



## Physical Anthropology Section - 2013

### 17 Forensic Science in the Islamic Legal System

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The goals of this presentation are to: review comparative studies of religious principles and forensic activities; understand Shari'ah, the definitive Islamic law or doctrine, the source of law and moral guidance, the basis for both law and ethics; to learn about the medicolegal death investigation system in the Kingdom of Saudi Arabia (KSA) and its uniqueness, which was exclusively derived from Islamic judiciary based on Shari'ah law; review medical science in the history of the Moslem world, which is important in order to contextualize the applications of current forensic practice; to understand the role of forensic psychiatry in Islamic jurisprudence which can be traced through the Holy Qur'an and Sunnah (the teachings of the Prophet Muhammad); learn about the Islamic legal texts that give a wealth of material on mental illness, or insanity, and its existence in the Islamic literature, including law manuals and precedent/ruling (Fatawa) collections; explore the cultural, religious, and social contexts of practices of discipline and punishment in the Kingdom of Saudi Arabia; understand how disciplinary practices that are considered normative in one culture may seem neglectful or abusive in another; realize the definition of discipline means those practices (verbal, physical, emotional) intend to have children behave in specific, usually culturally normative ways will vary from culture to culture; review recent controversies that range from criminal material support of terrorism cases to civil challenges of policies of motor vehicle departments regarding the wearing of a type of Muslim veil, the hijab, in state identification photographs; and set a precedence among professionals for international understanding and to foster mutual cooperation.

This presentation will impact the forensic science community by ensuring through effective communications of the true nature of the Islamic legal system and the role of forensic science within, a better understanding of a misrepresented group of people, which will foster mutual cooperation among people globally. With this presentation, the basic premises will be presented for the participating audience to gain knowledge of the following: practice of religious principles in daily life at work—not just worship or recreation and family—differs from the secular life style. Yet, people are basically the same in corresponding the need for trust and respect, belonging and proclamation for fairness, setting rules to regulate ethics and morals, and supporting the values of liberty and humanity for everyone. With the many misconceptions of differing cultures and religious practices in people's lifestyles around the world, the audience will hear firsthand forensic science professionals speak on the practical experience in the Islamic legal systems. This session will highlight the Islamic systems in the practice of some medicolegal issues, such as medical ethics, consent, confidentiality, care of patient near the end of life, euthanasia, suicidal matters, and many other interesting aspects under the scope of Islam jurisprudence. Practices of discipline and punishment of children in Saudi Arabia families is highlighted. It is recognized within childhood studies that all societies and cultures bring infants and children into society and culture through a diversity of practices, one set of which is discipline and punishment. This presentation will review the impact of mental illness on patients in the civil and criminal legal domains regarding the application of the field of forensic psychiatry/psychology in the context of Islamic law upon Moslem populations globally. The true understanding of Islam by real people of the faith lends to best practices among experts worldwide. As globalization brings people closer in the workplace, knowing one's colleagues of different nationalities and living principles will enrich the collaboration of efforts in the paramount interest of the consumer world.

With globalization, the world has become home to an increasingly multicultural legal environment in many nations. A progressive legal system in any nation has the capability to understand and resolve the dynamics and the complex legal issues via various forensic sciences.

Cultures vary globally with varying regard for individuality and community distinction. Human beings may seek uniqueness through identity, yet the same people desire a sense of belonging with fairness and equality, regardless of cultural differences.

Different perceptions of values and traditions are based on the lack of knowledge about "The Other." Across the world, people have defined culture-specific traditions and customs, attitudes and values, and ethics and morals. These are based on religious law or civil law, or both combined.

People of westernized and assorted environments tend to have fragmented connections with traditions, religion, and beliefs, and may have a greater acceptance of forensic practices. While Eastern societies tend to have less diverse cultural groups and have more unified traditions, beliefs, and practices surrounding death, for example, they more frequently have religious issues related to various forensic sciences.

Shari'ah is the definitive Islamic law or doctrine, and it is the source of law and moral guidance, the basis for both law and ethics. The medicolegal death investigation system in the KSA is unique in the world. It is exclusively derived from the Islamic judiciary based on Shari'ah law. This is different from other Islamic countries, which have a combination of Islamic and other judiciary systems.

Forensic medicine education in KSA developed in the past few years as a result of the foundation for Saudi specialty certification in forensic medicine. The certificate is a post-graduate qualification equivalent to a doctorate



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degree in forensic medicine and requires completion of a four-year training program as well as passing annual evaluations and examinations.

This presentation will introduce the role of forensic psychiatry/psychology in Islamic jurisprudence and current forensic practices in the Moslem world. An analysis of the respective histories of national mental health systems, competency assessments and procedures for countries, as well as the larger Moslem world, was conducted.

The impact of mental illness on patients in the civil and criminal legal domains was observed and recommendations were offered regarding the application of the field of forensic psychiatry/psychology in the context of Islamic law upon Moslem populations globally. Additional recommendations were posited for international psychological training and a call for global practice standards.

This presentation will also highlight the practices of discipline and punishment of children in Saudi Arabian families. Discipline means simply those practices (verbal, physical, and emotional) intended to have children behave in specific, usually culturally-normative, ways. It is recognized within childhood studies that all societies and cultures bring infants and children into society and culture through a diversity of practices, one set of which is discipline and punishment.

Most research on discipline and punishment has been done in Europe and North America and has focused on child abuse (violence against the child, which is widely considered to be excessive and damaging) rather than on normative everyday practices, which is the focus of this study.

Modern day people, and some religions, reject the notion that there is an inherent conflict between science and religion. Instead they believe science and religion are two systems of knowledge. Each operating within its own sphere, they are fundamentally in harmony, mutually reinforcing, and both necessary to advance civilization (Baha'i Faith).

**Global Understanding, Islamic Jurisprudence, Forensic Sciences**