

Islamic Epistemology and Its Relations to Scientific Method in Islamic Law of Evidence



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Abstract: *Islam as a comprehensive religion has put forth the idea regarding epistemology in its own framework. The discourse of sources of knowledge is a part of epistemology scope. Islam recognized four sources of knowledge consist of revelation, intuition/inspiration, rational and empirical method. The last (empirical method) relates closely to the scientific method which is a method of investigation in which a problem is first identified, and observations, experiments, or other relevant data are then used to construct or test hypotheses that purport to solve it. In Islamic law, circumstantial evidence is a kind of evidence which is applied and accepted in Islamic court proceeding despite some jurist did not strongly emphasize its reliability compare to confession and testimony of witnesses. This writing aims at putting forward the importance of circumstantial evidence in Islamic law through an epistemological perspective that has to do closely with the scientific method. This is the way how Islam appreciates and avails of the development of science and technology for enhancing justice as the main principle in Islamic law.*

Index Terms: *Islamic Epistemology, Scientific Method, Islamic Law of Evidence*

I. INTRODUCTION

Epistemology is a fundamental matter and discussion in Islam. The empirical method, which is one of the key components of Islamic epistemology, has important relation to Islamic law. This is because the settlement of cases related to Islamic evidence law relies heavily on scientific methods (based on empirical methods) as evidence. The relation between the importance of epistemological discussions and Islamic law particularly Islamic law of evidence deserves

intention. Therefore, the overview of Islamic epistemology, scientific method and Islamic law of evidence will be discussed firstly before its relation is analyzed.

II. ISLAMIC EPISTEMOLOGY

The etymology of the word 'epistemology' can be traced from the Greek words *epistēmē* which means knowledge and *logos* which means reason, and the field occasionally been referred to as the theory of knowledge (Encyclopedia Britannica, 13 March 2019; Reese, William L., 1980). By using a more specific definition, epistemology is the study of knowledge and justified belief. In its aspect as an examination of knowledge, epistemology is interested in the following questions: What are the necessary and sufficient conditions of knowledge? What are its sources? What is its structure, and what are its limits? However, in its facet as the study of justified belief, epistemology aims to answer questions such as: How we are to understand the concept of justification? What makes justified beliefs justified? Is justification internal or external to one's own mind? (Stanford Encyclopedia of Philosophy, 13 March 2019). Fundamentally, the central discussion of epistemology in Islam is the sources of knowledge. There are four sources of knowledge acknowledged in Islam, namely: Revelation, intuition/inspiration, rational and empirical method (Abdul Rahman Abdullah, 2002). Divine revelation is the main source of Islamic knowledge. Divine revelation has always been deemed as the utmost source of knowledge, but it was never the only one. The past Muslim thinkers had been persistent in trying to acquire detailed knowledge regarding the determination of the rules and concepts of the Qur'an, but they had developed these solely on the basis of common sense instead of a unifying methodology (M. Azram, 2011). Intuition is the ability to understand something by instinct, without the need for conscious reasoning (Oxford Dictionary, 14 March 2019). The term 'intuition' refers to an esoteric mechanism which involves ones 'spiritual faculty of intuition' and collection of knowledge. Intuition is a faculty of operational energy coming from one's soul. Intuition is a natural process, however, it is not a well-developed faculty for most Westerners, because intuition is Esoteric in nature. Meaning that it takes place other than in one's brain and thinking (Urban Dictionary, 14 March 2019). Rational Knowledge is the form of knowledge acquired by the use of reason or intellect, without the reference to perceptible facts.

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Due to the fact that the methods used to acquire such knowledge can be explained and understood by others with ease, it is considered a knowledge that is firmly rooted on the logical analysis (Basri Husin, 2010).

The empirical knowledge is obtained with an attempt to discover its basis through the experience of our senses. In other words, it is the type that finds recourse or confirmation by the evidence of sensory experience. It is derived with the use of the five senses, since knowledge can only be acquired from sight, hearing, touch, smell, and taste. The evidence provided by the senses gives meaning to empirical knowledge, as according to the empiricists, the senses are the source of our knowledge. The trust of the empiricists in regard to empirical knowledge is based on the idea that there is no knowledge prior to experience, and there can be no knowledge outside what the sense experience. Since empirical knowledge is essentially stemmed on sense experience, it stands to reason that observation and experimentation will be the basis to empirical knowledge (Abdul Rahman Abdullah, 2003).

III. SCIENTIFIC METHOD

The principles and empirical processes of discovery that are considered the characteristic of scientific investigation, generally involves the observation of phenomena, the formation of hypothesis concerning the phenomena, experimentation to demonstrate the nature of the hypothesis, and a conclusion that validates or modifies the hypothesis. It is essentially problem- solving by using a step-by-step approach of identifying the problem, collecting the relevant data, formulating a tentative hypothesis, conducting experiments to analyze the hypothesis, interpreting the results objectively, and duplicating the steps until an acceptable solution is found (Md. Soot Ahmad, 2009; Business Dictionary). Knowledge can be accumulated through diverse procedure. The scientific approach is a vital means of knowledge acquisition. The approach using scientific method ensures the reliability and rationality of the information acquired. It has to do with the empirical knowledge, which is propositional knowledge received by experience or sensory information (Wan Mohamed Wan Muda, 2009; Business Dictionary). *Posteriori* knowledge is a contrast to *priori* knowledge, which is the knowledge that is gained through the apprehension of innate ideas, intuition or pure reason.

IV. ISLAMIC LAW OF EVIDENCE

There are four kinds of evidence which are accepted in the determination of Islamic law:

- 1- Admission/confession (al-Iqrar)
- 2- Testimony of witnesses (al-Syahadah)
- 3- Oath (al-Yamin)
- 4- Circumstantial Evidence (al-Qarinah) (Mohd. Nasran Mohamad, 1994)

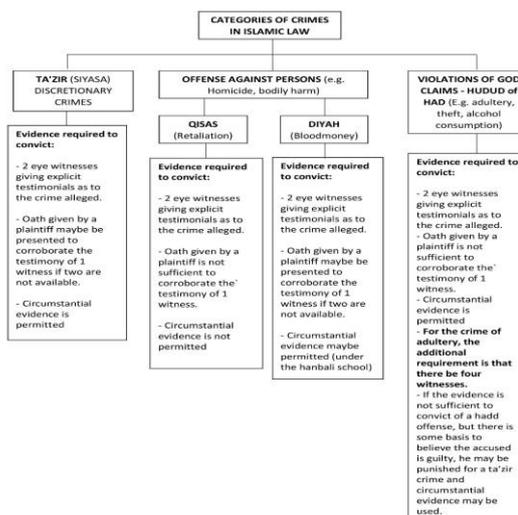
In Islamic law, *Iqrar* is used for admission in matters of civil, while *I'tiraf* is used for the admittance of a crime against oneself. Admission was defined as "Let knowing the court about the rights of others on him" While *Anwarurulah* has elaborated proclamation as confession, which bears the meaning of a person's statement before the court admitting to the offense for which he is accused. It also defines as the

evidence of a person against himself before a court (Rashid Ahmad et al., 2012).

In Islamic law, a testimony (*shahada*) is defined as attestation with regard to the right of a second party against a third. The testimony has to include particular knowledge of an affirmed event, and cannot find its basis on conjecture. Witnesses offering testimony must be one male Muslims, or two female Muslims, with their testimonies combined have the same standing as the testimony of one male. Moreover, a witness must be a Muslim with honesty, a good character, integrity, and unquestionable sense of honor and righteousness (M. Abualfaraj, 2011).

As regards the *Shari'a* of Islam, great importance is allocated on the willingness to swear an oath for the parties with a dispute, in particular when there is a lack of corroborative evidence. In legal terms, it means swearing by the name of Allah, any of His Attributions or the Holy Quran to tell the truth in or before the court. The court may institute certain formalities on taking an oath by a person. The oath shall be taken by the individual whom the court requests to take the oath, not by his agent or a substitute (Anwarullah, 2010).

The last evidence which is permitted in Islamic law is circumstantial evidence, or *al-Qarinah*. Circumstantial evidence (*al-Qarinah*) literally means connection, conjunction, relation, presumption, inference or indication. The word *al-Qarinah* may also refer to something that surrounds an event from which a legal inference can be deduced for the existence or non-existence of something. There are many types of circumstantial evidence, some of which are cogent and convincing, while others have minuscule probative value. Thus, caution must be taken to admit only those which are highly probative and cogent to satisfy the court of the guilt of the accused beyond reasonable doubt (Sowed Juma Mayanja, 2017).



A figure of categories crimes in Islamic Law and the acceptable evidence to convict (M. Abualfaraj, 2011)

V. CONCLUSION

Epistemologically, Islam recognizes the empirical method as a reliable knowledge because what can be inferred through senses bring about certainty. From Islamic law perspective, it is important to adopt what may be proven through the empirical method in Islamic law of evidence in solving court cases. The empirical method has a close relation to the scientific method as it is a method of investigation in which a problem is first identified and observations, experiments, or other relevant data are then used to construct or test hypotheses that purport to solve it (Collins Dictionary, 16 March 2019). It is clear that the role of senses is the most important element in the scientific method. Therefore, any scientific methods should be given preference as reliable evidence in Islamic law of evidence, furthermore with the development of science and technology leads to providing precise definitive data and information. For instance, in the case of DNA, as a piece of evidence that is a particular kind of evidence associated with DNA profiling. DNA evidence is one of the most commonly known kinds of scientific evidence. DNA evidence is, in general, gathered by examining a crime scene thoroughly using a forensic toolkit in order to obtain any substances at the crime scene which might be used for matching DNA in a test. This is how empirical knowledge and data acquired through the scientific method may assist Islamic court proceeding. By doing so, justice, which is the main principle Islamic law can be enhanced.

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