

MEANS OF PROVING CRIME BETWEEN SHARIA AND LAW

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Introduction

Praise be to God, and may blessings and peace be upon the Messenger of God, his family, and his companions, and peace: A person has known crime since the dawn of humanity, beginning with Cain and Abel, where the first murder occurred in human history, and among the stories that tell us scenes of crime planning, the location of the crime, investigation, evidence, testimony, recognition, etc., According to what was mentioned in the Noble Qur'an about the story of our master Joseph (peace be upon him) in God Almighty's saying: "We are shortening the best stories for you from what we have revealed to you this Qur'an. And stories mean succession in narration of events one after another, such as impactor, i.e. storytelling (tracing it to the end), because it contained all the arts of the story and its elements of suspense, photography of events and logical interconnectedness, as scholars say, for example: We find that the story began with a dream Or a vision that the Prophet of God Joseph (peace be upon him) saw and ended with the fulfillment and interpretation of that dream, and we see that the shirt of our master Joseph (peace be upon him) who was used as evidence for the innocence of his brothers was himself evidence of their betrayal, and this shirt was then used as evidence for the innocence of Joseph (peace be upon him) himself From the charge of trespassing on the dear woman, and then used a cure for the eyes of his father, our master Jacob (peace be upon him), all of this shows the magnificence of this story and its meanings and events in front of the reader as if he sees it with sound and image, and that this story includes a statement of fine legal rules and principles that the investigators adopt in every time and place In order to uncover the perpetrators, and in order to learn about the splendor of the meaning of the Holy Qur'an and its comprehension of all aspects of life in which a person lives, I have prepared this research to address the means of proving crime in the past and in the last, and our last prayer is that praise be to God, Lord of the Worlds.

The first topic :Vocabulary of the research title

The first requirement: Definition of means, language and terminology

First :Language : means [singular] means , and means : everything that is achieved with a specific purpose, corresponding to an end , it is said" :Take all means to obtain a job - a legal means "means of education , rest means of transportation , and a means of advertising [1]).

Second :idiomatically : means: open breaking c with the means and Lucile sucking Dr .Wessel, medium, status at the king , which is what draw closer to others to gain satisfaction, the link [2]).

The second requirement: definition of proof language and idiom

First :Language : establishing the proof, which is the argument [3]).

Second :idiomatically :Proof : Use scholars of proof of linguistic sense, the establishment of the argument, but it was taken from their uses they they call on those involved in and x Iss, it they call and want its general meaning, which is the establishment of the argument at all , whether it was right or on the incident, whether it be the judge in front of others ,even LANDS to document the right and its emphasis upon the establishment of rights and debt, they may call evidence and want its own meaning: the establishment of the argument before the elimination of the ways set by law on the right or incident entailing the legitimacy of the effects of [4]) And this special meaning is what we mean in this research.

Third: The law : is establishing evidence when eliminating a fact of legal importance , and attributing it to the accused in the ways determined by law [5]).

The third requirement: defining the crime in language and convention

Second a: the year The Prophet: About Slave merciful The son of Aouf that Moaaz The son of Amr The son of Passion And forbid The son of Weak behind the claimed killing My Father ignorance day Badr, He said the Prophet): Do you Survey v What Will sword to you, They said: No, And he looked In the two swords He said: Both as such He killed him ([18] Face Significance :lost Proved the Prophet the kill From During Preview Effect the blood On Their swords. And from During Flag preview Prophet that Thickening It was From one of them Without The other one So Spent for him Negatively. Has been He said Imam Nuclear :But Taking Two swords To infer With them On Fact How to Kill them, He knew From During Preview Experience: that Son The passion is thick Then Share it The second distance that And yet Worth it Looting, A movie Not be for him right at Looting ([19])

Third: Archaeology: Lost Action companions Especially Caliphs The four who are they Omar The son of The speech and Ali The son of My Father Student satisfied Allah About them With this The medium at Proof Table t a Mourner The fact at No place: Lost flower About Omar The son of the speech it's a came Pam woman may be Related Young man From The supporters were Love it Why did not Help her Cheated on him So I took an egg So she threw Yolk And poured Whiteness On her dress And between Her thighs Then She came to me Omar Glaring And she said: This the man Beat me On Myself He exposed me in my parent and this is Effect Effective. So he asked Omar Women Then they said for him: that With her body And her dress Effect semen, Understanding Baquba, the young man He made Seeks help and say: Oh Prince Faithful Prove at My command And by God What You come Obscene gesticulate I interested in her It has T of the bore me About Myself She went on strike. He said Omar: Oh Oppa Hassan What See at He ordered them? He looked at met to me What On the dress, Then Call With water Hot Intense Boiling point He poured On the dress He froze it Whiteness Then took him He insulted him And its taste He knew Taste eggs And enjoined Pain t ah She admitted ([20])

Face Significance :that Ali The son of My Father Student: From During Preview it For impact On dress Pain t ah And his experience at Prove things On Its truth Managed From Denial the crime About the guy Revealed lie claim Pain t ah.

Second: Acknowledgment ([21]) Prove Jurists Place Occurrence the crime From During Least t a R whether It was Least t R From The culprit Or was it From The victim on him, Lost Stipulated Jurists at Least t R Stealing that Show thief Score Set Or description ([22]) It is proven About messenger Allah Proof Place Occurrence the crime From During RA t R The victim on him Who led to me RA t R The culprit distance that And proven the crime at No place: About Anast)) You are a Jew Satisfied head Gary of between Two stones It was said From Act This Your avel Avelan Until Named The Jews She nodded Head her So he took The Jews Admit it So he commanded with it the Prophet impose His head is between Two stones)) ([23]) the face of significance : this Guide On Proof Place Occurrence the crime From During RA t R The victim on her, So the Messenger Companions They realized Ongoing Before Her death And they took Imperishable t see her, Than Proven Undoubtedly Occurrence the crime at The place that Found in it Ongoing.

gesticulate flower at a story goat When Passed On Himself Fornication, About Son Abbas - satisfied God about them - he said:) when came Ben goats Owner the Prophet He said for him Perhaps You accepted or You winked or She looked, he said for any messenger Allah He said Its jokes For a I am ([24]) He said Then you that Command Stoning it)) ([25]) The significance : That messenger Asked Goats About Fact Fornication And about Which Fornication It out Because he From Permissible that Have him fuck or suspicion fuck at Effect In it ([26]) As it's a Must From Question The headquarters About Place Which I fall into it Fornication fear that is being Done at Dar: house War. ([27]) Valaq t R From The culprit And inquire from him Illustrates Milestones Place the crime Install it or Deny it.

Third: The loan of In : ([28]) It was Take t organism From between clues Evidence I have Jurists Has been Del On that Their use For context in Proof the kill And theft And use it As well at Denial Occurrence the crime. ([29]) Alqassama ([30]) One Take t organism at Proof the kill, Presence Dead man And on it Effect the blood Is obligatory Aliquot On who is found Dead man In them ([31]) This is it Guide On Proof Jurists For a place the crime From During Aliquot has flower Business Clues at Proof Place the crime At companions It

-that Human Carry at palm His hand And his fingers And serve it And her fingers, Lines Distinctive No Change Ago His birth and even His death And that Because she Made up The fetus at Belly his mom.

-that this is lines He specializes It out Each An individual Nor Are identical With Which An individual Another [46])

Legitimacy Directory Derived From Fingerprints Fingers : Most scholars of comparative jurisprudence went on to say that Directory Derived From Fingerprints Directory Boycott as such for him Authentic In the proof Criminal whether Conviction or Innocence [47])

Second: The genetic fingerprint [48]) DNA

Prepare Fingerprint Alu t Atsh, From The evidence Which From Like that Emphasizes Relationship the person B place Crime, which There are With it, I have It was For scholars age Role at Their diligence at put Definition Appropriate For fingerprint Alu genetic and so considered as From Terminology Hadith [49] The fingerprint Alu t Atsh Divided to me Two sections: Fingerprint Alou R .Ath.

*The footprint:she Word Eloquent Means Mark Meaning Effect the seal Fingering [50]) .)

*Alu t Ath:We mean with it Science Looking at transition The qualities The object District From Generation to me Generation, And such Changing phenomena Related In a way moving in. [51])

The footprint Alu t Atsh Genetic at Each From The two terms Scientific And juristic: He Disclosure Which Identifies Human connection From it causes at His presence About A road Analysis part or a J a Flesh From Acid) DNA) Stationed at nucleus Which Cell It appears This Analysis at picture Condition From Two strings, And represent One of the two chains adjectives Alu hereditary From the mother And the series The other From adjectives Alu inherited from the father, And the sum of the two series He Distinguish Each man With adjectives Solo About Other [52] As Know Fingerprint Alu t Atsh It" Interfaces Genetic Rate to me Genetics Legacies Detailed That indicates On Identity Each An individual With a sample, Which Instrument No Almost And mistake at Verification From Parents Biologists and verification From Personality , ([53] and it is called nucleic acid due to its presence and its permanent stationing in the nuclei of cells of all living organisms, starting from bacteria, fungi, plants and animals and ending with the human being except for the red blood cells of the human being , as they have no nucleus, and the results of the results reach 100%. citizens in the country are taken from birth and kept in the computer to go back to it when needed ([54] . And these Fingerprint Alu t Athih In addition to me Take t organism The other Which Support her at Disclosure Prove a place the crime or His denial whether was it S t organism Mentality or Material to her Impact Adult at Connectivity between Criminal and crime The fact at No place And detection About Rationale the crime gesticulate Shrouded From ambiguity, In addition to that Fingerprint Genetic s d Support her The evidence Agreed on her between Jurists As testimony or Acknowledgment And all that for him Its effect From Where Proof Place the crime or His denial. and this is No Means that Genetic footprint when Reveal About Person Criminal it's a He The criminal is already out but may be Shrouded that S Rain again Denies that is being He Criminal Real, The genetic fingerprint So she is presumption Proof or Denial Depends Archaeology Humanity As blood And saliva And semen And others ([55] The fingerprint Alo hereditary in a crime Fornication Prove In a way strong that semen For a person Which Revealed about him Laboratory analyzes but she No Proven In a way Boycott On it's a Committed Fornication.And also at My crime Stealing And murder They will Prove In a way strong to me that the person It was It is a at Place the crime but she No Indicate In a way strong to me it's a perpetrator the crime And that that Fraud And deception has Enters Until at Genetic footprint Lost Gets Criminal Real On fingerprint Person Innocent Bruising or Saliva In any method Hefa Rafia and puts it at Place the crime To be done Being charged, So she was Genetic footprint Strong at Investigation Criminal It marred Think at Evidence Criminal ([56] We conclude that Utilization Technology Fingerprint Genetic, Perform A picture More Effectiveness at reveal Ambiguity of crimes Especially Crimes that Commits From Person One And

methods A different criminal , And in Spaced intervals, as such lead to me Reduction From commission Crimes, Because The culprit Thinking Times Several Before His foot On the crime Lest Exposure His command, Revealed Crime [57])

Legitimacy Directory Derived From check up Fingerprint Genetic

Firstly: Attitude Jurisprudence From Fingerprint Genetic : disagree Jurisprudence On Bezel Legitimacy Directory Derived From Fingerprint Genetic as the rest The evidence Modern science, Lost He went side From Jurisprudence to me consideration Analysis Fingerprint Genetic is longer From Business The inspection It is not limited On The dwelling but Includes Also Persons Which His body whether Attached The matter With organs Internal or External So See friends This The direction that Get On Sample Biological Aims to me Find a guide material For crime Search Persons ([58]). On When consider it Jurists others It as Prepare From Business Experience As a Depends On the work The technical expert, and this is the difference Was invited Some Jurists to me knowledge Site Fingerprint Genetic within The clues are divided to me Two sections: Department Saw her Pod Categorical For accuracy Their results, And section else See It No Measure up To the segment, Because Theories Scientific Whatever I rose No Measure up For level Segment And Stay Shop Doubt The mbar t accused that Its origin Categorical But Circumstances Surrounding And Alag t nos Complex At Analysis Decreased Of its value . ([59]) Based on Than Already, The Fingerprint Alu t a w Yeh, Prepare Directory Proof Is denied in the rate of 100% if Done Acid analysis Nuclear In a way Healthy, Because Prospect similarity Between Humans Other Ward, On Reverse Species The blood is over there Rate Prospect similarity Between Humans, gesticulate Confirm Authentic Absolute toDNA Possibility Take it From No hangover Human Liquid, "the blood, Saliva, semen, or Tissue..... ", as such It Resist Items Analysis and rot And factors Climatic Different [60])

Third: the fingerprint

It is more accurate than the fingerprint of the hand, because each eye has its characteristics that are not the same with others, even if they are for one person ,and some banks have used this fingerprint to secure bank treasures, just as they currently secure them with the voice fingerprint . I have Done Development Technique Identify On Identity Through iris Eye Which Prepare From More t echniques Accuracy at the world Because for every Person iris Related Form Different About Other Until That shape The iris Differs from between Twins And that Because iris Eye Humanity Contains On Two hundred and six Sixty Property Record at when that Fingerprints Fingers Contains On Forty properties Record Could Identify On the person From During it Where Could Identify On a fingerprint Eyes From During Camera Private . ([61]) And in a way my work Complete take photo The iris With a camera Provided With a microscope To zoom in and note Ation Likeness And the difference between Which Two pictures Two eyes Two different And it can Imaging and analysis Styles Complex For the vessels Capillaries Bloody the background To the eye Which It said about her That for each man Of which Pattern Private in which No Similar this is Styles between Persons All of them At all Has been Excellence at Its accuracy Fingerprints Fingers Then he rises the person Looking at Lens device Main It is done take photo background Eye by Rays Under Red Which issued the device Then get up the device By comparing it With Pictures Stored at memory the device And then possibility Identify On the person Direct [62])

Fourth: the smell imprint

From the facts Scientific that for every man Smell Distinctive Different From Person For another It attributed this To exist Material Proteinuria get up To analyze it Bacteria Existing On Body Mankind that And that produces about her Odor Distinctive For a person It was said that Odor Distinctive For a person Refer To secretion A liquid heavy white the color Not available Odor Includes On Material Decomposition by Existing bacteria On Skin It produces about her Material Related Smell Distinctive Has been realized Human That's his sense And he could Identify On Odor and surely Differentiates between Persons Until and surely Be led M of time ,and he What Confirm it The Quran Generous On Tongue Yacoub on him Peace Where is found Yusef smell on

It is The Recognition Derived From this is The instrument Is counted void Because From Health Recognition that Be recognized Tamattu awareness , and all His strength Rationality [73]^()

Authentic Output recognition About Hypnosis Magnetic : stabilized provisions Judicial On Refusal Utilization Instr ument Hypnosis Magnetic Purpose arrive to Confession of the accused The results were considered The collector On it Other taken It out whether From Before Algerian judge or Judges Others, Where that France at Matter The case Known An issue Famous speeches Which Revolted In it For the first Once Issue Authentic Device Hypnosis Magnetic Year 1922m Which Check out From the judge Because he For a to me Hypnosis Magnetic at Achieve it To Arrive To find out Accused The real and considered The instrument In it assault On rights The human. ([74])

Sasa : A lie detector

Lie detector :that the device Mail Flour Who uses To measure Impulses Different at Tougher The object District, Especially at Human and recording Vibrational Divergent at His temper And his senses And fixing Ation A mistake or Lying Or misinformation at His sayings And his actions . ([75]) This is the device Depends On Measuring changes Physiological For devices Involuntary at Body Human Like a pulse And race And blood pressure And movement Breathing And movement Muscles And tone the sound, calendar To raise it About Group path From questions Clarify From During Devices the body Involuntary Bezel charity or a lie.Excellence this is means On It means Scientific No Leave Effect material at body the person, or The accused interrogator, But Jurisprudence And elimination may be settle down Ago interval Long On Refusal Use them, And arrange Criminal responsibility at Some cases Use it , ([76]) as that this is means No effect at The will of the accused or witness, but that her job He Record physiological changes at Body Human, And this The instrument Depends On Measurement pressure the blood And speed Breathing, As well as secretion Ethnicity As a device reveal Lying And servo Watch that Measure Change Thermal For the face , ([77]) considered Device reveal Lying From Devices Second-hand To detect About Crimes committed, Which to use at Lineage Crimes to me The perpetrators and is of Between means Scientific Hadith, Which Use It out at field Criminal prosecution, And idea This the device did not Be Modern the covenant but It idea It started Ago Old At Many Of societies Old, And that Depends On Physiological changes Which Exposed to her the person during Asked about Crime, Therefore You are tired Several changes at His question About The crime Which From During it Can Disclosure From the truth, Revealed lie or Truth the person Accused. ([78])

Legitimacy Utilization Device reveal Lying : What Can Provoked him at field Utilization Device reveal Lying He The question About Bezel Permission to use This Type From Methods From Yes Disclosure About The truth, On Though From that Utilization like this The instrument Prepare Trespass On Freedom Personality And prejudice With safety Somatic For a person, So M differed I stand up Jurisprudence And legislation About Legitimacy Utilization this is The instrument to reach to me Directory strong at Field of evidence ([79]) With regard to Following We will explain Situation Juristic And legislative Elimination, Whereas Relates to With the help of With a device Polygraph.

Attitude Jurisprudence From Utilization Device reveal Lying : I have Differed Positions, Concerning Acceptance Utilization Device reveal Lying at Evidence, The jurists were divided to me Two directions, Between Supporter And exhibitions For this Technology.

Direction The Pro To use Device reveal Lying: Turn This Jurisprudence to me To say That he is Not There is What Prevent from Utilization Device reveal Lying at field The investigation The criminal, And their arguments at that That Utilization Detection device Lying No Affects On The will of the person, Nor Arrange On Use it Cancellation to figure At The accused or the witness, Rather Remains at Whole Consciousness [80]^()

Direction Exhibitions To use Device reveal Lying: Acknowledges This The direction On Non Taking With results To it About A road Device reveal Lying at Evidence The criminal, And not being Passport seek refuge To

her Directly either Satisfied Accused or witness To undergo For like This the test or did not Satisfied with it, And the recognition is done Get It void, Because he Released As a result Procedures void ([81])
 He returns friends This The direction to me Non Accuracy Results Which Done Reach To it About A road Using a device reveal Lying And its results Not Fixed Scientifically, as such that over there Rate From The error And be Impossible on The expert that Prove What if It was Accused honest or Untruthful, Than Meaning Non Confidence at Results. ([82]) as such that Device reveal Lying No Affects On Usual Alag ra m, Understanding may be They lie Nor Issued About them ie Agitation Can Recording it, From party Device reveal Lying Reverse Some Persons Personality disorder, These are Score the device Some Agitation Because the fear A picture Other Regular. ([83]) As for For the legislator The Egyptian Lost Male Some On it's a No There is What Transforms Without Utilization Detection device Lying And that For not Text It at Egyptian criminal law Which did not Determined means Get On the evidence Raised, And did not Stipulates Invalidly Utilization This the device, but leave Freedom Appreciation this is The evidence To the criminal judge ([84])

Seventh : audio recording

Register Voice : He Transfer Waves Sonic From Its sources In its tones And its individual advantages And its properties Subjectivity Including Carry it From Disadvantages or Crises at Pronunciation to me Recording tape inside Box "cassette" in which Could Return Hearing the sound To know On its content And realization Its properties Which form Items Comparison At Match it On The person's voice The level mechanism Than Lets report Its chain of transmission mechanism or Denial That. ([85]) I have Led Development Technological Hadith to me Appearance of Devices Related watch Technology High, And did not Use is limited Devices Watch on Devices Eavesdropping Which Pick up Hadiths Wired Wireless, but Its capacity extended Superlative to me Pick up Calls Which Done Online way as such has become From Easy Also taking pictures Persons accurately High, and this is The matter make Human Is lost His freedom And his secrets Own. ([86]) It is represented by placing a recording observation on the accused's phones, or placing highly sensitive images in the places that the accused frequently visits, for example, and after viewing them for analysis, the voice tag is distinguished as it is in phonology because the possibility of two people having the same imprint of the voice is elusive. And from Certain That means Eavesdropping And registration Modern to her Effect Big at violation freedom The individual Personal, you will not Can The individual There this is means that Free to me Himself or Reassures to me His talk, especially that Authority And even Sector Etc. Iss It out Finer Devices And newer Technological means You use it when She wants to observe Individuals Basim interest the public or Security imperatives the National, Watch Authority For individuals Because Their opinions or Their doctrines Political Or their beliefs has become Familiar at Our time The present ([87])

Eighth : the camera

Is considered right the person at His picture an item From Items Life Human Own, And appearance From appearances His personality Which No It is permissible Infringement On it. ([88]) And make sanctions For trespassers On this is Forbidden at Law Penalties, And that To face Risks That are exposed to her Life Own For individuals, And aggravated And increase efficiency Lenses Machines Photography About distance That cancel barrier distance, And servo Photography Infrared Under Red that Available broken into the field Personal profile At night With her ability On Pick up picture Minutes, And mirrors Related Duplication Visible Nouns With mirrors Imperfect that Available Over the Dome of the person or Photograph it inside Place Closed From During glass Like a mirror.

That is As well as About Machines Photography The minute Which Easy Hide them at Which Place To photograph From inside. ([89]) But System t a To increase The crime And high Their rates And use Criminals For anyone Methods Scientific In committing it, Led to me Imperative seek refuge To her, But Available Two conditions Basics To own Authentic:

-that Be Picture Free From Manipulation Misrepresentation, Nor Can making sure from him Except From party An expert Competent of that.

-that Be Picture to her Link Incident Pain t ed Prove it, And here we say that Authority Return To the judge Appreciated [90])

Varies Directory The resulting About Photography Hidden at Place Year About The private, Where that The problem is at Photography at the places Own Where Located Infraction For provisions Legal, The guide Derived Including them Project Except if Attached The matter Palj t Facilities Which Select it The legislator On Avenue Inventory at The flagrant crime It out, C t Facilities Drug t s Table t Facilities The Diamond By regulation Treated The Mechanism For the data, C Ra Im Money laundering And C t Facilities Terrorism, C t Facilities Related By legislation The private In exchange, And such C t Facilities Corruption. ([91]) With regard to Relates to By photographing at the places the public The Directory Derived Is counted A project Because he No Perform Violated rights Thousand t Ed, Nor Touches sanctity Their lives Special . ([92]) It is more accurate in taking pictures that show and clarify the incident, person or behavior that is presented before the judge with absolute accuracy, and it is a strong presumption had it not been for the human intervention in the filming and the possibility presented by forgery and manipulation, it would have been a strong conclusive evidence that indicates certainty in the proof.

The views of jurists in phonograms and photography: Contemporary jurists differed on the extent of legitimacy of phonograms and photography, and their reliance on criminal evidence?

The first party : sees that these new evidences are not taken into account in the judiciary, and they should not be considered a means of legal proof, and they protested the following:

The first evidence :that the audio recording and eavesdropping on phone calls, as well as photography by stealth devices, all of this is an attack on people and a disclosure of their secrets and blemishes, and a knowledge of what they are keen to hide, and all of this enters in the door of espionage and eavesdropping, which is what God forbid. ((And do not spy)) [93])

It was said to Ibn Masoud τ This al-Walid bin Uqba distills his beard with wine, so he said: I have forbidden us from espionage, but to show us something from him that we take ([94]) . It was narrated that Umar ibn al-Khattab τ It happened that Abu Muhjin Al-Thaqafi was drinking wine with his companions in his house, so Omar went until he entered it, so if he only has a man, Abu Muhajin said: This is not permissible for you, God has forbidden you from espionage, so Omar went out and left [95]) .

It was narrated from Abd al-Rahman bin Auf, who said: I guarded a night with Omar bin Khattab τ In the city, when a lamp appeared in a house of dried out people with loud voices and murmurs, Omar said: This is the house of Rabiaa ibn Umiya bin Khalaf and they are now drinking, so what do you see? I said: I see that we have come to what God forbade, God Almighty said (and do not spy)) We spied, and Omar left and left them . ([96]) Through what is mentioned in the evidence, it seems to me :that in normal situations, it is not permissible to track people, take their photos, record their voices surreptitiously, without their knowledge and consent, and also monitor their personal calls, because that has a special sanctity .It is not permissible for anyone to see it as it is one of the privacy of individuals and their secrets, and the law protected this privacy.

After this statement of Islam’s position on espionage, we recall that the jurists, may God have mercy on them, have made exceptions to this forbidden origin based on the rules of necessities and the legal policy, so they mentioned that it is permissible to do the forbidden (“espionage”) in cases of necessity, to pay the evils and expected crimes, when The emergence of strong suspicion, or news of trust, or there is a forbidden one that can be avoided, such as murder and adultery, so it is permissible in such cases to spy on guard against missing what is not remedied from violating the incest, and committing prohibitions, so it is permissible in cases of necessity - in the case of emirates indicating the commission of the crime [97])

Abu Hamid al-Ghazali says: It is not permissible to take a hearing over another's house to hear the sound of the strings, and not to inhale to realize the smell of wine, nor to touch what is in his garment to know the shape of the glottis, nor to inquire from his neighbors to tell him what is going on in his house, yes if Adlan told him from Other than the intelligence that a person drinking wine in his home , or that a wine has a wine prepared by him in order to

drink, then he has to smoke his house, so he does not have to ask permission and his property is exceeded by entering to reach the payment of evil, and accept the testimony of one justice ⁽⁹⁸⁾. Likewise, in the event that the reasons for espionage are available by the guardian, they must spy on the people of doubt in the case of mistrust in order to investigate and uncover the crime, and Abu Ali and Al-Mawardi referred to this: It is in these cases that leaving spying is a violation It is forbidden to miss its remedy, or to tell him who trusts his honesty and integrity, that a man who is unfaithful to a woman to commit adultery or a man to kill him, then he may use prohibited means to benefit him in the palm of harm, and maintenance of taboos, and the preservation of souls and symptoms, for fear of violating the incest and committing prohibitions, and for fear Whoever misses what is not remedied, except in this manner that includes espionage ^[99].

In these cases, he works with the assumptions set by the legal controls, and leaving work with this type leads to the disruption of many overwhelming interests ⁽¹⁰⁰⁾. It can also be inferred from this hadith of Hatib bin Abi Balatah, who was narrated by Ali Ibn Abi Talib τ :So we said, bring the book out, and she said, I do not have a book, so we said: To get the book out, or to throw clothes, so I brought it out of its brains ^[101]. Al-Baghawi says: This hadith indicates that it is permissible to consider the book of others without his permission, even if it is a secret, if it contains suspicion and harm to others ^[102].

Through what the jurists mentioned, it is permissible to track the suspect and monitor him and see his secrets in a felony whose perpetrator is unknown or in a foreseeable felony, in order to know the perpetrator if there are strong emirates indicating the suspect .The investigator or the concerned authority based on what we mentioned to them has the authority that allows them to limit the freedom of the suspect and restrict some of his rights in order to reveal the truth , and the authority of the judge and the investigator in this matter is not originally, but is an exception from the original, it is not permissible to expand it, but must be limited to what the necessity requires Therefore, the state should decide on a number of guarantees to protect the accused on the one hand, and care for the public right on the other ^[103].

Accordingly, there is nothing in the Sharia that prevents justice from using the fruits of scientific development, and taking advantage of the evidence of phonograms and photography in explaining the truth and tracking the perpetrators and condemning them, and there is no more violation of rights and prohibitions than in arrest and search, and this measure and restriction of the accused's freedom is not a denial of the original innocence, But it is a temporary measure dictated by necessity ^[104].

The second team:

Obstacles protesting that filming and recording are an argument in criminal evidence that they are not conclusive evidence, and because they accept forgery and camouflage.

As for the sound, it is subject to similarity and simulation. The possibility of similarity of voices is possible, and some may imitate others 'voices. The likelihood of forgery in it is a suspicion that prevents it from working with it.It is possible that coercion is permissible, or it is possible that the voice was playing and playing, not serious .With the existence of these possibilities and suspicions that respond to the context of sound, and with this weakness that afflicts it and this turmoil in it, it is not suitable to be a basis for building judgment on it and a way to judge people according to it. As for the image: it is also falsifiable, by means of (dubbing it), and also There is a possibility that the images of people are similar .Therefore , it is not valid to be an argument according to which the people's money, their symptoms and their judgment will be judged, as it is not a definite presumption, because what he responds to are suspicions that weaken and distort them, and make them unfit to build judgment on them.

This reasoning is discussed: that the evidence of sound and image is not taken as evidence in the criminal proof by releasing it without restriction or condition or control, but there are considerable conditions that must be observed and adhered to in order to be adopted in the evidence and taken into account ,from which there must be a link between this image and the issues presented in The case, including verifying the authenticity of the image in representing the facts and expressing them truthfully ,and establishing technical evidence on their content by a qualified expert and a specialist in this regard , to ensure their integrity from forgery ^[105].

Through what we have mentioned, the Sharia has protected these peculiarities as well as statutory legislation, in normal conditions, but if there is a necessity and the need to protect justice, if there are signs indicating that a crime has been committed or expected to be committed and a strong suspicion has arisen around persons, it is permissible to exclude from the forbidden origin, restriction The freedom of the accused and benefit from the evidence of audio and light recording and video equipment , as well as telephone eavesdropping to explain the truth and follow the perpetrators and convict them, taking into account the controls, conditions and restrictions that must be available in these new clues, and taking them into account in the criminal evidence ,and giving the judge wide freedom to estimate the evidence and conviction of Ha, with the cause of acceptance or rejection [106]).

Ninth : Police dogs

And from Methods Modern Which Prepare From within Track Effects Criminals at Place Crime to seek help With dogs Deterrence And who Separate To say In which On As following:

Agreed Jurists On Use With dogs at the hunt And h t Aceh Implant And livestock, They differed In the use of It out at Non this is The three As a dog Impact On There are two opinions [107])

The first saying : it is permissible Use With the dog Never whether at the hunt or Cattle guarding And transplant And others This is for the benefit. and he say public Jurists ([108]) Lua had an inferred passport Use With the dog at Non the hunt H head Cattle And transplant Analogy so they said: that Use With the dog at Track Impact And more at meaning of The three The other Which: Hunting and cattle guarding And plowing And that For bug the University Between them Which the need And benefit. It is permissible Use It out For benefits all of which And pay Disadvantages Especially From Placements Frightened In it theft If jazz Use It out To save the money The first To save Souls From that You go Waste [109])

The second saying :No. Permissible Use With the dog Except at three Fishing or cattle or plow, and he say The Hanbali ([110]) has Astd Loa on non Passport Use With dogs at Non the hunt And the guards of And planting per year On As following:

- 1- About OmarτAbout the ProphetpHe said:))From Buy it Dog Not With a dog cattle or Harmony deficiency Each Yu M From Currency Two carats)) [111])
- 2On the authority of Abu Hurairah τHe said: The Messenger of God saidp))From Catch Dog For it is Decreases Each Yu M from Currency carat Except dog free Th or cattle((([112])^{The} aspect of inference: clear From During The hadiths Ex that ProphetpInventory Use With the dog at Three things she: the hunt And plowing Cattle guarding Nor Guide On Use with it at Non this is Things happen.

It was discussed Inference Speaking Including Follows: That he is Possibly it's a It was at Start Islam because they are they were Write having Dogs, and surely dog If it is unclean Eye Except it's a It is permitted Use with it Legally And to seek help with it at status Necessity [113])

Weighting :after Show The evidence Previous It turns out it's a On Though From Health The evidence Which Infer It out Sayers of prohibition Except that Understand them It was Just because apparent Text On Though From that over there Destination Great Except It is a need And necessity, And no doubt that the hunt And plowing And cattle she need And necessity Required Use of a dog at Save them, And to seek help With the dog at Track Effects Criminals And Disclosure About Place The most severe crime need And necessity To deliver Rights to me The owners And realization Justice

Conclusion

- 1- that Islamic Law Islamic Run up Laws The position at put The actors Which Specializes Adjust the place the crime but she was On level The finest And higher From During Text On Preservation of rights and dignities during Disclosure About Crimes including Memorizes For people Their symptoms and money And their blood Than Pamper On the distance Civilized Which I arrived mechanism The state Islamic at that time.
- 2- over there Some means Scientific Perform Use it to me to break Fatal Freedom And rights Individuality Like devices Pain t of the dome, Except it's a System t a For benefits Which Arrive To

- it to reach to me Criminal Really, it passed Most of the legislation Use it Especially at Some crimes Serious.
- 3- Utilization means Scientific In all Its types lead to to me Reduction From commission Table t Facilities Because The culprit Will think M t s Several Before His foot On commission The crime Lest Exposure His command Revealed The crime.
 - 4- The glorious Sharia recognized all rights of people, and empowered them with the right to protect, defend and prove them before the courts when they disputed, and to prevent abuse, so it initiated testimony and documentation of transactions, and stipulated evidence and methods of evidence to achieve the right and the application of justice between people within the jurisdiction of the judicial system.
 - 5- He showed us that martyrdom is a means of proving its legal conditions, regardless of the circumstances and circumstances , and that it serves as an argument in all rights.
 - 6- Acknowledgment is the master of evidence in evidence , and it is an argument on its own, and it is complete evidence, and an argument confined to its owner, and that the acknowledgment does not accept division at all.
 - 7- It has been proven to us that the evidence is a means of proof and is a backup tool, and it is the primary reliable in the hands of the judge to examine the facts.
 - 8- Examination is a means to help the judge in revealing the truth, clarifying the reality with vision and placing points on the letters, whether he did it by himself or through his deputy, and the experience is to seek the help of specialists in the accurate matters that need to be practiced and studied, and general culture and simple information are not sufficient.

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[1] See: Dictionary of Contemporary Arabic Language, Author: Dr. Ahmed Mukhtar Abdul Hamid, 3/2441.

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[3] See: Ocean dictionary: Majd al -Din Muhammad Al - Fayroozabaadi / 144-145, Mukhtar Asahah: the Razzie:, S81-82

[4] See: Glossary of the language of scholars 1/41, the Islamic Fiqh Encyclopedia: under the supervision of Sheikh Mohammad Abu Zahra, 3/136.

[5] See the basic principles of criminal investigations and procedures: Ali Zaki Orabi 1940 CE, 1/558

[6] See: San Arabs: 7/604, selected Asahah p ,43 . the lamp illuminating material: Rum, 1/97.

[7] See :Crime And Punishment in Islamic Jurisprudence, Muhammad Abu Zahra, p. 19

[8] See the verdicts Bowl: the Maurdi, p322 .

[9] See: Islamic comparative criminal legislation positive law: Abdel Qader return, 1/66.

[10] See :Crime: Jean Markiysais, translation Issa Asfour, S5-6.

[11] See: electronic crime, Egyptian Abdul Saboor, p.27 .

[12] See Badaa'i Sanai in the order of laws: the Cassani, Dar scientific books, i 2.1406 e-1986m: 7/233, the beginning of the industrious and the end of economizer, Ibn Rushd: 2/394, singer in need of Cherbana 5/255, singer son Kudamah: 8/389.

[13] did not Exposed Jurists For this Term By definition And did not Hold it for him Baba Independently But rather They touched for him From During Their offsets are related Relationship, And streamed at Folds Wrote them Jurisprudence, and preview Language: view, view, preview Idiomatically It is :See the thing. Preview: Specific view. It is: Vision Place Crime and tuning excitement Which Left over The culprit after His commission For the crime, see :Mukhtar Al-Sahah: Bab Al-Ain, 1,467, Origins Investigation Criminal in Islamic Law: Muhammad Rashid Al-Omar:s ,145act .Inspection in the law: The law examined inspection as a means of proof, and authorized the court to resort to inspection from itself or by requesting litigants, and inspection is one of the most important evidence in material means, because it enables the court to examine the subject of the dispute on its own, and its belief is on the defendant to extract the ruling in it. In some cases, the examination is the only definitive evidence in the case: It is considered: The mediator in explaining the Civil and Commercial Procedures Law: Dr. Rosy Saif, p. 504.

[14] See: Evidence means in Islamic law: Muhammad Al-Zuhaili: 2/590, Evidence by inspection and experience in jurisprudence and law, Jamal Al-Kilani: p. 274.

[15] seen: prove the criminal case comparative study: Nasser: p24 .

[16] Surat Yusuf Al-Ayat, 25-28

[17] See: Al-Bayan Mosque in Tawil Al-Qur'an: Al-Tabari: 16/59

[18] Sahih Muslim,)Book, jihad And walk, Door, merit the killer looting The dead man (3/137) with the hadith number (1752)

[19] Al -Manhaj) Explanation of Sahih Muslim: Al-Nawawi 12/62.

[20] (Al -Hikmiya al-Hikmiya): Muhammad ibn Abi Bakr Shams al-Din Ibn al-Qayyim, p. 44, I have no basis for it.

[21] recognition of language: is the recognition, which is the right to show rude or write or sign .See: Tongue of the Arabs: 5 / 84-88

And idiomatically: The jurists have introduced it to different definitions according to their difference in the provisions related to it among them. The Hanafi defined it as: a report about establishing the right of others to himself .Al-Malikiyah defined him as: a news that requires the ruling of his sincerity on his saying only with the word or the word of his deputy, and the Shafi'i defined it as: informing of a fixed right on the informant, and the Hanbali defined it: that it is recognition, and it is the manifestation of the right verbally, in writing or by reference, and this is consistent with the linguistic definition. See it: the facts are revealed: 2/5, Fateh al-Qadeer: 6/279 .Explanation of the boundaries of Ibn Arafa: p. 332, Sharh al-Khurshi 6/87, footnote Desouqi: 3/397, Mughni al-Muhtaj: 2/238, Fadd al-Malik al-Malik: 2/102 .Jokes and Sunni Benefits: 2/359, Scout of the Mask: 4/290, ending of wills: 4/335 .The definition chosen: is what the Hanafi went to, because it is a comprehensive, blocking definition, and because he knew his truth.

[22] Seen: Mughni Al-Muhtaj: 5/491.

[23] Sahih Bukhari: Book: Discounts, Door: What Mentioned at People Antagonism between Muslim and Jews: 3/121, hadith number: 2413.

[24]No I can) Which He stated by this Pronunciation And did not Not be about him Including Denotes on him And in Its meaning. A view Suspension Mustafa Prostitutes On true Bukhari 8/167

[25] Sahih Bukhari: Book borders: the door: Do you say to the headquarters of the Imam, 8/167, No. 682 talk
[26]) (See): Al-Mabsut Al-Sarkhasi: 9/38

[27] the same source.

[28] The clues are in language: plural of presumption: It is the indication of something without use in it, but rather by comparison and accompaniment, or is something that refers to the intended, see :Lisan Al-Arab 336/3 :and idiomatically: the jurists defined the context in the sense of the emirate, which is what is required From knowledge of the belief in the existence of the meaning of clouds in relation to the rain, it is necessary to be aware of the belief in the existence of rain. See :Definitions of Al-Jarjani: p. 117.

As for the law, it is what the legislator or judge deduces from a known matter to indicate an unknown matter .Evidence in the legal articles: p. 283.

[29]) (A (A group of jurists considers it permissible to rely on the evidence and consider it one of the methods of legal proof, and thus Ibn Al-Arabi, Ibn Al-Ghars Al-Hanafi, Ibn Farahun, Ibn Rajab Al-Hanbali, Al-Ezz Bin Abdul Salam, Al-Nawawi, Ibn Hajar Al-Asqalani, Al-Kasani, and Al-Zailai'i said, Al-San'ani, See: The Rulings of the Qur'an: Ibn al-Arabi, 1/254, Tabsrah al-Hakam, Ibn Farhun, 1/161, The Rules: Ibn Rajab al-Hanbali, p. 26, The Rulings of Rulings in the Reform of the People: Izz al-Din bin Abd al-Salam, 1/126, al-Minhaj Sahih Muslim bin Al-Hajjaj: Al-Nawawi 10/39, Fath Al-Bari Sharh Sahih Al-Bukhari: Ibn Hajar Al-Asqalani, 12/154, Sabil Al-Salam: Al-Sanani, Nizar Library, Mecca, 2nd edition, 2004 AD, 3/85.

[30] Alksamh language: right or alliance: See: San Arabs: 40/360, and Alksamh idiomatically: When you tap :is to say fifty of the people of the camp if people found them: God what we killed him and taught him a murderer, and said Maliki that NATO Alksamh is fifty right or part of the blood evidence, which is Shaafa'is: the name of the faith that divides the blood parents, and when Hanbali faith is repeated in case the deceased, see :Badaa'i Sanai ,286/7 and the supplement of Fateh Al-Qadeer 8/384 , talents of Galilee, an explanation of Mukhtar Khalil 6/273, and jurisprudence laws p. 228, Mughni al-Muhtaj 4/109, Mughni and al-Sharh al-Kabeer 10/2, and the branches by Ibn Muflih 6/46.

[31]) (See) Bada`a Al-Sanea ' : 7/286, Fawwani Al-Dawani: 2/180 Mughni Al-Muhtaj 5/382

[32] Narrated by al brief in his Sunan grand, book etiquette of the judge, the door of validation in the judgment, 10/179, talk No. 20 274

[33] scholars differed in the definition according to the certificate differences in the provisions related to them .The Hanafis defined it as: a truthful telling to prove the right to utter the testimony in the judge's council , and Ibn Arafa al-Maliki defined it as: he said so that the ruler has to hear the ruling according to which his saying was modified with his multiplicity or swore his student , and Shafi'i defined it with two definitions: the first definition: The third definition is a witness. The second definition is that it is telling about something with a special word, and Hanbali defined it as: telling what he learned with a special word, and the preference of the first Shafi'i definition appears with the addition of the term "(person)", which is the informant, because it is an inclusive and preventive definition that is clearer than others ,See: Fateh al-Qadeer: 6/2, Al-Durr al-Mukhtar 5/461, al-Bahr al-Fireat 7/56, Grant of Galilee: 4 / 215 Talents of Galilee 6/151 .Qalubi, a footnote to Sharh al-Mahali: 4/318, a footnote to a camel to explain the approach: 5/377 .The scout of the mask: Al-Bahwati: 4/242, the ultimate of wills: Al-Bhuti: 4/314, Evidence of Proof in Islamic Law: Dr. Mustafa Al-Zuhaili, 1/105 .The testimony differentiates between testimony, acknowledgment, suit, and narration, and acknowledgment tells the person the right of others over himself, and the suit informs the person right to himself over others, and testimony tells the person the right of others over others, and the narration is a report on a general topic that does not relate to a person himself :looks: likenesses and isotopes: Al-Suyuti: p. 530 .As for the definition of martyrdom in the law: There was no definition of martyrdom in positive law, and the explanations of the law rarely dealt with the definition of martyrdom, and whoever knew it from them did not come out of its definition from the definition of jurists if it was not quoted from them .See: Evidence of Islamic law: 1/113.

[34]) (Surat Al-Baqara (from verse 282.

[35] Sura part of the verse 283.

[36]) (Surat Al-Imran: Verse 77, Sahih Al-Bukhari: Book of Revelation Beginning, 3/187, Hadith No. 2515, Sahih Muslim: Chapter and Feast of the One Who Deducts the Right of a Muslim with a Blind Right: 1/86, Hadith No. 373.

[37] Sahih Muslim nuclear: 2/154 to explain, set up the banner: 4/94 Zayla'i said: Narrated by Bukhari and Muslim.

- [38] : (The chapters and chapters are considered in the provisions of the testimony of dependents: al-Maliki Barlusi: 153, Scout of the Mask 4/242, Mughni Al-Muhtaj 4/426.
- [39]) (See): The rulers' insight: 1/209, Al-Mabsut: 16/166, Al-Mughni: 9/216, Differences: 4/34.
- [40]) (Seen): The Egyptian Civil Rationing: Dr. Gamal El-Din El-Atify, 2/430.
- [41]) (See) Al-Wajeez in explaining the Civil Law: Dr. Abdul-Razzaq Al-Sanhouri: 1966, p. 633.
- [42]) (See): Means of Evidence in Islamic Sharia: 1/134.
- [43])See): Fingerprints and their Impact on Criminal Evidence: Attia Tariq Ibrahimiyah al-Desouki, p. 11.
- [44] seen: the modern means of criminal Algerian law to prove, Abbas Khawla, Master 2014, p34 .
- [45])Surat Yassin, verse 65)
- [46] seen: forensic and criminal investigation, Mansour Omar Maaytah, p.71 .
- [47] seen: the criminal protection of the right to the integrity of the body in the Algerian law and comparative law Alasalamahmrok Naseeruddin, p.65 .
- [48] A man Done stamping : thick, And deafness : come in What between party Pinky to me party Al-Bandar: See: Lisan Al-Arab: 3/295, and the genetic fingerprint idiomatically: It is the mark created in the cells of a person, identifying his identity, and which allows identification of its origins and branches mainly. See: The genetic fingerprint and its legal ties, p. 40.
- [49])See): Evidence of forensic evidence: Muhammad Ali Skiker, p. 352.
- [50] :The effect of blood and DNA on Islamic jurisprudence and law, seen by Bassam Muhammad Al-Qawasmi, p. 63
- [51] same source.
- [52] : (The effect of blood and DNA in Islamic jurisprudence and the law: p. 63.
- [53])See): Evidence of criminal evidence: p. 352.
- [54]) (See) The Genetic Footprint and its Authenticity in Criminal Evidence and Descent, Hussam Al-Ahmad, pp. 30-31.
- [55] : (The genetic fingerprint and its legal relationships: Saad Eddin MUSAAD Al-Hilali: p. 274, the genetic fingerprint in the criminal evidence between Sharia and the law: Fouad Abdel Moneim Ahmed: p. 69
- [56]The role of the genetic fingerprint in forensic evidence in Islamic jurisprudence: p. 182.
- [57])See: Genetic footprint and its authenticity in evidence and lineage, p. 149.
- [58] seen: the sanctity of private life and the theory of inspection, Tawfiq Mohammed Chaoui, p.246 .
- [59]) (See) The Argument for Evidence of Modern Criminal Evidence: Bin Lagha Aqila, p. 27.
- [60]) (See) The evidence of the DNA of the evidence: Tawfiq Sultani, p. 149.
- [61]) (See) The optical and audio fingerprints and their role in forensic evidence legally and legally, Abbas Ahmed Al-Baz, p. 23.
- [62]) (See): Using Scientific Methods Provided to Support Criminal Investigation Services, Hussein Ibrahim Al-Samahi, Part One, p. 34.
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