

## The Role of Digital Forensics as *Qarīnah Mu‘aṣirah* in Proving Cyber Offences Under Malaysian Islamic Evidence Law

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### Abstract

The rise of cybercrime cases such as online gambling (*al-maysir*) and *zina* through digital platforms poses an unprecedented challenge to the classical evidentiary structure in Islamic criminal law. Traditional evidentiary methods (*wasā'il al-ithbāt*) such as *iqrar* and *shahādah* are increasingly difficult to apply, especially in digital crime cases without physical interaction or direct witnesses. As a response to this evidentiary gap, digital forensics, which is based on validated scientific procedures, offers a reliable approach through the process of identifying, preserving and analyzing digital evidence. This study aims to examine how this digital forensic method can be recognized and integrated within the framework of Islamic criminal law, specifically as a valid form of *qarīnah* (circumstantial evidence) according to the principles of syariah evidence. This study uses a qualitative approach through document analysis that includes primary and secondary sources. Data were examined through qualitative content analysis using inductive approach. In addition, analogical reasoning was employed to bridge digital forensic evidence with classical concepts of *qarīnah* derived from the Qur'an and hadith. This integrated approach allows for a critical synthesis

between Islamic evidentiary principles and modern digital forensic methodologies. This study finds that digital evidence through forensic procedures is capable of providing strong evidentiary value within the framework of Islamic evidence law. These evidentiary forms conceptually correspond to the classical Islamic notions of *qarinah* through *al-‘alāmāt* and *al-amārāt*, which function as recognised indicators of criminal conduct. The findings also reveal that the logic underlying Locard’s Exchange Principle, which affirms that every action leaves a trace is not foreign to Islamic legal reasoning. In Malaysian legal system, The Syariah Court Evidence Act 1997 [Act 561] and Syariah Court Practice Directions issued by the Department of Syariah Judiciary Malaysia (JKSM) provide a normative basis for admitting digital evidence as means of proof. Relatively, the integration of digital forensics into the framework of Islamic evidence law upholds the dynamic capacity of the Syariah to uphold the *maqāsid* *Syariah*. However, the study identifies notable procedural and institutional limitations where religious enforcement officers lack digital forensic expertise and existing directives such as the 2007 Standing Instruction and Practice Direction No. 4 of 2020 remain general, outdated and lack of technical or verification standards for digital evidence.

**Keywords:** Digital Evidence, Forensic Digital, Islamic Criminal Law, Islamic Evidence, *Qarinah*

## Introduction

The rise of cybercrime has fundamentally transformed the nature of criminal activity and created new forms of harm that are almost impossible to detect, prosecute and adjudicate through traditional legal mechanisms.<sup>1</sup> Crimes under Islamic criminal law such as *hudūd*, *ta‘zīr* and *qisās* offences which were historically committed in physical environments are now gradually executed through digital means.<sup>2</sup> Acts that were once apparent and obvious in public spaces, such as gambling (*maysir*), which usually took place in physical venues, conducted secretly within private residences through online platforms and mobile applications.<sup>3</sup> This shift also highlights the revolution of other classical Syariah offenses such as *zīnā*, *qadhf*, *theft* and fraud into cyber-enabled crimes.<sup>4</sup>

<sup>1</sup> Meenakshi John Jatin Kumar, “Cyber - Crime and Cyber Criminals: A Global Perspective,” *International Journal of Science and Research (IJSR)* 12, no. 4 (April 5, 2023): 176–78, <https://doi.org/10.21275/sr23401085933>.

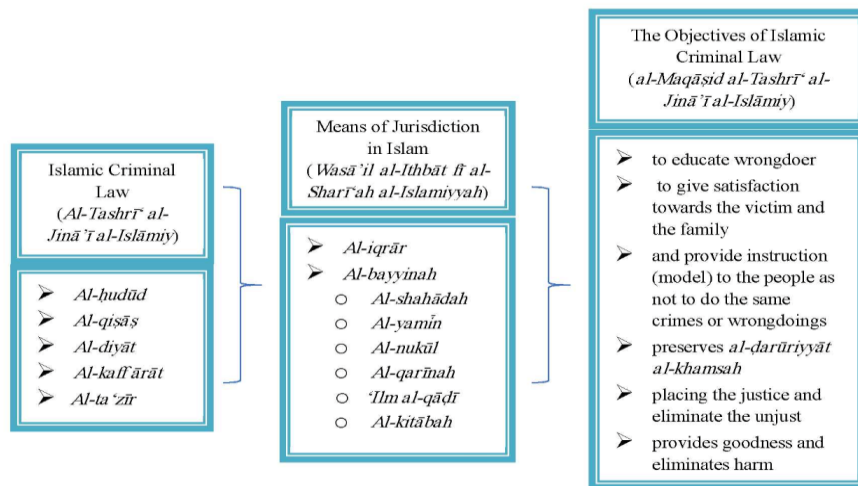
<sup>2</sup> Tuan Muhammad Faris Hamzi Tuan Ibrahim et al., “Pemetaan Perundangan Seksyen 70 Akta Tatacara Jenayah Syariah (Wilayah-Wilayah Persekutuan) 1997 [Akta 560]: Implikasi Terhadap Kesalahan Jenayah Syariah Di Alam Siber,” *Kanun: Jurnal Undang-Undang Malaysia* 37, no. 2 (2025): 263–282, <http://jurnal.dbp.my/index.php/kanun/article/view/9025>.

<sup>3</sup> Septu Haudli Bakhtiar and Azizah Nur Adilah, “Fenomena Judi Online : Faktor, Dampak, Pertanggungjawaban Hukum,” *Innovative* 4, no. 3 (May 6, 2024): 1016–26, <https://doi.org/10.31004/innovative.v4i3.10547>.

<sup>4</sup> Tuan Muhammad Faris Hamzi Tuan Ibrahim, Nasrul Hisyam Nur Muhamad, and Ahmad Syukran Baharuddin, “chain of custody parameters for digital forensic evidence in shariah criminal court proceedings,” *IJUM Law Journal* 33, no. 2 (November 30, 2025): 205–40, <https://doi.org/10.31436/iiumlj.v33i2.1088>.

Recent technological developments are seriously interrupting the traditional evidentiary structure in Islamic criminal law. The juristic tradition recognises several *wasā'il al-ithbāt* (means of proof), including testimony (*shahādah*), confession (*iqrār*), oath (*yamīn*), documentation (*kitābah*), expert opinion (*ra'y al-khabīr*), judicial knowledge (*'ilm al-qāḍi*), and circumstantial evidence (*qarinah*). Historically, Islamic criminal adjudication has relied predominantly on *shahādah* (eyewitness testimony) and *iqrār* (confession) as the primary means of establishing guilt.<sup>5</sup>

From the perspective of Islamic legal principles, the accomplishment of *maqāṣid al-sharī'ah* particularly in the field of criminal justice cannot be separated from transparent and effective mechanisms of proof.<sup>6</sup> In this regard, *wasā'il al-ithbāt* (means of proof) serve as the operational link that transforms the ethical objectives of *maqāṣid* into enforceable judicial outcomes. As Baharuddin<sup>7</sup> emphasises, *al-tashrī' al-jinā'ī al-Islāmī* and *maqāṣid al-tashrī' al-jinā'ī al-Islāmī* are interdependent with *wasā'il al-ithbāt* functioning as the mediating structure ensuring that justice is both procedurally and morally achieved.



**Figure 1.** The relationship between *Al-Tashrī' al-Jinā'ī al-Islāmī* and *Maqāṣid al-Tashrī' al-Jinā'ī al-Islāmī* through the framework of *Wasā'il al-Ithbāt fī al-Sharī'ah al-Islāmiyyah*.

<sup>5</sup> Lukman Abdul Mutalib, Wan Abdul Fattah Wan Ismail, and Abd Hamid Abdul Murad, *Al-Qarinah Dalam Hukum Hudud*, (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2017).

<sup>6</sup> Muhammad Hazim Ahmad and Ahmad Syukran Baharuddin, "Al-Muḥaqqiqu Al-Jinā'īy Fī Al-Fiqhī Al-Islāmiyy," *AL-MAQASID: The International Journal of Maqasid Studies and Advanced Islamic Research* 3, no. 1 (2022): 67–79, <https://doi.org/10.55265/almaqasid.v3i2.21>

<sup>7</sup> Ahmad Syukran Baharuddin, "The Integration of Forensic Science Fundamental and Al-Qarinah Towards Achieving Maqasid Al-Syariah" (Doctor of Philosophy, Universiti Teknologi Malaysia, 2017).

As demonstrated in Figure 1, the link between *al-Tashrī' al-Jinā'ī al-Islāmī* and *Maqāṣid al-Tashrī' al-Jinā'ī al-Islāmī* is interdependent and mediated by the framework of *wasā'il al-itbbāt*. This underscores that the fulfilment of *maqāṣid al-sharī'ah* in the administration of criminal justice cannot be achieved without effective mechanisms of proof. *Wasā'il al-itbbāt* are not just technical instruments for fact-establishment but they are substantive channels protecting fundamental values like religion, life, intellect, property and honor.<sup>8</sup>

As criminal activities migrate into digital spaces, it becomes essential for Islamic jurisprudence to reconsider its methods for determining liability. In this context, *al-qarīnah* has once again attracted scholarly attention. While its classical application was restricted in *hudud* and *qisās* cases due to the high evidentiary threshold, contemporary jurists have revisited its application in *ta'zīr* offences where discretionary power allows for more flexibility.<sup>9</sup> This reinterpretation leads to the concept of *qarīnah mu'āṣirah*, the adaptation of circumstantial evidence to modern realities.

The term *qarīnah mu'āṣirah* has also gained growing attention in contemporary writings on *wasā'il al-itbbāt*. Notable works include Abu al-Haj in *Daur Qarā'in al-Hadīthah fī al-Itbbāt fī al-Sharī'ah al-Islāmiyyah*<sup>10</sup> and 'Abd al-Qādir Idrīs in *al-Itbbāt bi al-Qarā'in fī al-Fiqh al-Islāmī*<sup>11</sup>, both of which discuss contemporary *qarīnah* in general terms. Abdullah 'Alī Fahd later compared its treatment in Islamic and civil law<sup>12</sup>, while a 2014 Saudi symposium on *al-Qarā'in al-Tibbiyyah al-Mu'āṣarah wa Atharubā al-Fiqhiyyah* examined its forensic pathological dimensions. More recently, Hamidon<sup>13</sup> explored *al-qarīnah* contemporary in homicide cases, further demonstrating its evolving juristic significance.

The evolving nature of crimes in the digital age necessitates a re-evaluation of *qarīnah* within its new legal contexts.<sup>14</sup> This study focuses on *qarīnah mu'āṣirah* to illustrate the adaptation of *qarīnah* to accommodate the realities of modern evidence, particularly those derived from digital forensic. In Malaysia, the Syariah Court Evidence (Federal

<sup>8</sup> Alias, M. A. A., Wan Ismail, W. A. F., Baharuddin, A. S., & Mallow, M. S., "*Wasā'il Itbbat Dalam Undang-Undang Keterangan Islam: Analisis Perundangan Terhadap Keabsahan Dokumen Elektronik Di Mahkamah Syariah Malaysia: Means of Proof in Islamic Law of Evidence: A Legal Analysis of The Admissibility of Electronic Documents in Malaysian Syariah Courts*". 2024. Malaysian Journal of Syariah and Law 12 (3): 689-700. <https://doi.org/10.33102/mjisl.vol12no3.792>

<sup>9</sup> Lukman Abdul Mutalib, Wan Abdul Fattah Wan Ismail, and Abd Hamid Abdul Murad, *Al-Qarīnah Dalam Hukum Hudud*, (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2017).

<sup>10</sup> Ziyad Abdul Hamid Muhammad Abu Al-Haj, "*Daur Qarā'in Al-Hadīthah Fī Al-Itbbāt Fī Al-Syarīah Al-Islāmīah*" (Master Dissertation, Jami'ah Islāmiyyah, Palestine, 2005).

<sup>11</sup> Abdul Qādir Idrīs, "*Al-Itbbāt Bil Qarā'in Fī Fiqhī Islāmī*" (Master Dissertation, Jami'ah Khalil, 2005).

<sup>12</sup> Abdullah Ali Fahd, "*Daur Qarā'in Fī Al-Itbbāt Al-Madanī*" (Master Dissertation, Middle East University, Jordan 2011).

<sup>13</sup> Abdul Hakim Hamidon, "*Al-Qarīnah Kontemporari Dalam Pembuktian Jenayah Bunuh Menurut Perundangan Islam*" (Master Dissertation, Universiti Teknologi Malaysia, 2017).

<sup>14</sup> Tuan Muhammad Faris Hamzi Tuan Ibrahim, Mohamad Aniq Aiman Alias, And Ahmad Syukran Baharuddin, "a preliminary review of digital forensics as a means of proof in modern syariah criminal offences from a maqasid al-shari'ah perspective," *Syariah and Law Discourse* 6, No. 1 (2025): 1–6, <https://Fsuproceedings.Usim.Edu.My/Index.Php/Dsl/Article/View/33>.

Territories) Act 1997 and Practice Direction No. 4 of 2020 have enlarged the room for forensic science to be admitted itself as evidence. However, the command is still a general one and there is no clear statement whether forensic evidence particularly digital forensic evidence is admitted in statutory law or *hukm shar'ī*.

Despite of such development, the integration of digital forensic techniques into Islamic evidentiary frameworks remains limited. There have been preliminary attempts in the past to associate digital forensics with Islamic law. Kallil and Che Yaacob discussed the procedural relationship between digital forensic science and Islamic evidence laws as it applies in terms of its technical and procedure for purposes of admissibility in the Syariah court.<sup>15</sup> Similarly, Ahmad et al. analysed the use of digital forensics in proving *takhhib* offences through social media records and how such evidence could serve to establish a *prima facie* case.<sup>16</sup> While both studies consider the acceptance of digital evidence in court, they have not addressed the broader question of legitimacy based on Islamic doctrine.

In contrast, this study argues that the admissibility of digital forensic evidence in Syariah courts must first be evaluated through the perspective of *hukm al-shar'ī* (Islamic legal ruling) to determine its validity as *qarinah mu'āṣirah* (contemporary circumstantial evidence). Only after satisfying these Shariah-based requirements can such evidence be considered procedurally admissible in court. Therefore, this research offers a novel theoretical contribution by constructing an integrative framework that harmonises the epistemological principles of Islamic evidence law with the methodological precision of digital forensic science.

This qualitative research employs a document-based analysis that include primary sources and secondary materials. The primary sources consist of classical and contemporary juristic books such as al-Turuq al-Hukmiyyah fī al-Siyāsah al-Shar'īyyah, Tabsirah Al-Hukkām, and Wasāil Al-Ithbāt fī Syariah Islamiah which collectively represent the foundational perspectives on *qarinah*, *bayyinah* and evidentiary reasoning in Islamic law and statutory references relevant to evidentiary procedures in Malaysian Syariah courts. Meanwhile, the secondary sources include academic works in the fields of Islamic legal theory, forensic science and digital forensics including scholarly publications and journal articles. The data obtained from these documents were analysed using content analysis to interpret, categorise and extract essential meanings embedded within and around the textual data.<sup>17</sup> Given the qualitative nature of this research, the content analysis was conducted inductively,<sup>18</sup> allowing patterns, principles, and categories to

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<sup>15</sup> Mohamad Khairudin Kallil and Ahmad Che Yaacob, "The Integration of Digital Forensics Science And Islamic Evidence Laws," *International Journal of Law, Government and Communication* 4, no. 17 (December 15, 2019): 61–70, <https://doi.org/10.35631/ijlgc.417006>.

<sup>16</sup> Muhammad Hazim Ahmad et al., "Forensic Evidence As A Mean of Proof In Developing Prima Facie Case In Takhhib Criminal Offence," *UUM Journal of Legal Studies* 13, no. No.1 (January 31, 2022): 221–48, <https://doi.org/10.32890/uumjls2022.13.1.10>.

<sup>17</sup> Patricia Leavy, *Research Design: Quantitative, Qualitative, Mixed Methods, Arts-Based, and Community-Based Participatory Research Approaches*, 2nd ed. (New York; London: Guilford Press, Cop, 2023).

<sup>18</sup> Heidi Julien, "Content Analysis," in *The SAGE Encyclopedia of Qualitative Research Methods*, vol. 1, ed. Lisa M. Given (Thousand Oaks, California: SAGE Publications, Inc., 2008), 120–122

emerge naturally from the text. However, the study also incorporates analogical deduction as a complementary analytical tool, particularly in bridging digital forensic evidence with classical concepts of *qarinah* derived from the Qur'an and hadith. Rather than departing from tradition, it offers an extension of Islamic legal reasoning to meet the realities of contemporary digital crime while remaining faithful to the ethical and theological commitments of Shariah.

## Discussion

### The Evidentiary Capabilities of Digital Forensics in Cybercrime Investigation

Digital forensics is a field of forensic science focused process of collecting and analyzing digital evidence in a way that maintains its integrity and admissibility in court.<sup>19</sup> The implementation of structured forensic methodologies also guided by international standards like ISO 27037:2012. According to Parkavi et al., digital forensics serves as a fundamental investigation technique which often functions as the primary or main evidence. Although this form of evidence is essentially indirect in nature, it does not reduce its evidentiary value.<sup>20</sup> Digital forensics also combines technical procedures and inferential reasoning to track artifacts such as log entries, metadata, access timestamps and binary anomalies that enable reconstruction of suspect activities and intentions upon analysis. Unlike direct evidence like eyewitness testimony or confession, digital forensics depends on scientifically validated inferences. Its objectivity, reproducibility and resistance to tampering make this form of evidence more reliable in legal contexts.

Digital forensics relies on the principle that every digital interaction leaves a trace that can be used for investigative and analytical purposes.<sup>21</sup> This reflects an adaptation of Locard's Exchange Principle to the digital realm just as physical contact leaves a trace, every interaction within a digital system inevitably generates residual data.<sup>22</sup> These digital traces include artefacts such as system logs, metadata, timestamp records and registry entries that can bring invaluable evidential value. Investigators can acquire storage media bit-for-bit using forensic imaging and creating exact replicas of digital environments while preserving original data integrity.<sup>23</sup> For integrity, a cryptographic hash function is used to authenticate the digital artifact. For example, SHA-256 produces a unique 64-character hexadecimal digest:

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<sup>19</sup> Firzah Hafiz Deandra and Iskandar Muda, "Advancing Digital Forensic Investigations: Addressing Challenges and Enhancing Cybercrime Solutions," *World Journal of Information Technology* 3, No. 1 (2025), <https://doi.org/10.61784/wjit3018>.

<sup>20</sup> R. Parkavi, K. Divya, and V. Sherry Ruth, "Digital Crime Evidence," in *Critical Concepts, Standards, and Techniques in Cyber Forensics* (Hershey, PA: IGI Global, 2020), <https://doi.org/10.4018/978-1-7998-1558-7.ch008>.

<sup>21</sup> John Tuer and Benjamin Donnachie, "Digital Forensics," in *Crime Scene to Court, the Essential of Forensic Science* (Cambridge: Royal Society of Chemistry, 2024), 404–47, <https://doi.org/10.1039/bk9781837672240-00404>.

<sup>22</sup> Joakim Kävrestad, Marcus Birath, and Nathan Clarke, "Collecting Evidence," in *Fundamental of Digital Forensic* (Springer International Publishing, 2024), 69–79, [https://doi.org/10.1007/978-3-031-53649-6\\_8](https://doi.org/10.1007/978-3-031-53649-6_8).

<sup>23</sup> Erhan Akbal and Sengul Dogan, "Forensics Image Acquisition Process of Digital Evidence," *International Journal of Computer Network and Information Security* 10, no. 5 (May 8, 2018): 1–8, <https://doi.org/10.5815/ijcnis.2018.05.01>.



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SHA-
256(File)=cf83e1357eeb8bdf1542850d66d8007d620e4050b5715dc83f4a921d36c
e9ce
```

**Figure 2.** Example of SHA-256 produces a unique 64-character hexadecimal digest

Any change in data alters the entire hash output, enabling forensic experts to mathematically verify evidence authenticity. According to Alamgir et al., the SHA-256 hashing algorithm possesses a collision resistance of approximately 1 in  $2^{256}$  ( $\approx 1.15 \times 10^{77}$ ), rendering it practically impossible for two distinct digital inputs to produce an identical hash value.<sup>24</sup> This cryptographic strength guarantees the integrity and authenticity of digital evidence, as even a single-bit modification in the original data produces a completely different hash output.

Modern digital forensic laboratories utilise hardware and software tools to examine evidence on local, mobile and cloud environments. Digital forensics software such as Magnet Axion, XRY Mobile Forensics and EnCase are widely recognised as industry standards in digital investigations.<sup>25</sup> Magnet Axion can identify and examine evidence from multiple sources such as smartphones, computers, and cloud storage applications. It supports both logical and physical data extraction which vital for comprehensive forensic analysis.<sup>26</sup> XRY Mobile Forensics is an advanced package for data or memory extraction from mobile devices like Android or iOS. It's particularly effective in recovering deleted and encrypted data and widely recognized for its speed and efficiency in time-sensitive forensic investigations. EnCase is a versatile forensic platform applicable to both computer and mobile examinations. It provides comprehensive functions for data acquisition, analysis, and reporting across diverse investigative contexts.<sup>27</sup> AI and machine learning have also revolutionized digital forensic workflows by automating triage, anomaly detection and classification tasks.

<sup>24</sup> Nahiyen Alamgir, Saeed Nejati, and Curtis Bright, "SHA-256 Collision Attack with Programmatic SAT," arXiv preprint arXiv:2406.20072 (Cornell University, 2024), <https://doi.org/10.48550/arxiv.2406.20072>

<sup>25</sup> Tole Sutikno, "Mobile Forensics Tools and Techniques for Digital Crime Investigation: A Comprehensive Review," *International Journal of Informatics and Communication Technology (IJ-ICT)* 13, no. 2 (July 15, 2024): 321–21, <https://doi.org/10.11591/ijict.v13i2.pp321-332>.

<sup>26</sup> Jugal Mehta et al., "Comparative Study of Mobile Forensics Tools: Autopsy, Belkasoft X and Magnet Axion," in *2024 5th International Conference on Electronics and Sustainable Communication Systems (ICESC)*, 2024, 1257–63, <https://doi.org/10.1109/icesc60852.2024.10689971>.

<sup>27</sup> John Sitima, "Understanding Digital Forensic Tools: Their Features, Applicability and Key Short Comings. A Compendium," *International Journal for Multidisciplinary Research* 6, no. 6 (November 6, 2024), <https://doi.org/10.36948/ijfmr.2024.v06i06.30026>.

Convolutional neural networks (CNNs) now detect illicit content and behavioral patterns across terabytes of data in a fraction of the time required by human examiners.<sup>28</sup>

The concept of Chain of Custody (CoC) is fundamental to digital forensics which ensure the integrity and reliability of evidence throughout its lifecycle. It requires precise documentation of every stage of evidence handling from collection to courtroom presentation. This process is important for maintaining the evidence's authenticity and admissibility in legal proceedings.<sup>29</sup> All evidence must be collected under a well-documented chain of custody (CoC). Each stage from acquisition to analysis is logged with timestamps, analyst identifiers and device metadata.

In sum, digital forensics represents a paradigm shift in the way crimes particularly cyber-enabled offences are investigated and proven. It provides scientifically founded ways of obtaining, examining and verifying digital artefacts with a set of organized procedures. The integration of advanced forensic tools, cryptographic techniques and machine learning technologies has elevated the role of digital forensics from a supplementary tool to a central pillar of evidentiary practice. As legal systems start dealing with complex and more sophisticated cybercrimes, the problem of digital forensics has to be addressed by providing technology based on some principles such as traceability, reproducibility and integrity to ensure that justice remains both attainable and responsive in the digital era.

### Qarīnah as means of proof in Islamic Law

In Islamic criminal law, the concept of *qarīnah* holds a significant position within the structure of evidentiary reasoning. *Al-qarīnah* refers to *al-amārat*, meaning a sign or indicator that leads to presumptive knowledge (*ẓann*). Classical jurists frequently use terms such as *al-qarā'in*, *al-amārat*, and *al-'alāmāt* interchangeably, as all of these refer to contextual clues or circumstantial indicators.<sup>30</sup> According to al-Zarqā, *al-qarīnah* refers to any clear indication that connects an unknown matter to something visible, which signifying the existence of the hidden element.<sup>31</sup> Fathullah Zayd expands that *al-qarīnah* may originate from three primary, textual evidence recognised by *shari'ah*, juristic inference (*ijtihād*) by scholars and judicial deduction by a *qādi* based on specific events, contexts or facts.<sup>32</sup> Consistent with Taufiq Hasan Farj, *al-qarīnah* refers to a situation where a judge issues a ruling on a hidden matter by relying on established facts.<sup>33</sup> The

<sup>28</sup> Angel Justo Jones, "Machine Learning in Digital Forensic Analysis," in *Digital Forensic in the Age of AI* (Hershey, PA: IGI Global, 2025), 219–46, <https://doi.org/10.4018/979-8-3373-0857-9.ch009>.

<sup>29</sup> Premanand Narasimhan and N. Kala, "Ensuring the Integrity of Digital Evidence: The Role of the Chain of Custody in Digital Forensics," *International Journal of Scientific Research in Computer Science Engineering and Information Technology* 10, no. 6 (December 12, 2024): 2438–50, <https://doi.org/10.32628/CSEIT2410612443>.

<sup>30</sup> Khalid Abdul Azim Abu Ghābah, *Hujjiyah Al-Shabādah Wa Al-Qarā'in Baina Shari'ah Islamiyyah Wa Shari'ah Wadaiyah* (Kaherah: Dār Al-Kutub Al- Qānūniyah, 2008).

<sup>31</sup> Mustafā Ahmad Al-Zarqa, *Al-Madkhal Al-Fiqh Al-'Am*. (Damsyiq: Dār Al- Qalām., 1988).

<sup>32</sup> Fathullah Zaid, *Hujjiyyat Al-Qarā'in Fi Al-Qānūn Wa Al-Shari'ah* (Mu'assasat Shabāb al-Jāmi'ah., 1998).

<sup>33</sup> Taufiq Hasan Farj, *Qaidah Al-Ithbāt Fi Al-Mawad Al-Madaniyyah Wa Al- Tijariyyah* (Dār Al-Jamī'ah Al-Jadidah Li Al-Nashr, 2003).



definition of *al-qarīnah* thus consists of two main elements. First, an observable fact derived from events or circumstances and second, a logical connection linking it to an unknown reality. Fathullah and Farj add a third essential element that legal inference must be made by an authorised authority, such as a judge, ensuring that evidentiary conclusions must follow recognised legal procedures and judicial discipline. This concept which descends from classical legal epistemology is the cornerstone for enlarging the evidence sources of Islamic law as well as dealing with modern problems like cybercrime and digital forensic traces.

Qārinah is one of the significant concepts in Islamic evidence legal theory. Historically, it was the foundation for judicial decisions, especially in cases where neither *shahādah* nor *iqrār* is present. Wahbah al-Zuhaylī, in *al-Fiqh al-Islāmī wa Adillatuh* affirms that the use of *qarīnah* is rooted in the *uṣūl al-sharʿiyyah* and may be relied upon whether other forms of evidence exist.<sup>34</sup> This reinforces the notion that indirect evidence when reliable and consistent is not only permissible but also crucial for sustaining justice.

Classical scholars have recognized *qarīnah* as a legitimate and authoritative Islamic legal reasoning proof. Among those explicitly supporting this view are Ibn Taymiyyah<sup>35</sup>, Ibn al-Qayyim<sup>36</sup>, and Ibn Farhūn<sup>37</sup>. Previous studies of classical legal texts also indicate that most early jurists employed the method of *qarīnah* in legal reasoning, even if they did not always refer to it by name. This implicit application of *qarīnah* can be found in the works of leading scholars such as al-Kasānī which demonstrate that the principle was well-embedded in traditional Islamic jurisprudence.<sup>38</sup> Ibn al-Qayyim al-Jawziyyah firmly warned against neglecting the evidentiary value of circumstantial indicators, contending that such disregard would nullify legitimate claims and hinder the pursuit of justice. He further stressed that a judge who fails to comprehend and interpret *al-qarāʾin al-halīyah* (situational indicators) and *al-maqālīyah* (verbal indicators) with the same mastery as the substantive and procedural aspects of law risks denying rights to their rightful claimants.<sup>39</sup> Al-Zuhaylī also emphasized that *qarīnah* has an important role in the evidentiary process, especially when direct evidence cannot be obtained.<sup>40</sup>

Historical precedents further demonstrate the evidentiary role of *qarīnah*. During the Battle of Badr, the Prophet affirmed the claim of two men who stated they had slain Abū Jahl by examining the blood on their swords. In the incident involving the tribes of ʿUkl and ʿUraynah, the Prophet relied on visible traces of murder and mutilation

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<sup>34</sup> Wahbah Mustafā Al-Zuhaylī, *Al-Fiqh Islāmī Wa ʿAdillatuh* (Damsyiq: Dār Al-Fikr, 1989).

<sup>35</sup> Taqiy Al-Din Ahmad Ibn Taimiyyah, *Al-Siyāsah Al-Syarʿiyyah*. (Wizarah Syuun Islamiah, 1997).

<sup>36</sup> Shams Al-Din Muhammad Ibn Qayyim, *Turuq Hukmiyah Fi Siāsah Sharʿiah*. (Kaherah: Darul Hadis., 2007).

<sup>37</sup> Ibrahim Ali Muhammad Ibn Farhūn, *Tabṣīrah Al-Hukūkām. Kaberah* (Kaherah: Maktabah Al-Azhariah, 1986).

<sup>38</sup> Abu Bakar Masʿud Al-Hanafī Al-Kasānī, *Badāʾiʾ Al-Ṣanāʾiʾ* (Beirut: Dār Al-Kutub Al-Ilmiyyah., 1986).

<sup>39</sup> Shams Al-Din Muhammad Ibn Qayyim, *Turuq Hukmiyah Fi Siāsah Sharʿiah*. (Kaherah: Darul Hadis., 2007).

<sup>40</sup> Muhammad Mustafā Al-Zuhaylī, *Wasāil Al-Itbbāt Fi Sharʿiah Islamiyyah*. (Damsyiq: Maktabah Dār Al-Bayān., 1982).

to reach a verdict, despite the absence of eyewitnesses. Similarly, Prophet Sulaymān (a.s.) used behavioral inference in a custody dispute, discerning the true mother through her emotional response. Among the Companions, 'Alī ibn Abī Ṭālib applied an empirical method pouring boiling water on a garment to reveal that the alleged semen stain was, in fact, egg white. These cases collectively affirm that indirect, contextual evidence was methodologically accepted in early Islamic jurisprudence.<sup>41</sup> Some instances illustrating classical *qārinah*'s inferential reasoning will be further explored in the following subtopic to show how such reasoning aligns with modern digital forensics principles within Islamic epistemology.

Despite its legacy, scholars have debated the admissibility of *qārinah* in *hudūd* cases, particularly in light of the legal maxim "*idrā'ū al-hudūd bi al-shubuhāt*" (suspend fixed punishments in the presence of doubt). Hanafī and Shafī'i jurists usually limit *qārinah* to ta'zīr cases, arguing that *hudūd* requires greater certainty. In contrast, scholars like Ibn Farhūn of the Mālikī school assert that robust and corroborated *qarā'in* can serve as conclusive evidence even in serious criminal case.<sup>42</sup>

Contemporary Islamic legal scholarship continues to recognize *qārinah* as a dynamic and evolving concept, particularly in response to new forms of evidence produced by technological advancement. DNA profiling and forensic medical are increasingly viewed as contemporary expressions of *qārinah*.<sup>43,44</sup>

The strength and admissibility of *qārinah* are further refined through an assessment of its indicative certainty (*qummat al-dalālah*).<sup>45</sup> Classical and modern jurists classify *qārinah* into three broad categories: *qārinah qat'iyah* (conclusive), *qārinah qat'iyah* (weak) and *qārinah kādhibah* (false).<sup>46</sup>

<sup>41</sup> Lukman Abdul Mutalib, Wan Abdul Fattah Wan Ismail, And Abd Hamid Abdul Murad, *Al-Qarinah dalam hukum hudud*, (Kuala Lumpur: Dewan Bahasa dan Pustaka, 2017).

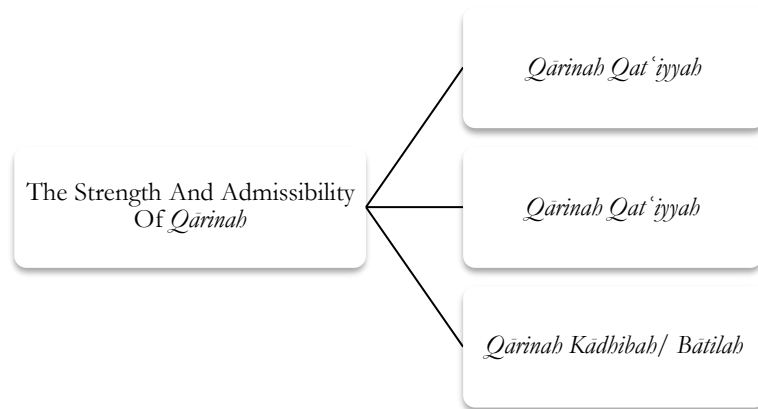
<sup>42</sup> Ibrahim Ali Muhammad Ibn Farhūn, *Tabṣirah Al-Hukkām*. Kaherah (Kaherah: Maktabah Al-Azhariah, 1986).

<sup>43</sup> Zulzaidi Mahmod, Fauzan Hafidzi Mustakim, Suhana Amiril, Md Nasir, Nur Izni Azmi, And Hasnizam Hashim. "Penggunaan DNA Sebagai Qarinah Dalam Kes Jenayah Syariah Dan Kes Penentuan Nasab Anak di Mahkamah Syariah di Malaysia." *International Conference on Syariah, Law and Science (CFORSJ i-CONF)*, no. 1 (December 20, 2024): 583–600. <https://alnadwah.usim.edu.my/cforsjiconf/paper/view/59>.

<sup>44</sup> Sofia Abdul. "The Role of Forensic Facial Reconstruction In Shariah Court: A Maqasid Shariah Approach To Postmortem Identification." *International Conference on Syariah, Law and Science (CFORSJ i-CONF)*, no. 1 (November 19, 2024): 69–79. <https://alnadwah.usim.edu.my/cforsjiconf/paper/view/76>.

<sup>45</sup> Wahbah Mustafā Al-Zuhayli, *Al-Fiqh Islami Wa 'Adillatuhu* (Damsyiq: Dār Al-Fikr, 1989).

<sup>46</sup> Walid Aḥmad Samrut. *Al-Qarinah Wa-Atharuhā Fi Itbbāt Al-Jarimah*. (Beirut: Manshūrāt al-Halabī al-Huqūqiyah, 2007).



**Figure 2.** Show classification of strength and admissibility of *qarīnah*

A *qarīnah qat'īyyah* strongly supports a factual occurrence with a high probability, approaching certainty. In contrast, *qarīnah da'īfah* has limited inferential weight and requires additional evidence. Such *qarā'in* suggest a possibility but cannot justify legal conclusions alone. *Qarīnah kādhībah* refers to misleading or deceptive indicators that fail under scrutiny or contradict stronger evidence. The most well-known example appears in the Qur'ānic story of Prophet Yūsuf (a.s.), when his brothers falsely claimed that he had been devoured by a wolf and presenting a bloodied but untorn shirt. Prophet Ya'qūb (a.s.) perceiving the contradiction between the claim of an animal attack and the actual state of the clothing then he dismissed their claim on that basis. Clearly, when *qarā'in* are weak or unconvincing, rational scrutiny and more reliable evidence must take precedence.

The defining feature of *qarīnah* lies in its function as *'alāmah* and *amārah*, signifying a sign or indicator through which hidden realities are inferred from observable traces. This evidentiary nature aligns closely with the epistemic structure of digital forensics, which interprets empirical traces to reconstruct human actions and establish factual connections. In this context, the foundational logic of *qarīnah* naturally extends to digital environments, where metadata, timestamps, and system logs serve as contemporary indicators of conduct. The following discussion explores this correspondence through Qur'ānic and Prophetic examples, situating them within the analytical framework of digital forensic reasoning.

### **Digital Forensics Evidence as Qarīnah Mu'āshirah in the Light of Islamic Epistemology**

Digital forensics is a field of forensic science that presents digital artifacts (evidence) derived from human interaction with technology. The core of this discipline is Locard's Exchange Principle, which theorizes that "every contact leaves a trace". No human interaction whether digital or physical occurs in complete isolation from its environment.<sup>47</sup> While Locard articulated this principle in the 20th century, its spiritual

<sup>47</sup> Karen Pan, Junqi Chen, and Karen Kafadar, "Forensic Glass Evidence," in *Handbook of Forensic Statistics* (Boca Raton, FL: Chapman and Hall/CRC, 2020), 411–42, <https://doi.org/10.1201/9780367527709-18>.

and legal equivalent is already reflected in the Islamic epistemological tradition. The reliance on material evidence, inquisitorial techniques, and circumstantial reasoning appears clearly from the Qur'an, Sunnah and judgment of the Companions.<sup>48</sup>

One of the earliest Qur'anic illustrations of this logic appears in Surah Yūsuf (12:18). When Prophet Ya'qūb (a.s.) was shown the bloodied shirt of Yūsuf as proof of his death, he instantly rejected their claim by saying: "*Bal sawwalat lakum anfusukum amran*" (No! Your souls must have tempted you to do something 'evil'). His dismissal was not on account of any evidence given by witnesses, but on his perceptive analysis of the evidence presented which suggesting a forensic reading of physical proof. This anticipates the core of Locard's Exchange Principle that any contact between an individual and environments will create evidence and even the absence or inconsistency of such evidence can be probative. In this case, Ya'qūb intuitively recognised that a shirt torn by a wild animal should not have been returned intact, thereby invalidating their fabricated story through analysis of material indicators.

An important example can also be seen in the hadith about the tribes of 'Ukl and 'Uraynah (Ṣaḥīḥ al-Bukhārī, no. 233). In that incident, the Prophet (peace and blessings of Allaah be upon him) ordered the punishment of individuals who killed his shepherd and mutilated the victim's body. The perpetrators were eventually traced through the footprints and shoe prints they left behind on their way home, which served as the main physical evidence in the process of their identification and tracking. Forensic examination of these traces showed an early application of Locard's Exchange Principle which interaction between the perpetrator and the environment leaves certain residues or traces that can connect them to the crime scene. This principle proves that every criminal act almost certainly produces signs or traces that can be analyzed, thus supporting the process of evidence based on *qarinah* within the framework of Islamic law.

Moreover, other Prophetic traditions illustrate the application of Locard's Exchange Principle in determining culpability or validating a legal assertion, especially through engagements utilizing physical weapons like swords. A notable example is the case of Abu Jahal's death at the Battle of Badr. The Prophet examined the bloodstains on the swords of the Companions and inferred that Mu'āz ibn 'Amr al-Jamūh had delivered the fatal blow, based on the depth and nature of the wounds observed.<sup>49</sup> As a result, he awarded Abu Jahal's belongings to Mu'āz, while also affirming Mu'āz ibn 'Arfa's contribution to preserve mutual honour and harmony.<sup>50</sup> This incident exemplifies how physical contact between the weapon and the victim left material (blood) that served as probative evidence.

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<sup>48</sup> Ahmad Syukran Baharuddin, "The Integration of Forensic Science Fundamental and Al-Qarinah Towards Achieving Maqasid Al-Syariah" (Doctor of Philosophy, Universiti Teknologi Malaysia, 2017).

<sup>49</sup> Mahmūd ibn Aḥmad Badr al-Dīn al-'Aynī, *Umdat Al-Qārī Fī Sharḥ Ṣaḥīḥ Al-Bukhārī*, 1st ed., vol. 15 (Beirut: Dar al-Kutub al-'Ilmiyah., 2001).

<sup>50</sup> Yahyā Sharaf Al-Nawawi, *Al-Minhaj Sharah Ṣaḥīḥ Muslim bin Al-Hajjaj*, 2nd ed., vol. 12 (Beirut: Dar Ihya al-Turath al-Arabi, 1972).

These examples demonstrate that the evidentiary logic of *qarīnah* in Islamic law corresponds with the forensic reasoning embodied in Locard's Exchange Principle. Both are grounded in the belief that every human act leaves behind a trace from which factual truth can be deduced.<sup>51</sup> This logic reflects the classical function of *amārah* and *ʿalāmah* as indicative signs that provide a link between an action and its referent. In essence, the same inferential reasoning that guided classical judges in interpreting physical traces such as blood, footprints and behaviour continues to inform the analysis of digital artefacts. Despite the difference in form, both physical and digital traces accomplish the same epistemic role in establishing factual connection and reconstructing events.

Digital forensics is a contemporary extension of the logic of inference in Shari'ah. Both the classical concept of *qarīnah* and digital forensic evidence share the same epistemological foundation which the effort to uncover truth through traces or effects that can be empirically proven. The use of digital forensics in the Shari'ah judicial process is not simply based on *qiyās* or analogy but also has a direct basis in the demands of the Qur'ān and Sunnah that mandate the establishment of truth and justice. The Qur'ān commands, "Indeed, Allah orders you to render trusts to whom they are due, and when you judge between people, judge with justice" (al-Nisā' 4:58), and further commands, "If you judge, judge between them with equity, for Allah loves those who act justly" (al-Mā'idah 5:42). These verses highlight the concepts of *ʿadl* (justice) and *amānah* (integrity) as ethical pillars in the judicial process. The Sunnah of the Prophet also emphasizes that justice cannot be based on eloquence or the ability to persuade, but must stand on the basis of objective, authentic and provable evidence. The Prophet said: "Perhaps one of you is more eloquent in argument than another; I judge according to what I hear. Whoever gains a brother's right unjustly, I have only given him a piece of the Fire" (Ṣaḥīḥ al-Bukhārī, no. 2680). This hadith asserts that truth and justice can only be established through credible evidence and not through rhetorical skills or eloquence of argument. Within this framework, digital forensics serves as a contemporary instrument to realize this claim by uncovering factual evidence through scientific accuracy and methodological integrity.

The convergence of forensic science and Islamic epistemology reflects the Shari'ah's dynamic capacity to accommodate evolving means of proof while preserving its moral and intellectual integrity. Digital forensics, governed by authenticity, transparency, and justice, serves as a modern *wasīlah itbbāt* that upholds the Qur'ānic vision of truth and equity in law enforcement. Building on this theoretical foundation, the subsequent discussion examines how these epistemic principles are reflected in Malaysia's Syariah evidentiary framework.

### **The Role of Digital Forensic as Qarīnah Muasirah under Malaysian Islamic Evidence Law**

Previous discussions have established that digital forensic evidence possesses a strong Shari'ah foundation to be recognised as *qarīnah mu'āṣirah* (contemporary circumstantial evidence). Just as classical *qarīnah* served as empirical indicators of a factual

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<sup>51</sup> Ahmad Syukran Baharuddin, "The Integration of Forensic Science Fundamental and Al-Qarīnah Towards Achieving Maqasid Al-Syariah" (Doctor of Philosophy, Universiti Teknologi Malaysia, 2017).

occurrence such as traces of blood, footprints, or a weapon, digital evidence performs an analogous function through such as timestamps, IP addresses, metadata and hash values that scientifically demonstrate the link between the perpetrator and the act. However, in order to transfer this epistemic principle from the theoretical space to judicial practice, it must be grounded in a legal framework capable of ensuring the admissibility of digital evidence.

Under Malaysian Syariah legal system, the position of *qarīnah* as a form of evidence has been codified by Syariah Court Evidence (Federal Territories) Act 1997 (Act 561). Section 3 provides a fundamental starting point by defining bayyinah as “clear and manifest evidence and includes *qarīnah*.” According to Mahmud Saedon, *qarīnah* in this general sense encompasses *al-amārāt*, *al-‘alāmāt* and circumstantial evidence.<sup>52</sup> This definition widens the evidential landscape from traditional to encompass all types of proof capable of revealing the truth. It is within this expanded legal scope that digital forensics finds its rightful recognition and legitimacy.

Nevertheless, although this interpretation allows digital evidence to be categorized as *qarīnah*, digital forensic evidence cannot be equated with conventional physical evidence that can be brought directly before the Court by religious enforcement officers. Digital evidence is typically complex and easily manipulated which require specific technical expertise to identify, extract and verify its authenticity.<sup>53,54</sup> Hence, scientific analysis from professional bodies such as the Malaysian Communications and Multimedia Commission (MCMC), CyberSecurity Malaysia and the Royal Malaysia Police Digital Forensics Department is essential before any digital evidence can be lawfully presented in the Syariah Court. The technical findings of these institutions serve as a layer of scientific verification that transforms raw digital data into legally recognised and admissible *qarīnah*.

This normative framework is supported by Sections 33 and 39 of the Syariah Court Evidence (Federal Territories) Act 1997 (Act 561), which together recognise expert opinions and their scientific foundations as dual layers of *qarīnah*. Section 33 provides that when the Court must form an opinion on matters of science or technology, the opinion of a qualified expert constitutes *qarīnah*. Meanwhile, Section 39 stipulates that when such an opinion is recognised as *qarīnah*, the reasoning that underpins it is likewise considered *qarīnah*. Both provisions require that every piece of scientific evidence be accompanied by a clear, auditable justification grounded in recognised procedures.

Although Sections 3, 33, and 39 of the Syariah Court Evidence (Federal Territories) Act 1997 (Act 561) open the door for the acceptance of digital evidence as a

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<sup>52</sup> Muhammad Hazim Ahmad et al., “Nafas Baru Kepada Tahap Pembuktian Qarīnah Dalam Undang-Undang Keterangan Mahkamah Syariah,” in *Diskusi Syariah dan Undang-Undang: Siri 1* (Nilai: Fakulti Syariah dan Undang-Undang, Universiti Sains Islam Malaysia, 2019), 25–39.

<sup>53</sup> Mohamad Aniq Aiman Alias et al., “Digital Forensics and The Admissibility of Electronic Evidence in Malaysian Syariah Courts: Towards a Standardised Legal Framework,” *LexForensica: Journal of Forensic Justice and Socio-Legal Research* 2, no. 1 (2025): 84–91, <https://doi.org/10.33102/6grx4619>.

<sup>54</sup> Aini Nur’aqilah Zabidi and Zizi Azlinda Mohd Yusof, “Legal Validity of AI Evidence in Criminal Cases Within Shariah Court of Malaysia,” *SALAM Digest: Syariah and Law Undergraduate Symposium* 1, no. 1: 81–91.



valid means of proof, its practical application within the Syariah judicial system remains limited in both procedural and technical aspects. Digital evidence cannot be handled like physical evidence that enforcement officers can simply seize and submit to court.<sup>55</sup> Each digital device requires a complex forensic process involving data imaging, scientific analysis and chain of custody documentation to ensure data integrity and prevent manipulation which typically involves multiple parties including religious enforcement officers.

In current practice, religious enforcement officers generally lack the technical expertise required to handle digital evidence.<sup>56</sup> Officers who first interact with digital devices during investigations functioning as Digital Evidence First Responders (DEFRRs) should be trained in proper seizure and preservation techniques. Without specialised training and recognised forensic procedures, the integrity and admissibility of digital evidence are at risk. Although the Standing Instruction of the Director of the State Islamic Religious Department 2007<sup>57</sup> regulates guidelines for the enforcement of syariah criminal law, it was drafted before the emergence of modern cybercrimes and does not address essential digital forensic procedures.

The Arahan Amalan No. 4 of 2020<sup>58</sup> issued by the Department of Syariah Judiciary Malaysia (JKSM) provides only a general framework for the acceptance of scientific and forensic evidence but fails to prescribe technical parameters specific to digital evidence. It does not define methodological criteria, scientific verification standards or the qualifications required of experts, rendering it declarative rather than operational. As a result, Syariah courts remain without clear procedural guidance in evaluating digital evidence submitted by enforcement agencies or external experts.

A review of cases in the Current Law Journal (CLJ) and Lexis Nexis databases reveals that Syariah criminal cases involving digital forensic procedures are still virtually non-existent. One notable attempt appeared in *Pendakwa Syarie v Khalid bin Abdul Samad* [2019] 3 SHLR 39, where a video recording of a lecture was tendered as evidence in a charge for teaching without certification under Section 119(1) of the Administration of the Religion of Islam (Selangor) Enactment 2003. However, the Court rejected the request for forensic verification through CyberSecurity Malaysia, reasoning that the recording had already been authenticated by its producer (PW2) and corroborated by an eyewitness (PW4). This decision reflects the Court's continued reliance on traditional documentary evidence without acknowledging the need for forensic validation of its

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<sup>55</sup> Mohamad Azhan Yahya and Ahmad Azam Mohd Shariff, "Proses Penggeledahan Keterangan Dokumen Elektronik Dalam Kes Jenayah Syariah: Searching Process in the Syariah Criminal Cases: Analysis the Admissibility of Electronic Document Evidence," *Journal of Muwafaqat* 5, no. 2 (October 31, 2022): 153–63, <https://doi.org/10.53840/muwafaqat.v5i2.122>.

<sup>56</sup> Mohamad Azhan Yahya, Ahmad Azam Mohd Shariff, And Suhaizad Saifuddin, "Application of Principles of Chain of Evidence and Chain of Custody During Storage and Forensic Examination of Electronic Documentary Evidence in Syariah Criminal Cases in Malaysia," *IJUM Law Journal* 31, no. s1 (November 10, 2023): 143–64, <https://doi.org/10.31436/ijumlj.v31is1.874>.

<sup>57</sup> Arahan Tetap Pengarah Jabatan Agama Islam Negeri 2007: (Garis Panduan Penguatkuasaan Undang-Undang Jenayah Syariah)

<sup>58</sup> Arahan Amalan No. 4 Tahun 2020 Pengemukaan Bukti Forensik Dalam Prosiding di Mahkamah Syariah

digital authenticity. Digital evidence has also surfaced indirectly in other Syariah criminal cases, such as *Pendakwa Syarie v A Mohad a/l Sahab bin Husin* [2013] 3 SHLR 33, where photographs showing the accused at a gambling premise were admitted as evidence. Yet, no forensic analysis was conducted to verify the authenticity, timestamp, or metadata of the images. The absence of proper forensic scrutiny raises concerns about possible manipulation or contamination of evidence, which could compromise judicial accuracy. Without a standardised digital forensic protocol, future Syariah criminal cases risk evidentiary rejection or inconsistent rulings.

Therefore, while the interpretation of Act 561 allows the recognition of digital evidence through the concept of *qarīnah* and is further supported by Practice Direction No. 4 of 2020, the lack of technical capacity, training and procedural standardisation continues to limit its effective implementation in Syariah courts. Without the establishment of a unified digital forensic standard, the admissibility of digital evidence will remain subject to judicial discretion and fall short of the level of integrity demanded by Islamic evidentiary principles. In this regard, institutionalising digital forensics as *qarīnah mu'āṣirah* is not only crucial for the scientific verification of offences but also for ensuring that evidentiary processes in Syariah courts meet the modern legal and judicial standards of integrity, reliability, and transparency.

## Conclusion

This study affirms that the primary role of digital forensics as *qarīnah mu'āṣirah* is to strengthen the Syariah Court's capacity to prove cybercrimes through legitimate and scientifically reliable evidence. In the context of crimes committed in digital spaces, traditional forms of evidence such as *shahādah* (eyewitness testimony) and *iqrār* (confession) are often insufficient. Digital forensics fills this evidentiary gap by providing a scientific mechanism that connects criminal acts to perpetrators through verifiable digital traces.

As *qarīnah mu'āṣirah*, digital forensic evidence is not accepted merely out of technological necessity but recognised as a legitimate *wasīlah al-ithbāt* (means of proof) consistent with the principles of *bayyīnah* and *maqāṣid al-sharī'ah*. It restores the classical function of *qarīnah* as contextual evidence supporting judicial inference based on observable signs (*amārah*) and indicators (*alāmah*). Through this, digital forensics enhances the probative value of evidence while upholding the Islamic legal ideals of justice and transparency.

Within Malaysia's legal framework, the Syariah Court Evidence (Federal Territories) Act 1997 (Act 561), particularly Sections 3, 33, and 39, provides the foundation for the acceptance of scientific evidence as *qarīnah*. However, the absence of standardized forensic procedures, inconsistent chain of custody documentation, and limited technical expertise continue to hinder the effective application of digital forensics in Syariah courts. Therefore, the Practice Direction No. 4 of 2020 should be expanded into a detailed technical guideline aligned with international standards to ensure the authenticity and admissibility of digital evidence.

Ultimately, recognising digital forensics as *qarīnah mu'āṣirah* represents a reformative step in Islamic evidentiary mechanisms which harmonizes scientific precision with Sharī'ah principles. Employing scientific methods grounded in accuracy,

reliability and transparency aligns with the values of *‘adl* (justice) and *amanah* (trust), thereby reinforcing the ethical and legal integrity of judicial processes. Through this approach, Syariah courts can more effectively adjudicate cybercrimes without compromising the normative and *maqāṣid al-shari‘ah* foundations of Islamic law.

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