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GENETIC FINGERPRINTING IS ONE OF THE LEGAL PROOF: A CONTEMPORARY STUDY

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INTRODUCTION

Praise be to God, Lord of the worlds, and prayers and peace be upon the one who was sent as a mercy to the worlds, Muhammad the Most Honorable Prophet, and upon the God of the good and pure ... and after ...Islamic law took care of everything related to the Muslim family. Because it is the basis for the individual and society, it educates the human being on what is righteous in matters of religion and the world and avoids all kinds of sin and sins that destroy the pillars of this family and this society, and among these characteristics are reprehensible, gossip and backbiting, insult and hypocrisy, accusation and slander ... and others, and among the most important of these Topics are related to establishing lineage and denying it, because of its direct attachment to the family and its effect on the prevailing relations in it and disturbing its purity as the basis of the human community, so if suspicion prevails and trust is absent and hatred spreads, the bonds of love, intimacy and cooperation dissolve, leading to family disintegration and the loss of individuals to reach a dissolved society and this It contradicts the teachings of the Islamic religion. Therefore, Sharia has given all attention to genealogical issues and preserving them from suspicion and loss, for the use of means of proof in relation to genealogical issues, which is (the child bed rule), for example, or the rule (approving the wise) ... and other legitimate means of proof. With the passage of time, scientific developments and new technical matters appeared on the scientific scene that took care of these issues, which

led to the emergence of a modern method, the genetic fingerprint, which gave important results that may reach certainty in the issue of proving or denying lineage. And despite the presence of several applications of this method in criminal cases, which can be considered as a means of proof in Islamic law and positive laws, because genealogical issues are the most concerned among social issues, and because the greatest benefit of knowing the genetic footprint in Sharia and law is also knowledge of genealogy in All aspects of society. Among the means of proof is the genetic footprint if it is accompanied by evidence of proof, and the disclosure of the truth of this science and the extent of the benefit that the genetic footprint contributes to in the field of genealogy, and the role that the genetic footprint plays in knowing the unknown lineage and determining the genetic genes, and standing on the legal adaptation of it, and the position Islamic jurisprudence in terms of what is permissible and forbidden, and the extent to which it achieves social human interests that do not contradict Sharia ...Through the research, we try to clarify what the genetic fingerprint is, how it is discovered, how to work with it, the different fields in which it was used .. and the exact results that were reached through the genetic fingerprint, as this genetic material or DNA present in the tissues and fluids of the human body .. differs. From one person to another, it is impossible for it to be identical even between identical twins. The research has to be divided into several sections to clarify everything related to the genetic fingerprint, even in summary form. The first topic: the concept of the genetic fingerprint and scientific discovery The first requirement: the concept of the genetic fingerprint and its rooting.

First: The concept of the genetic fingerprint in language and convention

The linguistic concept: the genetic fingerprint is a descriptive composite of two words (fingerprint) and (hereditary), and we will deal with each of them with the statement in the language: the fingerprint means the mark. And it is said: the imprint of the cloth is a fingerprint, that is, a drawing on it. The fingerprint is a language: it is the mark, and the fingerprint: it is what is between the tip of the pinky to the tip of the ring finger. And in Al-Lisan Al-Arab: "The fingerprint is a miss from the tip of the pinkie to the tip of the ring finger. And the foot is what is between every two fingers in length."

The fingerprint in the absolute image in its general meaning refers to fingerprints, and it may be the replica of the clear lines that cover the skin of the fingers as they appear to the eye, and they are not the same at all even in the fingers of a single person, and they appear clearly when touched by a polished surface, for example. And: "The fingerprint is derived from the ring finger or the tip of the ring finger. It is said that no inch left you, no period, no blame, no ranks, no fingerprint. A man has a fingerprint, that is, a thick fingerprint and a fingerprint: if he stamps with the tip of his finger. And the fingerprint is a trace."

And the footprint: "These are the prominent lines and protrusions and the small channels afflicting them that together form special shapes found in the

fingers and toes, the palms of the hands and the soles of the feet. They leave traces when touching the smooth surfaces."

And the hereditary: the waw, the r and the wha: one word is the inheritance. And the heir: an attribute of God Almighty, it is said: So-and-so inherited money that he inherited, heir, heir, if your inheritor dies, then his inheritance becomes yours, and the deceased inherited his money, i.e. he left it to him. And the thing was inherited by him: he followed it ..The word heredity has appeared in its linguistic sense and what is related to it in the Holy Quran in more than one place, including, for example, the saying of God Almighty. ((Lord Tdhirni not an individual and you are the best of inheritors))The idiomatic concept "the genetic fingerprint" The genetic fingerprint has been defined by several definitions, including "it is the genetic material present in the cells of all living things and it is what makes a person different from others, or it is a means of identifying a person by comparing (DNA) segments and sometimes called nature." Genetic. " And it has another definition: "It is a statement of the characteristics and genetic characteristics that allow identification of the individual, and it is similar to a personal identity card, but it does not indicate the elements of a person's civil status, name, surname, domicile, eligibility, but rather determines his genetic characteristics, so it is a hereditary identity of the individual " .

At a time when modern scientists tried to put an appropriate definition of the genetic fingerprint as one of the contemporary scientific terms, they said: "It is the genetic structure relative to the genes, the detailed genes that indicate the identity of each particular individual, and it is an almost unmistakable method for verifying biological parenthood and verifying identity."And I also knew: "It is the genetic material present in the cells of all living organisms, which makes each individual different from other individuals, and the genetic fingerprint is one of several fingerprints on which it depends to distinguish individuals from each other, and it is referred to in short as (DNA), which is known as DNA. The auxiliary ribosomal.DNA is: the genetic fingerprint based on knowledge of the genetic characteristics of the human race. This is the subject of research, as well as laboratory analyzes of the material of the crime, whether apparent or hidden, to be scientific evidence to uncover the crime and its perpetrator.What modern science has reached in discovering the fingerprint of DNA is only in relation to hereditary characteristics, and only that is known from the millions of information about a person in his life and after his death (and you have only a little knowledge).

Second: the rooting of the genetic fingerprint

The genetic fingerprint was discovered in the forties or fifties of the last century, as scientific research has proven that every person has a genetic code that differs from other humans, and that it is unlikely that the genetic code matches in two people except in the case of identical twins resulting from the occurrence of fission in the fertilized egg, and therefore the genetic code is similar to a fingerprint Fingers in this capacity. And the beginning of the discovery of DNA was in 1953 AD by the worlds Watson and Crick, where he discovered at that time the physical structure of it, then followed that the

decoding of the genetic code (Genetic Code) where it was found that DNA consists of bases and these bases are called letters. It has been proven that there is no organism devoid of DNA, except for some viruses that contain (RNA). These nucleic acids are the storage of genetic information encoded for the manufacture of proteins, and the carriers of the substances that regulate and control these processes. On the other hand, proteins express the hereditary traits, and that is why (DNA) accomplishes genetic control and self-identity through proteins. The genetic fingerprint was not known until 1984 AD, when Dr. (Alec Geoffrey) a geneticist at the University of Leicester in London published a paper in which he explained that the genetic material may be repeated several times, and repeat itself in random, incomprehensible sequences, and he continued his research until it was reached after one year. To the fact that these sequences are distinct for each individual, and can not be similar between the two, but that this is an impossible cross. And the discovery of (thee), which was recorded in 1985 AD, became known as (the genetic fingerprint of the human being), which was known as a means of identifying lineage and others, and it is sometimes called (the genetic print). The first to use fingerprints in criminal investigations: the Chinese, and they were not at that time based on a scientific study. In 1858 AD, there were numerous studies and research in the science of fingerprints and developed over the passage of time until they came into existence and proved remarkable success in the field of criminal investigation. This is what has come to be known today as the "genetic fingerprint", through which it is possible to discover connections, kinship and lineage between individuals.

"The presence of fingerprints is often found on things that the perpetrator touched with his hand or foot, such as window glass, door handle, cupboard, or cupboard that he opened, or on the machines that he was carrying and left at the site of the accident. Fingerprints, taking into account the difference in clarity and lack of these effects. God Almighty has made the fingerprint of each individual individual, not confused by the fingerprint of another person. And also: the written signature: what is usual for typographers is that the signatures are not the same. Also, including: the personal photo taken with the reflection of the rays, which are fixed on the identity card, and it is a form of personal identification in all official bodies. "

And after the tremendous scientific progress and the invention of modern devices that clarified many of the secrets of this human body, and if they did not surround them, then those surrounding them are God Almighty in his saying: Martyr thing))The divine power is more and more evident in every new discovery, as scientists have stated that the number of genes carrying the genetic characteristics is about one hundred thousand genes in each chromosome, and the number of basic genes within a single cell ranges between sixty and seventy thousand ...

Third: How to work to obtain a genetic fingerprint.

One of the most important methods of DNA analysis is the following: "In taking a part not exceeding the head of a pin from the body of the person

whose genetic fingerprint is wanted, and then performing the necessary analysis on him to find out what the sample carries in terms of emerging or inherited genetic traits. And the part that is to be analyzed and examined is taken from That is, the following sources: 1- Blood 2- Semen 3- Hair roots 4- Bone 5- Mouth cells 6- Kidney cells 7- Amniotic fluid 8- A cell from fertilized eggs 9 cells from a fetus. And as we mentioned that the first person to develop this new technology and discovered it by Dr. You to obtain a genetic fingerprint, and this technique is summarized as follows: "A sample (DNA) is extracted from saliva, hair or blood, any other body tissue or its fluids. Then the sample is cut by means of A specific enzyme can cut a longitudinal (DNA) strip, separating its bases, adenine A and guanine G on the one hand, and cytosine C and thymine T on the other hand, and this enzyme is called a genetic machine, or genetic scissors. Then these sections are arranged using a method called: electrostatic discharge, and thus lanes are formed Longitudinal part of the section separated from the tape depends on the length of the number of iterations, and finally the sections are exposed to X-rays, and printed on it, appearing in the form of dark-colored and parallel lines. Although this DNA code is very small, even if it collected all the DNA that the population contains When the land weighed more than (36) mg, and despite this, the genetic fingerprint is relatively clear and large, and (Dr. Alec) applied this technique to one of the families, it became clear to him that the children carry lines for this fingerprint, half of which are inherited from the mother, and half The other From the father, despite its simplicity, it differs from one person to another .. It is not identical in the genetic print between any two human beings, even the real twins (resulting from the same fertilized egg), which led them to adopt the DNA fingerprint as a conclusive evidence in identifying the identity that cannot be altered or falsified. "

The second requirement: evidence and means of proof

First: Clues and their divisions: Presumption in language: From the approach it is said so-and-so is the conjugal of so-and-so 'and the thing is related to the thing, meaning its connection with it, meaning accompaniment and the relationship of so-and-so and so-and-so's wife. Perhaps "the presumption is strong, and the possibility of error in it is rare. That it relates directly to the truth, that the connection is strong, does not break it, and that the presumption is legitimate, because it is a means, and the truth is an end to this method, so it is not permissible to access it by illegal means, because The end does not justify the means, and the illegal intent is destructive to the legitimate intent. " Conventionally, we did not find an accurate definition, but rather they expressed it: "Every emirate compares something hidden and indicates it."

The presumptions are divided into two types: legal evidence and judicial evidence, and legal presumptions mean the presumptions prepared by the legislator. And that is within the scope of what may be proven by testimony, and it also allowed him to benefit from the means of scientific progress in drawing judicial evidence. There are old clues that were used by the jurists to prove the legal ruling, and now there are contemporary clues, and we will present both of them briefly:

1- Textual evidence fixed in the book or the Sunnah, like the previous example in the story of Yusef, peace be upon him, so tearing the shirt from the back is evidence of Yusef's sincerity and the lie of the dear woman.

2- Jurisprudence evidence: It is the one that the jurists devised with their own diligence. An example of this is: stone the bankrupt with a presumption of non-payment if it is proven that he spent his money with the intent to conceal it in order to forfeit the right of rivals.

3- Judicial evidence: It is the one that the judge deduces with his wit and intelligence, and it is evidence of proof whenever the judge is convinced of it and he overlooks its validity.

Ibn al-Qayyim mentioned examples of them in al-Tariq al-Hukmiyyah, including:

1- Failure to accept evidence leads to loss of truth, especially in the later ages, when there were many means of fraud, concealment and reversal of facts.

2 - That evidence is a type of evidence, and it was agreed that the evidence was authentic. Acting with evidence is not based on its release, but in the absence of stronger evidence than it is, and when the evidence before the judge is not sufficient.

As for contemporary clues: "They are the clues that are closely related to crime cases, and have developed according to the scientific development witnessed by the world today. Fingerprints, odors, blood tests, semen, imaging, registration. "

Second: Means of proof in genealogy

The methods of proof in the Islamic jurisprudence of the Imamate are:

1- The knowledge of the judge: "The knowledge of the judge that is not specific to it, but is considered one of the sciences known among people He said in the mediator in the margin, commenting on what he mentioned in the text about the impermissibility of the judge in judging his knowledge: "But this does not prevent the judge from seeking help in his judiciary with what is known among the people, and his knowledge is not limited to him, as is the proven historical, scientific and technical information. ..

-Evidence: The word of Islamic law and positivist jurists have agreed that the primary rule in the matter of judiciary is the claimant's demand for evidence, and the claim of the objector for an oath. The evidence is on who claimed and the oath is on the one who was accused. "Evidence must be of two men, so that the testimony of women regarding lineage is not acceptable, neither alone nor joined to men. The lineage is not proven by a witness and an oath."

3- Acknowledgment: lineage is proven by the emergence of the case, by acknowledgment, and with knowledge, whether it arises from physical or tangible evidence such as DNA testing, and the child's inability to do activity, vitality, ease, and the weight of milk. And the news of the one is confidence, and it is not required in the news of male confidence or freedom, nor what is

not required to prove the topics in the case of non-conflict, such as justice, front and so on.

4- Drawings: With his chain of transmission on the authority of Muhammad ibn Hakim, he said: "I asked Abu al-Hasan, peace be upon him, about something, and he said to me: Every unknown has a lot. I told him: The lottery is wrong and it is correct. He said: Whenever God decides it is not at fault." The lot is a matter that people have, and they followed it and took it as a solution to their problems when ignorance. Then the street took it from them and considered it. Is the lottery taken by the wise people in the manner of the scout and the emirate, or as a principle and being a practical function by which the rational person worships just to solve the problem, and what I see is when The rational person has a practical origin. The street took it as a scout according to the narratives. From the word "righteous" it appears that he is revealing a reality, so the lottery becomes according to the narrations revealing a reality, meaning that it is a considered emirate that has a scouting party with delegating the matter to God. The street considers it after disposing of it, for example, when the wise person has taken it as a sign.

As for the means of proof for the public, they are:

A - The mattress: The scholars are unanimously agreed to prove lineage with it, but it is the strongest of all the means. Al-Alamah Ibn al-Qayyim said: "As for the lineage is established by the bed, the slave has unanimously agreed upon it." What is meant by the mattress is the correct marital bed or something similar to the correct one, so the correct one is the marriage contract considered legally. As its elements and conditions are fulfilled and its impediments are removed, as for what is similar to the correct, it is a corrupt marriage contract, which is different in its validity, as well as sexual intercourse with suspicion of all kinds, so its ruling is the ruling on sexual intercourse with a valid marriage with regard to establishing the lineage of the child resulting from that intercourse.

2 - Al-Istilhaq or Acknowledgment: It is also expressed as: "Acknowledgment of lineage", and often in the children of a slave woman, and acknowledgment of lineage of two types: the first: an acknowledgment that the acknowledgment bears on himself only, such as an acknowledgment of paternity or paternity. Second: An acknowledgment that the acknowledgment bears on others and It is other than the recognition of paternity and paternity, such as recognition of brotherhood and paternity.

3 - Evidence: What is meant by the testimony, the lineage is proven to the plaintiff based on the testimony of the validity of what he claimed, and the scholars have unanimously agreed that the lineage is proven to the claimant by the testimony of two just men, and they differed from proving it otherwise as the testimony of a man and two women, or the testimony of four Just women, or the testimony of a man and the right of the plaintiff, as he said in each of these cases a group of scholars, but the doctrine of the majority of scholars, namely the Maliki, Shafi'i and Hanbali, does not accept the testimony of

lineage except the testimony of two just men. His lineage was followed by the plaintiff, and all the rulings related to lineage were proven.

The second topic: the fields of applying the genetic fingerprint

After the tremendous success achieved by the genetic footprint and its spread in the horizons of the scientific fields, requirements for this technical development and a need for this discovery appeared, as scientists and specialists created new things: such as the creation of a new type of lawsuit that we can call the correction of lineage lawsuit. And the introduction of a new type of contract, which will be replaced by a document with a genetic fingerprint, and the implications of that for remuneration. Reconsidering the attribution of the son of adultery to the perpetrator based on the interpretation of (the boy is to the bed and the fornicator the stone) on his reality, and not on his assumption and by analogy with the burden of suspicion Among the most important of those areas in which the genetic fingerprint is applied are as follows:

The first field: the criminal field: Many things fall under it, such as revealing the identity of criminals in the crimes of murder, rape and the like, and the use of this genetic fingerprint results in multiple cases, including: identifying the kidnappers, revealing cases of impersonation of others, and identifying the bodies of the victims during wars And disasters and others, it enables us to know their truth and identity, and there are other criminal areas that do not have time to mention all of them."The powers that the legislator gave to the judge in this field is a practical application in order to reach the objectives of the Evidence Law that aim to expand the judge's authority to initiate the lawsuit and the evidence related to it in a way that ensures the proper implementation of the provisions of the law, in order to reach a fair judgment in the cases in question, and it is an obligation for the judge. By investigating the facts to complete his conviction, by following the advanced interpretation of the law and taking into account the wisdom of the legislation when applying it, and not stopping at the limits of written texts and their applications to the possibilities available when enacting the law. "This requires the judge to be aware of his time," the legal and jurisprudential rulings and the progress achieved by science in Things that go wrong affect his field of work, otherwise people will include the resources of perdition and spoil their livelihood. It can be concluded from all the foregoing that proof of lineage by genetic fingerprint is only proof of legal evidence. As for the proof of lineage due to marriage, it is proof of lineage through legal presumption.

The second field: Among the other issues that can be addressed through the genetic footprint, which are issues of conflict in several issues, including:

First: The genetic traits in a child or son must have their origin taken from the father and the mother, as the child always takes half of the genetic traits from the father through the sperm and the other half from the mother through the egg.

Second: Verifying the identity of unknown corpses and this is evident especially in accidents and mass disasters, as it may be difficult to identify the identity of some of the bodies due to the deformation, charring, amputation, etc., as in fires, earthquakes, aircraft accidents and terrorist explosions. As well as in the case of rotting corpses and the finding of mass graves,

Third: Proof of the degree of kinship between individuals: The genetic fingerprint can be used to prove the degree of kinship in the family and knowledge of relatives other than relatives, in the case of claims of kinship for the purpose of inheritance after the death of a wealthy person, and also in cases of arrest of the criminals of human trafficking and child abduction

Fourth: Sex determination: There is no doubt that sex determination is important in forensic science on the one hand and in the field of genetic fingerprinting on the other hand, as well as in ancient archeology and anthropology that research the origin and development of the human race.

Fifth: Identifying criminals in various crimes: The genetic fingerprint is used to determine the identity of the owner of the effect and to identify criminals in many criminal cases, such as cases of murder and rape, or in identifying the owner of the semen or the owner of the blood. It includes multiple issues, the first of which is the proof or denial of lineage, the adoption or invalidation of evidence and the weighting of it when fighting over the newborn, cases of mixing of newborns in hospitals, suspicion of IVF, the case of an unknown parentage claim of affiliation to another, and other issues.

"Another important feature of the genetic fingerprint is that the DNA fingerprint appears in the form of transverse lines that facilitate reading, identification, preservation and storage in the computer for comparison when needed, and this is in contrast to fingerprints that cannot be saved in the computer for long periods. Some countries have invested this and established it. By providing complete security files that allow obtaining information at various times and resolving the complexities of the crimes that occur. These countries have established banks of DNA-based information bases as a basis for identification for all their citizens, and a special section has been set up in the bank for suspects in various cases to be a guide to return to it when The occurrence of suspicion. "

The third topic: the innovations and the legal position of the genetic fingerprint.

The first requirement: the premises of the emerging issues. There are several topics whose provisions were found in the primary texts, but their topics underwent some variables, whether in adverbs or tapes. The jurist must clarify the legal ruling in all old or new issues, and because Islamic law has been characterized by comprehensiveness and continuity in all aspects of life, it is not limited to a temporal or spatial framework, not to mention that it does not pertain to a class of people, nor about a nation or gender, so the message is universal, and there is no doubt that it is a message The divine conclusion

comprehended all aspects of human life and provided solutions to all problems, as well as the nature of Sharia and its laws, and this is what appeared in the noble verses. We have to show, albeit in a general way, the difference in the fundamentalist structures of each of the two parties, due to the consequent difference in the views of the jurists on many matters, whether they are innovations or others. Whereas, the majority of Islamic sects adhere to private and public texts as well as to the general rules taken from the considered evidence: the Qur'an, the Sunnah, and consensus, and they do not rely on any of that until the suspicions. As for the Imamate: "It has been proven with evidence that every incident has a ruling in Islamic law, whether we know it or not. These realistic rulings were deposited with the Messenger of God, may God's prayers and peace be upon him, and after him, with his infallible tutors, peace be upon them. Realistic incidents are not devoid of realistic rulings, except We are in this age (the era of backbiting) if we do not win a realistic judgment, we will definitely win an outward judgment, for what is proven to us, that the jurist either knows the realistic judgment or thinks it is a considered suspicion that the definitive evidence indicates that he is (the Emirates), or he doubts and when he doubts he returns to someone The considered practical principles (innocence, association, choice, and precaution) ... And on what has been shown from the above, these principles are besieging the sources of suspicion by a parcel from which no anomaly is absent. There are many new issues and in several different areas depending on the topic, so there must be a judgment in every conflict or incident, for example on the level of medicine: the subject of autopsy, grafting, artificial insemination ... and others and on the level of worship as well: prayer and fasting in the polar regions that are There are six months in each of the day and night, as well as the Muslim praying on satellite travel, and the pursuit of Hajj from high places, and in relation to transactions and economic issues, provisions for banknotes and legal and banking transactions with what they contain of usury as well as insurance in its various sections and other innovations .

The second requirement: the legal position on the genetic footprint. After explaining what the genetic fingerprint is, clarifying the methods of establishing the legal lineage, the way of denying it, and presenting its fields, the jurisprudential consideration of knowledge of the ruling on the use of the genetic fingerprint in the field of lineage requires the forensic researcher to consider the possibility of considering the genetic footprint as a counterpart that can be used to prove or deny lineage only. The opinion of the jurists of the front: the fatwas of the front scholars on the issue of referring to the genetic imprint in establishing lineage and among those who do not permit reliance on them, such as Mr. Kazem Al-Haeri and Sheikh Fadel Al-Lankrani, while some others authorized it in its place of work and relied on it, including Mr. Ali Al-Sistani and Mr. Muhammad Hussein Fadlallah: By saying "modern medical examinations that do not include personal diligence, it is permissible to rely on them." Also, whoever says that it is permissible to resort to the genetic fingerprint in denying the lineage, he stresses not to make the door wide open by resorting to it unless necessary and with permission from the competent

legal authorities or the judicial authorities only. The opinion of the jurists of other schools of thought: "The words of the scholars of his tongues differed on this issue, in acceptance and response. The opinion of the Mufti of Egypt: No to prove the lineage of a child of adultery with a genetic fingerprint. The scholars of Al-Azhar approved it. The fatwa of Ali Jumaa on this issue is consistent with the fatwa of Dr. Yusef Al-Qaradawi, President of the International Union of Muslim Scholars, and the opinion of the former Mufti of Egypt: Dr. Nasr Farid Wasel. And based on acceptable scientific foundations. "

As for the decision of the Islamic Fiqh Council in India regarding the genetic fingerprint, the following: It is not permissible to rely on the genetic fingerprint in denying the lineage of a child whose lineage is legally established. It is permissible to rely on the genetic fingerprint in cases of conflict over an unknown parentage when there is no clear legal evidence. On the genetic footprint without the means of proof legally stipulated in proving crimes that involve a legal limit or retribution, and it is permissible to make use of the genetic fingerprint in other crimes in which there is no legal limit or punishment, and the judge in these crimes may compel the accused to obtain the DNA. The third requirement: Sharia controls for working with a genetic fingerprint. Among the most important legal guidelines that most of the jurists said are:

First: The results of the genetic fingerprint do not contradict the validity of the established legal texts of the Holy Book and Sunnah.

Second: The analysis of the genetic footprint should not contradict the mind, logic, sense and reality. Rather, it must agree with reason and logic, so the genetic fingerprint cannot prove the lineage of someone who is not born to someone like him due to his young age or other reasons.

Third: That the orders for biological analysis of DNA should be based on orders from the judiciary or whoever has the authority of a guardian.

Fourth: That the technical analyzes of the genetic fingerprint be used in cases where it is permissible to ensure that the lineage is proven to not be lost and preserved, such as mixing of newborns and the owners of charred corpses, etc.

Fifth: Preventing the private sector and commercial companies with specific interests from trading in them. There are other controls, such as: "The use of the genetic fingerprint in the field of lineage must be surrounded with the utmost caution, caution and confidentiality. Likewise, it is not permissible in Shariah to rely on the genetic footprint in denying lineage, and it is not permissible to present it on curse, and it is not permissible to use the genetic fingerprint with the aim of ensuring the validity of established lineages. Legally, it is permissible to rely on the genetic footprint in the field of establishing lineage in cases such as: cases of conflict over unknown parentage, cases of suspected births in hospitals, childcare centers and the like, as well as suspected IVF, cases of loss and mixing of children due to accidents, disasters or wars ...

Finally: It is not permissible to sell the human genome to a sex, to a people, or to an individual for any purpose, nor is it permissible to give it to any party, because of the evils that result from selling it or donating it.

CONCLUSION AND THE MOST IMPORTANT RESULTS

At the conclusion of this mini-research, we found important and new issues that have a great impact on human life, and there is no doubt that Islamic law has surrounded man in all stages of his life and even after his death .. It has clarified in a simple way the Islamic theory that says that Islamic thought is comprehensive and renewed and keeps pace with life and its modern requirements ..The Islamic Sharia considers the preservation of genealogy as one of the five necessities that the Sharia is based on caring for and preserving, and that the genetic imprint is a modern means of proof in identifying the genealogy, as well as identifying murders, rape, tracking of children and other new things

Among the results we reached during the research and study on this topic are the following:

1 - That every day a new verse of God Almighty appears that confirms the scientific discovery thousands of years ago, and that the divine blessings are countless ... and the genetic imprint of these blessings is not recognized by a person except recently ... and that the Islamic Sharia in every incident has a ruling There is no void or deficiency in Sharia.

2 - The nature of the genetic fingerprint has been clarified, and it is a technique for examining the DNA present in the tissues of the human body as well as in other human body fluids, and this fingerprint distinguishes every human accurately from others, whether they are relatives or others, but rather it is not similar between real twins, each one has his fingerprint. Distinguish it

3- The fields of work with DNA are several and have important benefits in multiple areas, such as establishing lineage, establishing the identity of people, identifying them and distinguishing them from others, and uncovering criminals in various crimes, whether murder or rape, and others

4- The genetic fingerprint was used as a scientific evidence and a qualitative leap in proof that many countries of the world adopted and adopted as evidence in various cases, especially in the detection of crime and criminals on the one hand, and verification of biological parenthood and proof of lineage on the other hand.

5 - This scientific discovery will certainly contribute to establishing many facts. If the signs of justice appear and have resulted in any way, then the law and religion of God, and God Almighty, is more knowledgeable and wiser than to allocate the methods of justice and its emirates and its flags to something that denies what is more clear and strongest of them ; But these discoveries should not lead to the dissolution of the social system, and what the rules set by Sharia have sought to preserve the family and society. Research

on this topic remains ongoing because it is a subject that needs more seriousness and scrutiny than this and a detailed study, and needs to be exposed to researchers more broadly, and I hope that I have succeeded in gaining knowledge, even in a slight way, about this topic ... and in all that mentioned we see God's providence surrounding man. And you loved him with many blessings and sweetness in his life, from his birth until his death and even after his death. And our last prayer is that praise be to God, Lord of the worlds, and may God's prayers be upon Muhammad and his God of the good and pure ...

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