



العرفاء : مجلة الشريعة والاقتصاد الإسلامي والقانون

AL-ARFA: Journal of Sharia, Islamic Economics and Law

Journal website: <https://al-arfa.my.id>

E-ISSN: 2988-0483

DOI: <https://doi.org/10.61166/arfa.v4i1.145>

Vol. 4 No. 1 (2026)

pp. 57-73

Research Article

Islamic Law and Digital Evidence: Comparative Perspectives from Bangladesh, Malaysia, and the UAE

Shadeka Jannat

International Islamic University Chittagong (IIUC), Bangladesh; Shadekaiiuc@gmail.com



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Received : April 02, 2026

Revised : May 07, 2026

Accepted : June 15, 2026

Available online : July 01, 2026

How to Cite: Shadeka Jannat. (2026). Islamic Law and Digital Evidence: Comparative Perspectives from Bangladesh, Malaysia, and the UAE. *Al-Arfa: Journal of Sharia, Islamic Economics and Law*, 4(1), 57–73. <https://doi.org/10.61166/arfa.v4i1.145>

Abstract. The developments in digital technology has revolutionized the approach of modern judicial systems to collect, authenticate and present evidence. Nowadays, electronic evidence (comprising digital documents, emails, video files, metadata and forensic digital images) is a core part of litigation. Regrettably, there is a great deal of dispute over whether it is in line with the Koran. This research explores the admissibility of digital evidence in Bangladesh, Malaysia and the UAE under Islamic law. This article examines with a comparative and religious legal method some recent constitutional impacts, namely the UAE Cybercrime Law 2021, Malaysia's Evidence Act 1990 (S. 90A), and Bangladesh's Evidence (Amendment) Act 2022, discussing adherence to traditional fiqh principles qarīnah (circumstantial evidence), iqrār (confession), bayyinah (proof), and shahādah (testimony). The results indicate that the digital evidence meets these standards of authenticity, justifiable acquisition, certainty and integrity can be Shariah compliant. The Shariah-Compliant Digital Evidence Framework

(SCDEF) that the study will propose is an integration of forensic science and Islamic law to make justice compatible with maqāṣid al-Sharī'ah if it is based on protective factors such as moral purity, justice and factuality.

Keywords: Islamic Law, Digital Evidence, Shariah, Comparative Jurisprudence, Bangladesh, Malaysia, UAE.

INTRODUCTION

We live in the digital age of technology, and it has infiltrated almost every part of our lives even how evidence is gathered for court. In this digital age, evidence in court can include emails, computer data, CCTV and text messages. These new proof methods that make possible to resolve the cases more quickly and more accurately. However, there are problems the use of digital evidence in Islamic law, because justice and truth are very connected to morality and human honesty. And can something that's created by a computer or some other machine be used as evidence in court, as we would with human witnesses? The traditional forms of evidence used to find support in Islamic law includes; qarīnah (circumstantial evidence), bayyinah (proof), iqrār (confession) and shahādah (witness testimony). These concepts were formulated at a time when material evidence could be heard, seen, or written down. But a lot of court decisions now are based on electronic evidence that is produced automatically, rather than by humans. As Kamali (2019) puts it, the transformation has led scholars and judges in Muslim countries to seek options for integrating Islamic values such as ṣidq (truth), 'adālah (integrity), and yaqīn (certainty) into digital evidence. Some Muslim countries have started to update legislation that deals with electronic evidence. Bangladesh new evidence act 2022 Subset Digital Signature and Electronic Document are now be presented in Bangladesh's court this is possible for the Evidence (Amendment) Act 2022. In Malaysia, the provisions of the Section 90A Evidence Act (1990) provide that computer made information falls under the definition of admissibility. Furthermore, the Cybercrime Law 2021 provides the UAE with clear directions regarding how data can be collected and used. Inspired by that fit with Islamic principles, they have taken slightly different approaches to reconciling Shariah norms and modern technology (Ismail et al., 2021). Islamic law could consider digital evidence to be admissible, as outlined by Islamic scholars if it fulfils the standard conditions of being true (ṣidq), fair ('adālah), certain (yaqīn), and have been obtained by lawful means (ḥalāl sabab) (Husain et al., 2024). This suggests that Shariah and modern technology — far from striking — might work together in the name of truth and justice. This paper examines the treatment on digital evidence under Islamic law by the legal systems of Bangladesh, Malaysia and United Arab Emirates respectively. It compared their styles and lessons to be learned from each of the countries. Rather, the idea is to mesh modern forensic practices and Islamic

morality in what's being dubbed a Shariah-Compliant Digital Evidence Framework (SCDEF). This study is therefore concerned to contribute in ensuring that the system of justice should continue to fulfill its aspirations, that is; uncovering truth finding, fairness and moral values centering around (Shariah) even at this age of digitalization. This study has some importance to the jurisprudence, practical as well as theoretical. It's the one about reconciling modern forensic science with Islamic evidentiary philosophy. Though in Bangladesh, Malaysia and UAE it has accorded value to digital evidence but no Shariah based complete law of proving digital can be found as yet. This paper is intended to fill this void by comparing (and contrasting) the conventional rules of fiqh with the statutory practices. It is also a contribution in the area of Islamic legal epistemology by showing how modern technology can serve to help maintain maqāṣid al-Sharī'ah (higher purposes of law) such as justice (ʿadl), trust (amānah), and truth (ḥaqq). The aim of this project is not only to find the major theories that oversee how evidence would work in Islamic law, but also to think about how these can fly into digital proof in modern terms. It discusses the law of electronic evidence in Bangladesh, Malaysia and UAE to find similarities and differences. The research also investigates the Shariah application of determining reliability and acceptance for digital proof. With these, it hopes to establish a Shariah Compliant Digital Evidence Framework that can instruct the Muslim Courts on how to even-handedly draw from digital evidence and that too in full Islamic compliance. The basis for understanding the relation between Sharī'ah and modern proof techniques is found in classical Islamic writings on judicial law. The relevance of ʿadālah, mushahadah and ḥuḍūr as preconditions for admissibility of testimony is pointed out in primary texts such as al-Mabsut by al-Sarakhsi (d. 483 AH), Bidayat al-Mujtahid by Ibn Rushd (d. 595 AH) and al-Aḥkam al-Sulṭaniyyah by Sayf-al-Dawla Al-Mawardi (d. 450 AH) according to Kamali (1999). With respect to the moral dimension of truth and justice in judicial processes, the holy Qur'an (2:282) stipulates writing plus two trusted witnesses as conditions for financial transactions. In the same vein, hadith supports direct hearing from both conflicting parties for judges in the sense of procedural equality and anti-arbitrary judgment (Imam al-Nawawi, 2019). These conventional writings prove that the Islamic evidence system has both a procedural and moral dimension. This was an idea which was extended by Ibn Qayyim al-Jawzīyah (1989) who argued in al-Ṭuruq al-Ḥukmiyyah that bayyinah (proof) includes "any way truth can be known", and thus new forms of proof should be accepted if they lead to yaqīn (certainty). This interpretation suggests that Islamic legal principles such as al-yaqīn lā yazūlu bi-shakk or certainty is not removed by doubt, are flexible in nature. Recent subsidy has thoughtfully carried on this conversation. The higher objectives of Islamic law, or maqāṣid al-sharī'ah, provide enough flexibility to admit new forms of evidence that promote justice (ʿadl) and certainty (yaqīn), as Nawaz (2017) explains. This is the opinion of

Safian (2016) and Zaharuddin, F. (n.d.), who explain that scientific or technical forms of circumstantial evidence, the *qarā'in ilmiyyah*, can be valid in Islamic law so long as they remove doubt and serve justice. In confirmation of the basic evidentiary principles based on accuracy (*ṣidq*) and moral integrity (*'adālah*), this ongoing debate rather shows how classical *fiqh* permeates modern experiences. This continuing mark of argument with respect to technological evidentiary tools shows that among the traditional jurists, who were in favour of personal testimony and direct observation, Islamic jurisprudence are not intellectual parochial such as not to consider technologically generated modes of evidence, provided they meet the moral and procedural warrants bequeathed by the Quran and Sunnah (Bardavelidze, 2022; Al-Khatib, 2023). Accordingly, the classical evidence law serves as an ethical wall on which modern electronic proof can build in Shariah. With the growth of artificial intelligence, cyber forensics, and digital communication, more research is being done on how well electronic evidence fits into Islamic legal theory. Emails, CCTV footage, and blockchain records are examples of authenticated digital data that can serve as *qarīnah qāṭi'ah* (conclusive circumstantial proof) if verified using trustworthy technical methods, according to recent studies like *Digital Evidence and Islamic Law: Challenges and Prospects* (Qatar University Journal of Islamic Law Studies, 2022). According to *E-Justice and the Concept of Testimony in Shariah* (International Review of Law, 2023), digital signatures, encryption, and forensic validation replicate the traditional *tazkiyah al-shuhūd* (witness verification) process by ensuring the factual and moral integrity of evidence (Al-Khatib, 2023). Digital evidence is becoming more and more accepted by legal systems in nations with a majority of Muslims. Section 65B of the Evidence (Amendment) Act 2022 in Bangladesh permits digital documents to be used as proof provided that their validity is verified (Bangladesh Law Commission, 2022). This is comparable to other international regulations and the Indian Evidence Act. Malaysia also permits computer-generated records under Section 90A of the Evidence Act 1990, as long as they meet certification requirements (Ismail et al., 2021b). Federal Decree-Law No. 2 of 2021 on Cybercrime in the United Arab Emirates affirms that digital communications and computer data are legitimate evidence when legally acquired (Rakha, 2024). However, a number of scholars point out that statutory processes by themselves cannot guarantee Shariah conformity unless they are based on moral principles such as *ḥalāl sabab* (lawful acquisition), *ṣidq* (truth), and *'adālah* (integrity) (Ismail et al., 2021d). Adopting it as a case study, Al-Khatib (2023) and Ismail et al. (2021c) caution that while digital technologies lead to better objectivity, they raise issues about data piracy, privacy intrusion and illegal spying. In these fears, a Shariah-compliant digital evidence frameworks (SCDEF) is needed that balances technology fidelity with moral responsibility! This will ensure that our pursuit of truth in the digital age remains aligned with *maqāṣid al-sharī'ah*, the higher purposes of

justice, truth and humanity. Even with significant progress in digital forensics and legal reform, there is a lack of academic study on standards for admissibility that conform to Shariah. Most of the appraisals do not consider these and instead focus on either moral theory grounded in fiqh (witness ethics) or technological acceptance (chain of custody, forensic reliability). This research fills that gap by developing a unified framework for integrating Islamic epistemology of certainty (yaqīn) and the technological authenticity.



Figure 1. (self) Evolution of Evidence in Islamic Law and the Shariah-Compliant Digital Evidence Framework (SCDEF).

This study is largely based on Maqāṣid of the Sharī‘ah. Sustainability of the five essential objects dīn (religion), nafs (life), ‘aql (intellect), nasl (lineage) and māl(property)-- is the purpose of Islamic law, provided that justice is realized and truth prevails in this process. Evidence (mafsadah) that maintains justice and prevents harm serves these interests directly. Consequently, digital evidence can be considered a strong qarīnah in the Islamic evidential system if it has been authenticated and is ethically obtained.

METHODOLOGY

The research follows a comparative and theoretical legal approach. The Qur'an, Hadith collections such as Sahih al-Bukhari, Sahih Muslim and Sunan Abu Dawood are then studied to understand the principles of proof (bayyinah) and circumstantial evidence (qarīnah). Kamali (1999) says that these passages illustrate that every testimony must be: true (ṣidq), just (‘adl) and righteous. Anything that helps in

finding out the truth can be considered evidence (Mustafa, 2013), thus proving that Islamic law can incorporate new types of evidence. Moreover, the research also relies on contemporary resources from Bangladesh, Malaysia and the United Arab Emirates such as the Evidence (Amendment) Act 2022 (Section 65B in Bangladesh), Evidence Act 1990 (Section 90A in Malaysia), UAE Cybercrime Law 2021, peer-reviewed articles, fatwas and research papers on digital forensics (Radhakrishna, 2017). It is the first phase of investigation to find out the Shariah principle regarding admissible evidence (Badawi, 2024). These are then measured against the legal bases of electronic evidence. Ultimately, consolidated results are presented to formulate a Shariah compliant and technologically reliable structure.

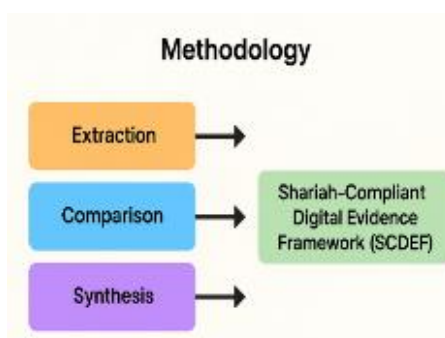


Figure 02, (self) Research Methodology: Extraction → Comparison → Synthesis → SCDEF

RESULTS AND DISCUSSION

From Oral Testimony to Digital Proof

According to Islamic law (fiqh al-bayyinat), proof is a moral means of achieving divine justice (‘adl) as well as a judicial tool. The Qur’an establishes an epistemological basis for the admissibility of any type of proof by presenting knowledge (‘ilm) and verification (tabayyun) as necessary conditions for judgment.

﴿ وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا ﴾

“Do not pursue that of which you have no knowledge. Indeed, the hearing, the sight, and the heart—all will be questioned.” (The Qur’an, 1996, 17:36)

This verse indicates that the necessary prerequisite for truth-claims is knowledge based on certainty (yaqīn). Thus, moving from shahādah (oral testimony) to bayyinah raqamiyyah (digital proof) is a methodological achievement rather than an epistemological break. Both seek to satisfy the divine demand for accuracy and dependability in judgment. Ibn al-Qayyim (d. 751 AH) in *l’lām al-Muwaqqi’in* and al-Sarakhsi (d. 483 AH) in *al-Mabsūt*, two classical jurists, stressed that the essence of proof in Shariah is not its form but rather its capacity to create ‘ilm yaqīnī—knowledge devoid of supposition. According to Ibn al-Qayyim, “all proof which leads to truth with certainty and without injustice must be recognized under divine rule.”

This principle informs the current acceptance of electronic evidence when its trustworthiness, integrity, and source can be proven.

Qur'anic Foundations of Evidence and Verification

The Quran has such strong moral, and legal principles against tampering or falsification of evidence. These are the rules made to critical justice, prevent deceit and save truth preserved. References to proof, evidence and certainty: In the text of the Qur'an there are numerous allusions to proof, mu-jiza being a case in point. It is from these, that not only both old but new-fangled trials have sprung. Here are some lessons which can help us collect and work with digital evidence today. In Islam, documenting is a delicate matter and credible witnesses are not overlooked. Written contracts protect the rights of persons and prevent disputes. The Qur'an commands to believers for writing a will and after the will is prepared then it should be certified by two honest people. This code constructs the society with justice & trust. Allah (SWT) says in the Holy Qur'an:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِذَا تَدَايَنْتُمْ بِدَيْنٍ إِلَىٰ أَجَلٍ مُّسَمًّى فَاكْتُبُوهُ ... وَاسْتَشْهِدُوا شَهِيدَيْنِ مِنْ رِجَالِكُمْ ﴾

"Do you who believe! When you contract a debt for a fixed term, write it down ... and bring to witness two just men among you." (The Qur'an, 1996, 2: 282).

This verse is one of the clearest proofs for having Islamic writings. This goes to show that making a written record is not only the sensible thing to do, but also a moral duty. This stanza strings clear receipts and honest friends to fair exchanges. Writing protects everyone and keeps anyone from arguing with what had been discussed. For today we also have to apply the term kitābah ('writing') to digital media. The basic motivation is the same behind timestamped emails, digital signatures and electronic contracts: to protect us from untruthfulness and make evidence reliable. Such digitized record when rightly translated, are fulfilling above command and instruction of Qur'an for true conduct and accountability in personal life. Islam emphasizes on authentication, even before we believe the evidence given to us. It is not with rumour and unproven facts that anyone be will ever be considered true. The holy Qur'an advises those who believe to verify when from untrustworthy source. This practical security is not just to avoid the risk of injustice, but also to protect people's reputations. Allah (SWT) says in the Holy Qur'an:

﴿ يَا أَيُّهَا الَّذِينَ آمَنُوا إِن جَاءَكُمْ فَاسِقٌ بِنَبَأٍ فَتَبَيَّنُوا ﴾

"O you who believe! If a wicked person brings you news, verify it." (The Qur'an, 1996, 49: 6).

This is also the part of the book that spells out a rule for dealing with information in black and white: Never take anything without checking first. It is the

divine command *fatabayyanu* that directs believers to make sure everything is right before acting. And this isn't just moral advice — it's a legal principle. Islamic jurists refer to it as a clarification on the importance of evidence and testimony being reliable. It is clear that only those things are necessary *fatabayyanu* will not be considered a verifiable method in digital age and era as we have modern ways of verification. Hashing, metadata examination and forensic validation all play a role in ensuring the validity of digital evidence. Taking these methods in combination, the evidence is therefore authentic at all levels, since each step when followed creates or maintains the authenticity of evidence in its original form and identity created — this meets the Qur'anic demand for truth. Islam is a religion exalting genuine knowledge, and categorical knowledge at that. The Qur'an warns not to have faith in anything without reasonable proof. Anything you want to say you "know" has to be backed up by good evidence that removes the ambiguity. This way is common sense, and it will ensure that good judgment shall triumph and decisions be based on reality, not speculation. According to the Holy Qur'an,

﴿ وَلَا تَقْفُ مَا لَيْسَ لَكَ بِهِ عِلْمٌ إِنَّ السَّمْعَ وَالْبَصَرَ وَالْفُؤَادَ كُلُّ أُولَئِكَ كَانَ عَنْهُ مَسْئُولًا ﴾

"Do not pursue that of which you have no knowledge. Indeed, the hearing, the sight and the heart — all of these will be questioned." (The Qur'an, 1996, 17: 36)

This verse inculcates an ethical duty to have faith only in what is rationally and empirically certain. *Yaqīn* (Arabic: يقين), is certainty or conviction, and is one of the levels of faith (*iman*) in Islam. It cautions against guesswork and skepticism. That is, in legal terms, evidence must be reliable enough to dispel the doubt. Such aim is pursued in forensic science by means of sound manipulation and measurable tools. From this perspective of the Qur'an, if digital evidence meets these preconditions then it is happening in accordance with the Qur'anic command that knowledge rests on truth. Combined, these versus establish a backdrop for an ethical evidence policy. They desire recordation and verification and certainty — all things that bring them directly to the value of fair usage of digital proof today. Used judiciously, they show that Islamic law and a modern forensics system can coexist to safeguard justice and moral high ground.

Prophetic Hadiths on Justice, Testimony, and Proof

The Prophet Muhammad (SAW) has laid down clear principles of truthfulness and equity in evidence. The testimony and proof will be taken care of by Muslim, as per his instructions. These very hadiths also contain timeless guidelines suitable for the present-day management of digital evidence. The bedrock of fairness in judgement under Islam is a very prescribed set of rules on evidence. Any claim must be confirmed by evidence as per the instructions of Prophet Muhammad (SAW). This makes the truth easier to come by and ensures that nobody is wronged.

"الْبَيِّنَةُ عَلَى الْمُدَّعِي وَالْيَمِينُ عَلَى مَنْ أَنْكَرَ"

"The burden of proof is upon the claimant, and the oath is upon the one who denies." (Abu Dawood: 3611).

This hadith forms the foundation for unbiased judgment. The burden is on whoever makes a claim to prove it. The person who makes the denial must swear in case of there being no evidence. These days, if digital recordings meet the criteria of Islamic law for authenticity and reliability, they can be used as that evidence. This burden of proof can be satisfied by proved emails, contracts or digital recordings that withstand the test of justice and truth. From legal to ethical and moral matters, truthfulness is an important aspect of life in Islam. In the blessed message of the Prophet Mohammad (SAW) it is said that goodness and piety follow in the wake of truth. Just as I strive to be real with people in the actual world, what's done to be authentic in the cause of justice.

"عَلَيْكُمْ بِالصِّدْقِ فَإِنَّ الصِّدْقَ يَهْدِي إِلَى الْبِرِّ"

"Adhere to truthfulness, for truthfulness leads to righteousness." (Al-Bukhari: 6094).

The Prophet (SAW) has linked moral goodness with integrity. Truth builds a just society in both word and action. It also implies data must be authentic and have been not tampered with in case of digital evidence. Veracity in all transactions, a guiding Islamic principal called *ṣidq* is also evidenced in the use of genuine certified digital proof. Witnessing falsely is considered one of the worst sins in Islam. Evidential lying is capable of destroying justice, Prophet Muhammad (SAW) stated. Lies and framed evidence hurt other people and transgress the principles of justice and truth in Islam.

"شَهَادَةُ الزُّورِ تُعَدُّ الشِّرْكَ بِاللَّهِ"

"False testimony is equal to associating partners with Allah." (Al-Bukhari: 2654).

This sahih hadith shows how seriously false testimony is taken in Islam. A grave sin is bearing false witness: lying under oath, giving or allowing false testimony. Changing or adding digital data is modern day form of *shahādah al-zūr* (witness falsehood). In order to avoid this, secure digital file handling practices; reliable sourcing and rigorous forensic methodology are required. Use of evidences is still under the regime of Lee Muhamad's justice, truth and honesty guidance. All forms of evidence — oral, written or electronic — should be subject to the same considerations of morality and ethics. Observance of these regulations instead will uphold the validity of the judicial process and protect Islamic values throughout time.

Fiqh Analysis: From Shahādah to Digital Bayyinah

As for Islamic jurisprudence, evidence is seen as an amanah and needs to be clear, fair and true. According to the classical jurists, these proofs are described as non-contradictorily (‘ġāma al-tanāquḍ), direct observation or satisfying experience (mushāhadah) and reliability of the source (‘adl al-shāhid). These standards would have been satisfied by the testimony of honest witnesses who had no means of testifying in the hearing.

Today, cameras and sensors and computer systems that record facts with near-perfect accuracy and indiscrimination are a major part of the work. By proper forensic examination, these writings may attain the similar surety as demanded by Shariah. As Al-Qarāfi, a scholar of the Classical jurist tradition who died in 684 AH, states, "Anything that leads to knowledge of what thing is correct or not correct constitutes evidence...That includes vision by the eye, hearing by ear and even proof which directly indicates: if it's being condition. When truth is plain, perhaps this perspective can make room for some unlikely types of evidence. Ibn al-Qayyim (may Allah have mercy on him) also said: And shariah does not restrict proof by certain procedures; rather, the goal is to establish evidence and eliminate doubt. His answer is a practical yet moral one, which would side with new and accurate data. Real (digital) data can be bayyinah, a sign fulfilling the condition for ḥaqq and sidq of Islam. Sound handling, metadata validation and forensic testing secures this content integrity against tampering. The question in today's Muslim courts is not so much whether digital evidence can be accepted but how to authenticate it without being seen to violate Islamic mores. Digital bayyinah is, when used fairly and thoughtfully, a means of doing that which human witness does; which is strive for justice, protect rights and reveal the truth as ordained by Allah (SWT).

Ethical and Epistemological Implications

Digital evidence changes our understandings of Islamic legal duty. A computer does not have a soul or wrong-making capacity, yet it has data retention. It is not to be held to account before Allah. Hence, the burden of ensuring credibility and fairness is shifted to the generators, collectors, and users of digital data. Their intention and humanity substitute the moral gauge that used to check if human evidences tell the truth, tazkiyah al-shuhūd. Islam also holds that acts are judged by their intentions, or al-umūr bi maqāsidihā. It means that technology use should be used in the service of justice rather than as a weapon of damage. Yet digital technologies, artificial intelligence and surveillance when used for justice can merit the good; even if the data is correct however, their use for oppression or control transform them into sins. Under Islamic law, as there are two forms of accountability to ensure equality in justice. The first is forensic accountability with an emphasis on the technical account of integrity, evidence processing and operational protocols.

Moral responsibility is the second, ensuring that technology respects human dignity and godly mandates. Just because digital evidence can support the truth together with Islamic practices when they are blended.

Comparative Legal Realities

Bangladesh, Malaysia and UAE have various forms of hybridization of modern legal system with Islamic principles. Even as all of them acknowledge that digital evidence is increasingly appearing in court, they disagree over how to regulate and apply it. A study of such legislation serves as an evidence for the reasonableness of Islamic thoughts to deploy technology in jurisprudence. This difference rather highlights the shared objective of justice and truth commitment, together with respect for Shariah and contemporary legal requirements.

(a) Bangladesh: Electronic documents are admissible as valid proof under Section 65B of the Evidence (Amendment) Act, 2022 in Bangladesh with a degree of reasonable authenticity. The requirement to document [for the witness] in the holy Qur'an (2:282) corresponds to this legislative change. With 'MyCourt', our virtual courts created under the Use of ICT in Court Act, 2020 allows for a hearing to be done remotely (Techlife, n.d.). There is still a lack of ethical supervision from an Islamic perspective, however. Also, to prevent unlawful surveillance safeguards must be taken according to the Shariah rule of lawful acquisition (*ḥalāl sabab*) as per See **وَلَا تَجَسَّسُوا** "Do not spy on one another" (The Qur'an, 1996, 49:12). So, the problem for Bangladesh is not its technological efficiency but rather to enable Shariah morality.

(b) Malaysia: Digital admissibility was initially introduced in Malaysia hybrid judicial framework under Section 90A whiles of the Evidence Act 1990. Electronic contracts and signature are legitimized by the national Fatwa Council (Majlis Fatwa Kebangsaan) which have ruled that legitimacy is not based on physical form, item or material alone, but also of ethics (*amānah*) and genuineness (*ṣidq*). Forensic science and *fiqh al-bayyinat* are integrated in the Shari'ah court (Federal Territories) decisions in Malaysia. If the information is confirmed by a competent authority, blockchain certification, encrypted document and video testimony are admissible. This is an illustration of the *maqāṣid* ideal *dar' al-mafṣadah* and *jalb al-maṣlaḥah*.

(c) United Arab Emirates: The United Arab Emirates is a prime example of technology integration. The Evidence Law of 2022 and Federal Law No. 2 of 2021 on Cybercrime provide for the electronic storage of court records and blockchain-backed authentication. Under human judicial supervision, the Dubai Courts use AI-assisted tools to handle evidence. *Maslahah mursalah*, or legitimate public interest unrestricted by explicit textual prohibition, is what this represents from an Islamic perspective. The Qur'anic imperative—

﴿ إِنَّ اللَّهَ يَأْمُرُكُمْ بِالْعَدْلِ وَالْإِحْسَانِ ﴾

“Indeed, Allah commands justice and excellence.” (The Qur’an, 1996,16:90).

It is in favor of technology when it improves justice. The UAE serves as an example of how contemporary innovation and Shariah principles can coexist within a common ethical structure.

The Five Shariah Conditions Revisited

The Qur'an, Sunna and classical jurisprudence establish five minimum qualifications that must be met in order for a digital evidence to be integrated *ibid.*; The principles of truth (*ṣidq*), justice (*‘adl*) and certainty (*yaqīn*) were found at this criteria-based sources by technology-related signs. They are taken as the rules under which digital evidence is evaluated to determine it as judiciously valid or *ḥujjah shar‘iyyah* in Islamic law. Verification, Genuinity, Integrity, Reliability and Legality of ownership; suffice to be the five core principles. All are forensic, and all have modern day forensic parallels as well as scriptural references.

The Five Shariah Conditions for Accepting Digital Evidence

Condition	Scriptural Foundation	Evidentiary Rationale	Modern Application
Authenticity (<i>Aṣl al-Waṣf</i>)	Qur’an 2:282 – “Write down the transaction and call upon just witnesses.”	Ensures that evidence originates from a credible and verifiable source.	Metadata authentication, digital signatures, and hash-value verification to prove file origin.
Integrity (<i>‘Adālah</i>)	<i>Sahih al-Bukhari</i> , 2654 – “False testimony is among the gravest sins.”	Prevents manipulation, fabrication, or tampering with digital data.	Forensic audit trails, tamper-proof storage systems, and chain-of-custody protocols.
Certainty (<i>Yaqīn</i>)	Qur’an 17:36 – “Do not pursue that of which you have no knowledge.”	Establishes that proof must eliminate doubt and be based on factual certainty.	Blockchain timestamps, expert forensic validation, and reproducible verification methods.
Lawful Acquisition (<i>Ḥalāl Sabab</i>)	Qur’an 49:12 – “Do not spy on one another.”	Ensures that evidence is obtained lawfully and ethically, respecting privacy and human dignity.	Collection through court warrants, consent-based data retrieval, and ethical surveillance.
Corroboration (<i>Ta’arud</i>)	Qur’an 24:13 – “Why did they not bring four witnesses?”	Reinforces truth through cross-verification and multiple sources of confirmation.	Multi-source verification, expert concurrence, and independent corroboration across systems.

This table represents the operational interface between *Shariah* epistemology and digital forensic methodology.

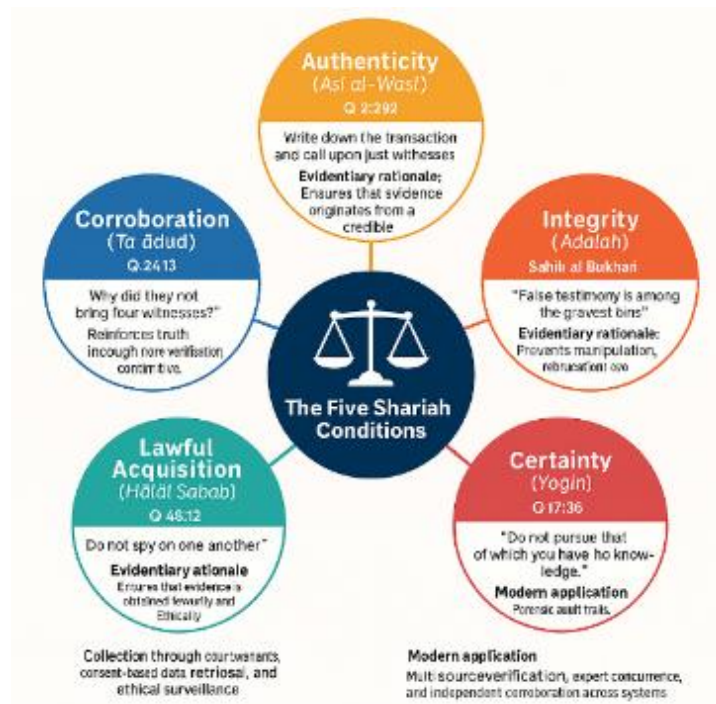


Figure 03- (self). The Five Shariah Conditions for Accepting Digital Evidence

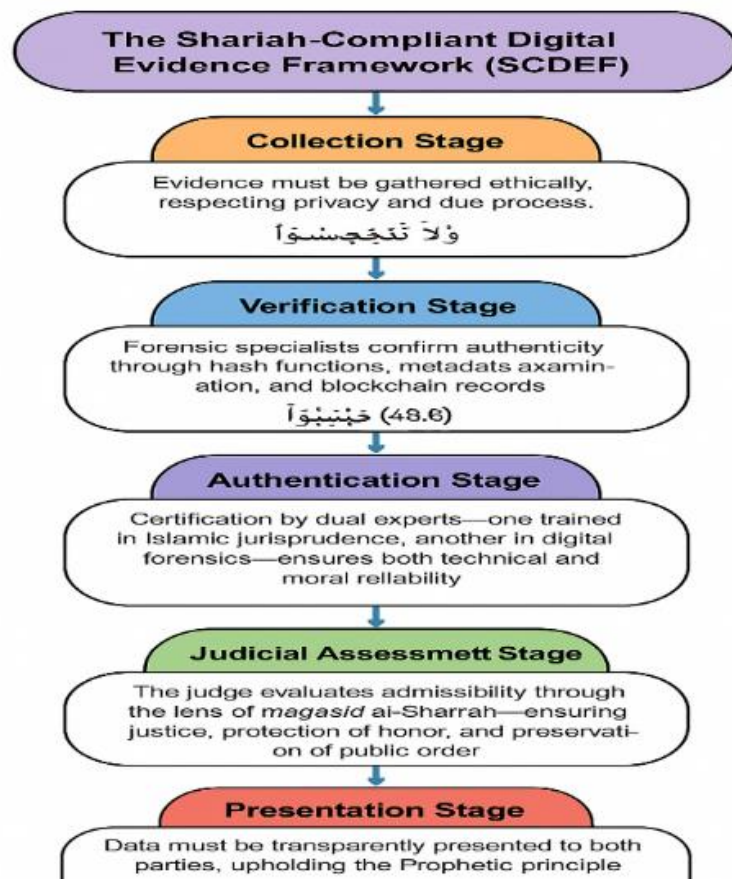
The Shariah-Compliant Digital Evidence Framework (SCDEF)

These modern forensics tools and complementing the Islamic legal concept are linked via Shariah Compliant Digital Evidence Framework (SCDEF). The objective is to ensure digital evidence is extracted and utilized in an ethical and legitimate way. Truth, Transparency and adherence to Shariah Screeners is the objective. The SCDEF used here explains doctrinal concepts into concrete judicial guidance: The digital forensics process, when integrated with Islamic legal principles, ensures that technical evidence is both ethically sound and legally robust. The process begins with a collection phase rooted in the Qur'anic prohibition against spying (The Qur'an, 49:12), necessitating that all data be acquired through lawful means that respect individual privacy and due process. This is followed by a confirmation phase, where analysts apply technical tools like hash functions and metadata analysis to fulfill the mandate of verification (The Qur'an, 49:6), ensuring the data's integrity and origin are beyond criticism. To bridge the gap between technology and morality, the authentication phase requires a dual-certification approach, where experts in both digital forensics and fiqh (Islamic jurisprudence) validate the evidence for technical accuracy and moral legitimacy. During the judicial assessment, a judge evaluates the admissibility of this evidence through the lens of maqāsid al-Sharī'ah, prioritizing the preservation of justice, honor, and public order. Finally, in the presentation stage, the findings must be disclosed transparently to all parties involved, upholding the

Prophetic tradition of clarity and fairness in dispute resolution. According to the Prophetic tradition:

إذا جلس بين يدىك الخصمان فلا تقضين حتى تسمع من الآخر كما سمعت من الأول

“When two people dispute, let not the judge decide until he hears from both of them.” (Abu Dawood: 3582).



Figure, 04- (self) The Shariah-Compliant Digital Evidence Framework (SCDEF)

CONCLUSION

One of the most significant contemporary jurisprudential developments is the recognition of digital evidence in Islamic law. The typical three legs of decision making—truth (ḥaqq), equity (‘adl), and certainty (yaqīn) are highlighted in the classical Shariah literature. The criteria for evidence are also similar to what the Qur’an demands, i.e. written evidence and good witness (The Qur’an, 1996, 2:282) and verifying a piece of news before acting as required in the context of allegation by a woman about her husband’s sexual behavior (The Qur’an, 1996, 49:6). Prophet Muhammad (SAW) said that you would be committing Shirk, when passing on anything which is untrue Sahih al-Bukhari 2654. These biblical principles require all testimony, spoken or digital, to be truthful, verified and acquired lawfully. Comparison of UAE, Malaysia and Bangladesh regimes the comparison between the

different legal systems show that Muslim countries are becoming more receptive to electronic evidence through legislation. The computerized records were allowed pursuant to section 90A of evidence act, Evidence (Amendment) Act 2022 introduced Bangladesh's Section 65B and UAE's Federal Law No. 2 of 2021 result into acknowledgment of the electronic record. Although all other systems are different they share the structural principle to enforce observance of maqāsid al-Sharī'ah for securing justice and eliminating harm. This text says that digital evidence meets the five requirements of admissibility: legitimacy, integrity, certainty, legitimate acquisition and verification under Islamic law. Without compromising any religious laws, these needs are consistent with modern-day forensic practices, such as blockchain logging, multi-device authentication, metadata examination and password verification. In the offered SCDEF, technological trustworthiness and divine court requirements are merged. In the absence of practical evidence derived from judicial interviews or courtroom observations, this article is primarily doctrinal and comparative. The future research has the opportunity to conduct an empirical and socio-legal study of utilization factors of digital proof in Shariah's courts. Second, there is a need for further investigations on deepfake identification and AI-based evidence in the field of Islamic ethics.

Recommendations for Future Research

Further research should focus on establishing standardized protocols for forensic authentication with proven fatwa authority. This would help in conforming technological processes to the principles of Islamic law. It is essential to explore these avenues further including the blockchain evidence storage from the perspective of fiqh al-mu'āmalāt (personal jurisprudential issues in business) to ensure data processing and contracts are in line with moral and legal values. Moreover, the moral and sociological impacts of AI on Islamic decision-making should be investigated with particular emphasis on potential risks of algorithmic bias, its equity implications. Finally, observational studies of the use of digital evidence by Shariah court judges in South and Southeast Asia might yield useful information regarding interpretation, usage, and trust of digital proof in practice.

REFERENCES

- Abū Dāwūd, S. ibn al-Ash'ath. (1305 H). *Sunan Abī Dāwūd* (Vol. 3, Kitāb al-Aqdiyyah, Hadith No. 3582). Delhi: Islamic Academy.
- Abū Dāwūd, S. ibn al-Ash'ath. (1305 H). *Sunan Abī Dāwūd* (Vol. 3, Kitāb al-Aqdiyyah, Hadith No. 3611). Delhi: Islamic Academy.
- Al-Bukhārī, M. ibn Ismā'il. (1305 H). *Sahih al-Bukhārī* (Vol. 1, Kitāb al-Shahādāt, Hadith No. 2654). Delhi: Islamic Academy.

- Al-Bukhārī, M. ibn Ismā'īl. (1305 H). *Sahih al-Bukhārī* (Vol. 2, Kitāb al-Adab [Good Manners and Form], Hadith No. 6094). Delhi: Islamic Academy.
- Al-Khatib, M. A. (2023). The Concept of Justice in Islam: A Socio-pragmatic Analysis. *Journal of Ethnic and Cultural Studies*, 10(5), 45–66. <https://www.jstor.org/stable/48756357>
- Badawi, S. (2024, April 30). Cybercrime: *Reporting, penalties & Safety under Cyber Law in UAE | Emirati Advocate. AK Advocates.* <https://www.lawyersuae.com/uae-criminal-law-cybercrime/>
- Bangladesh Evidence (Amendment) Act 2022 (Section 65B). Dhaka: *Government of Bangladesh*. Evidence (Amendment) Act, 2022: An Expert's View - Dhaka Law Review
- Bangladesh Law Commission. (2022). *Evidence (Amendment) Act 2022: Legislative Commentary*. Dhaka: Ministry of Law. Evidence (Amendment) Act, 2022
- Bardavelidze, Nugzar. (2022). SOME QUESTIONS OF ISLAMIC CRIMINAL LAW. *JOURNAL LEGAL METHODS*. <https://doi.org/10.52340/lm.2021.04>
- Husain, S., Ayoub, N. P., & Hassmann, M. (2024). Legal pluralism in contemporary societies: Dynamics of interaction between Islamic law and secular civil law. *Syariat*, 1(1), 1–17. <https://doi.org/10.35335/cfb3wk76>
- Ibn Qayyim al-Jawzīyah, M. ibn A. B. (1989). *al-Ṭuruq al-ḥukmīyah fī al-siyāsah al-shar'īyah* (B. M. 'Uyūn, Ed.; al-Ṭab'ah al-ūlā.). Maktabat Dār al-Bayān. al-Ṭuruq al-ḥukmīyah fī al-siyāsah al-shar'īyah in SearchWorks catalog
- Ibn Rushd. (1995). *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*. Cairo: Dār al-Ḥadīth.
- Bidāyat al-mujtahid wa-nihāyat al-muqtaṣid by Averroës | Open Library
- Imam al-Nawawi. (2019). *Sahih Muslim: With full commentary by Imam Al-Nawawi* (A. Salahi, Trans.). Adil Salahi. <https://searchworks.stanford.edu/view/15121706>
- International Review of Law. (2023). *E-Justice and the Concept of Testimony in Shariah*. <https://doi.org/10.5339/irl.2023.15>
- Ismail, W. a. F. W., Baharuddin, A. S., Mutalib, L. A., & Alias, M. a. A. (2021). An appraisal of digital documents as evidence in Islamic Law. *Academic Journal of Interdisciplinary Studies*, 10(3), 198. <https://doi.org/10.36941/ajis-2021-0076>
- Kamali, M. H. (1999). *Principles of Islamic Jurisprudence*. Cambridge, UK: Islamic Text Society. https://www.muslim-library.com/dl/books/English_Principle_of_Islamic_Jurisprudence.pdf
- Mustafa, Abdul-Rahman, *On Taqlīd: Ibn al Qayyim's Critique of Authority in Islamic Law* (New York, 2013; online edn, Oxford Academic, 23 May 2013), <https://doi.org/10.1093/acprof:oso/9780199937516.001.0001>, accessed 15 Oct. 2025.
- Nawaz, A. (2017). Principles of Islamic jurisprudence ~ Kamali Principles of Islamic Jurisprudence. www.academia.edu.

- https://www.academia.edu/34565882/Principles_of_Islamic_Jurisprudence_Kamali_Principles_of_Islamic_Jurisprudence
- Qatar University Journal of Islamic Law Studies. (2022). *Digital Evidence and Islamic Law: Challenges and Prospects*. <https://doi.org/10.5339/qfil.2022.08>
- Radhakrishna, Gita. (2017). Section 90A Evidence Act 1950 of Malaysia: *Time to Review*.
https://www.researchgate.net/publication/313673126_Section_90A_Evidence_Act_1950_of_Malaysia_Time_to_Review
- Rakha, N. A. (2024). Cybercrime and the Law: Addressing the challenges of digital forensics in criminal investigations. *Mexican Law Review*, 23–54. <https://doi.org/10.22201/ijj.24485306e.2024.2.18892>
- Safian, Yasmin. (2016). The Contribution of Yusuf Qaradawi to the Development of Fiqh. *Electronic Journal of Islamic and Middle Eastern Law*. <https://doi.org/10.5167/uzh-124518>
- The Qur'an (M.T.U.D. Abdel Haleem, & M.M. Khan, Trans.). 91996). Oxford University Press.
- Techlif. (n.d.). *Virtual court "MyCourt" launched on web - TechLife*.
Tech Life. <https://techlife.com.bd/details/virtual-court-%27mycourt%27-launched-on-web>
- UAE Federal Law No. 2 of 2021 on Cybercrime. Abu Dhabi: Official Gazette of the United Arab Emirates. <https://uaelegislation.gov.ae/en/legislations/1526/download>
- Zaharuddin, F. (n.d.). *[Dr. Wahbah Az-Zuhaili] Fiqih Islam Wa Adillatuhu (b-ok.cc).pdf*. Scribd. <https://www.scribd.com/document/458749557/Dr-Wahbah-Az-Zuhaili-Fiqih-Islam-Wa-Adillatuhu-b-ok-cc-pdf>