracy and reliability of forensic facial reconstruction due to its subjective nature and the potential for error or subjectivity.

5. Balancing Traditional and Modern Methods

Shariah courts' conservative nature may favor traditional forms of evidence over modern forensic methods, making it difficult to introduce forensic facial reconstruction. Despite increasing recognition of forensic evidence, it may face resistance if it is seen as undermining or replacing traditional methods.

6. Jurisdictional and Legal Boundaries

In countries with dual legal systems, Shariah courts often operate in personal matters like family law, inheritance, and marriage, while criminal cases and postmortem investigations may fall under civil or criminal courts. This limitation restricts the applicability of forensic facial reconstruction in Shariah courts, limiting its use to specific cases like disputes over inheritance where postmortem identification is necessary.

7. Technical Expertise and Resources

Forensic Reconstruction requires specialized technical expertise and resources, which may not be readily available in jurisdictions where Shariah courts operate. Developing the infrastructure and training required for forensic facial reconstruction may be challenging in regions where forensic science is not fully integrated into the legal system. Implementing Forensic Reconstruction would require access to trained forensic anthropologists, facial reconstruction experts, and appropriate technology, such as 3D imaging tools.

8. Cultural and Social Acceptance

Introducing forensic facial reconstruction into Shariah courts may face resistance from communities that adhere closely to Islamic traditions and cultural norms. Gaining social and cultural acceptance for Forensic Reconstruction is crucial for its successful implementation in Shariah courts. Educating legal authorities and the general public about the benefits of Forensic Reconstruction, particularly in achieving justice and identifying deceased individuals for proper burial, would be essential.

9. Potential Conflict with Islamic Burial Practices

Potential conflicts with Islamic burial practices include the need for prompt burial of the dead, which may be delayed by forensic reconstruction, leading to ethical and religious concerns. Shariah courts would need to balance the need for identification with the religious obligation for timely burial, creating friction in cases where Forensic Reconstruction is necessary but causes delays.

These challenges reflect the complexity of introducing forensic facial reconstruction into Shariah courts and highlight the need for careful consideration of both Islamic legal principles and the practicalities of forensic science. Addressing these issues would require collaboration between forensic experts, Islamic jurists, and legal authorities to ensure that Forensic Reconstruction can be applied in a manner consistent with Shariah objectives while serving justice.

Impacts on Inheritance (Faraid) and Criminal Justice (Qisas)

The potential forensic face reconstruction in identifying the deceased can have an impact on rulings related to inheritance (*Faraid*) and criminal justice (*Qisas*) in Islamic law. For example, if forensic facial reconstruction helps confirm an individual's identity and can clarify questions about next of kin or criminal responsibility in a murder case. Therefore, it is clear that in this context it directly supports

the *maqasid* of protecting wealth by ensuring that legitimate heirs are identified and establishing justice by holding individuals accountable for crimes such as murder.

The conclusion of this discussion is that the reconstruction of the forensic face fulfils the wider objectives of *maqasid al-shariah*, especially in the maintenance of justice, dignity, and the protection of life and descendants in the Shariah court. Using modern forensic methods can increase the judiciary's ability to rule fairly in complex cases involving post-mortem identification without compromising Islamic values. Therefore, the researcher hopes that other researchers can improve the academic gap in this topic to benefit the administration of sharia courts.

Conclusion

Forensic Facial Reconstruction presents an innovative and potentially invaluable tool for postmortem identification in Shariah courts, particularly in cases where traditional methods fall short. Grounding its application in the framework of *maqasid al-shariah* align with the objectives of Islamic law, such as the preservation of life, justice and human dignity, demonstrates that Forensic Facial Reconstruction can align with Islamic principles when applied ethically and judiciously. However, its implementation in Shariah courts faces significant challenges, including the need for religious rulings (fatwas), ethical concerns regarding the treatment of the deceased, the necessity for scientific accuracy, and balancing modern forensic methods with traditional Islamic legal practices.

To bridge the gap between modern forensic science and Islamic jurisprudence, a collaborative approach involving forensic experts, Islamic scholars, and legal authorities is essential. This cooperation can help ensure that Forensic Facial Reconstruction is utilized in a manner that upholds both justice and the sanctity of the human body, while also respecting Islamic ethical guidelines. As forensic science continues to advance, the integration of such techniques within Shariah courts could provide a powerful means to serve justice, identify the deceased, and resolve legal disputes, all within the framework of Islamic law. Future research and scholarly dialogue will be critical to address the technical, ethical, and religious dimensions of Forensic Facial Reconstruction paving the way for its broader acceptance in Shariah legal systems.

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