



## The Role of the Judge's Knowledge in Proving the Crime with the Approach of Comparative Jurisprudence with an Emphasis on the Law of Afghanistan

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### **Abstract**

The knowledge of the judge as one of the evidences to prove the claim and the ways of establishing the crime is the Islamic jurisprudence and law, and since the main origin of the relevant laws of Afghanistan is jurisprudence, it was necessary that the basis and scope of the knowledge of the judge and the quality of citing and issuing judgments according to It should be examined from a jurisprudential and legal point of view. The purpose of this research is to analyze jurisprudential data based on comparative jurisprudence and the procedures of the Afghan legal system in the field of validity of the knowledge of the judge by adopting the analytical descriptive research method. The research findings show that the famous opinion of Imamiyya jurists has become famous among jurists by citing rational and narrative evidence (verses, narrations, and consensus) on the acceptance of the judge's knowledge in proving the crime. Of course, the infallible Imam (a.s.) can rule according to his knowledge, but there is a difference of opinion among the jurists about the non-infallible judge. Some of the jurists, who may be famous, think that the judge in all crimes, including the rights of God, such as Adultery, and theft, and the rights of the slave, such as retribution and Qazf, can act according to their knowledge. The famous opinion of late Sunni jurists is that the judge's knowledge is not valid regarding the right of God and the right of the servant. However, in the expressions of some modern and contemporary Sunni scholars as well as the position of the Afghan legal system, the validity of the judge's knowledge is used in the cases in which he gained knowledge. Because; Compared to other proofs, this science is stronger than the science obtained through other methods of proof.

**Keywords:** *Proof Evidence; Knowledge of Judge; God's and People's Right; Comparative Jurisprudence; Crimes; Afghan Law*

### **Introduction**

It is important to prove a crime and inform a judge of the importance of any subject of jurisprudence and laws. He studied the penal procedural law of Afghanistan, taught a judge, among other things, evidentiary evidence, mentioned the song of his darling with the authority of two jurists, and applied his knowledge according to common methods to obtain a ruling.

This is an investigative article, a descriptive analysis, and a statement of the balance of consideration of a judge's knowledge when issuing a righteous judgment according to the jurisprudence and law of Afghanistan. The main question of this investigation is this: How and what is the inscription of the knowledge of a judge in proving a crime from the theorist of comparative jurisprudence and rights in Afghanistan? How do you explain what happened? The hypothesis of a present investigation of the story of a well-known Imamyeh jurist and an applicable perspective on the jurisprudence of the Sunnis and the legal system of Afghanistan, consideration and evidentiary inscription of the knowledge of a judge in proving the crime of Ast. With this main page, there is a pen with which you can use a sub-page to write down your opinions; What is the perspective of the judge's knowledge? What type of knowledge is Qadi Shamil's knowledge? And does a judge know whether Shiite and Sunni jurisprudence scholars have an inkling about proving a crime? What is the status of Afghanistan's human rights system in a judge's knowledge of proving a crime?

I want to put it in order, collapse, and divide it. This picture of his room is here. He started with the definition of the basic concepts of his reply, and he explained the meaning of considering a judge's knowledge of his religion, comparative jurisprudence, proposing theories, agreeing and disagreeing, and discussing his religion. We agree, and here is a statement regarding whether a judge is aware of the law of Afghanistan and the plural of clauses and consequences, according to Joachim.

## **Concepts**

### **1. Knowledge**

Knowledge in the word means understanding, and the knowledge of a judge in jurisprudence means certainty and assurance, which is also called normal science. (Jaafari Langroudi, 1997, Vol. 4: 563). The knowledge of the judge in the term is the knowledge of the judge in ascertaining and attributing the crime to the accused in an objective and perceptible way. That is, the judge's knowledge is valid when it is objective, tangible, and controllable to the appeals authorities. (Shamlou Ahmadi, 2001, vol. 1: 314-315).

The meaning of the knowledge of a judge is personal and ordinary knowledge. That is, whenever the judge's knowledge is mentioned in the topic of justice and crime proof, the knowledge means the personal and normal knowledge of the judge regarding the disputed subject and disputed reality. ; This knowledge may be obtained as a result of experiences and studies of sciences, etc., with a series of references or through the study of research and the explanations and arguments of the parties for the judge. Therefore, the meaning of science in scientific discussions is the normal and personal science of the judge. Not legal science, which is opposed to rational and narrative evidence. Mastering it is necessary and certain to hold the job of judgment. Evidence to prove a claim is one of the manifestations and examples of normal science. The meaning of science in the principles of jurisprudence is to cut off suspicion, and its truth is nothing other than the development of reality and truth in its entirety. (Beihagi, 1997: 106).

But in jurisprudence and law, it is not meant to reach this knowledge that leaves no unknowns in it; Rather, it is normal and conventional knowledge that is included in law as a means of settling and resolving claims.

Normal science means science that most people and ordinary members of society do not pay attention to the possibility of the opposite when they achieve it, even though the possibility of the opposite is rationally possible. If the judge knows the truth during the trial, which common sense can say that he does not act on his knowledge and only pays attention to the evidence presented? When the action based on traditional evidence (confession and testimony) which is an incomplete and suspect discovery is valid, normal knowledge or certainty can be documented firstly and for the judge, normal knowledge is

not obtained simply, and if the judge's knowledge is from knowledge If normal is higher, there is no room for discussion in practice. (Jalaluddin Madani, 1999, p.379).

Therefore, in criminal law, which is often compiled based on the standards of Islamic law, the knowledge of a judge can generally be used to prove all crimes, the rights of God, and crimes related to the rights of a slave, and specifically, as one of the proofs of some crimes. However, the Afghan legislator has not provided a definition of the knowledge of a judge in any of the laws on the principles of criminal proceedings and the principles of civil trials, and other laws.

Only one of the jurists, following the concepts and sources of Islamic law, has provided a definition of the knowledge of the judge, which can be considered the accepted definition of the current criminal law. According to him, what is meant by the knowledge of the judge is the knowledge that is based on his certainty or confidence in assigning or not assigning the crime to the accused.

### **Generalities**

#### 1. The importance of the judge's knowledge:

The importance of the judge's knowledge is such that in the case of conflict and conflict between the testimony of witnesses and the judicial emirate, the side of the emirate should be preferred. Because; the judge ensures the judicial authority directly; listening to the testimony for him (instead of creating knowledge) only creates suspicion and that is knowledge in an indirect way. (Iraq Goldozian, 2004, p. 388).

#### 2. The basics of the judge's knowledge:

The basics of the judge's normal and personal knowledge are: 1. Legal evidence, especially judicial evidence, and 2. Matters that have not been proven as evidence by the legislator, but are certain for the judge (Mohammed Azimi, 1993, p. 2). Of course, after the end of the trial, the judge cannot acquit the accused simply on the basis that he knows his innocence, without specifying the basis of the knowledge, or in the position of conviction, he cannot consider any of the reasons based on the knowledge obtained.

#### 3. Characteristics of the judge's science

The knowledge of a judge is acceptable and reliable when it has the following characteristics:

##### 3-1- The conventionality of the way of learning science

Science is valid if it is obtained through conventional and usual ways, not through unusual ways such as revelation and inspiration or strange sciences such as Jafar, Ramel, artificial sleep, hypnosis, magic, etc.; That is, the knowledge of the judge must be obtained in a way that people usually study science and produce results in that way. In any case, if knowledge is obtained in a conventional way for the judge, there is no reason to violate the judgment issued in higher stages, and if the knowledge is not obtained conventionally, the judgment issued will be overturned in subsequent courts.

##### 3-2- The need to mention reasons for the emergence of science in the ruling

The second special feature and very important condition for the possibility of a judge adhering to his knowledge is that he must mention the document of his knowledge. Article 249 paragraph 7 of the principles of criminal proceedings in Afghanistan also obliges the court to mention the reasons for issuing the final verdict. Now, these reasons may be in the form of expert theory or any other certainty. (New methods of crime proof, 1969, p. 100).

### 3-3- The documented source of knowledge in the file

There must be the source of the judge's knowledge in the file, and the said knowledge must be documented with reasons, proofs, and evidence, and it should be studied after hearing the statements and defenses of the parties to the lawsuit and defense in the investigation and trial sessions. Thus, in criminal law, the knowledge resulting from seeing or listening to the criminal event or the personal knowledge of the judge outside the court lacks validity and legal validity; Therefore, the judge's knowledge should be obtained by studying the file and the circumstances and evidence in the file. If the judge acts on his knowledge without needing to state the documents of the source of his knowledge, especially in cases where the trial is not public, he will place himself under the suspicion of accusation and injustice (Khorsandian, 2013: No. 2). In this sense, the Shafi'i jurists have stated the following three conditions for a judge who issues a ruling based on his knowledge: 1. The judge must be a mujtahid, and if the judge is essential (non-mujtahid), he must mention that the document of his ruling is a dossier) and if he cites his He did not mention the actions of the judges; 2 The judge's ruling should be other than the punishment of Allah Almighty. 3. Evidence (witness) should not be contrary to the judge's knowledge. (Abd al-Aal Ahmad Atwa, Beta: 29, Muhammad bin Ahmad Ramli, 1404, vol. 8: 259 and 260 and Abdullah bin Hijazi Sharqawi, 1818, vol. 2: 495).

### **The Role of the Judge's Knowledge in Proving the Crime and Its Scope in Comparative Jurisprudence**

The debate about the validity and authenticity of the judge's science is one of the important debates about the method of proof, of judgment, which most of the past and contemporary jurists have expressed their opinion about.

#### 1. The validity of the judge's knowledge in proving claims and crimes in Imami jurisprudence

By examining the scientific works of the past and contemporary Shia jurists, it is found that among them it is known that Imam Masoum (a.s.) can judge based on his personal knowledge, as Mohaghegh Hali says: "Imam is a judge of knowledge absolutely, etc. According to the rights of Allah Ta'ala, Ali al-Qawlin is the correct judgment, and it is permissible to rule on this matter, except for the presence of a witness. (Moghagheh Hali, 1410, p. 98). Even regarding the right of Imam Masoom (a.s.) to judge, some people have reached a consensus, and in this sense, the owner of the jewel has considered it worthy of consideration without opposition, and even Sheikh Ansari has considered it obligatory on the Imam, as he says: "There is no fault in the Imam, but against him." and for this reason, Sahib Javaher attributed the consensus to these sources (Najafi, 1369, vol. 40: p. 86; Khamenei, 1382: p. 6). But regarding the non-infallible judge, there is a difference of opinion, and in this context, the following five theories have been presented by them: Some have accepted the permissibility of acting on knowledge and believe that the non-infallible judge is also like the infallible Imam in all cases and crimes, including the rights of Allah. Like drinking wine, adultery, and the right of a slave, such as revenge, he can judge based on his knowledge. (Mohammed Momin 1387, period 1). Some others believe that the judge absolutely cannot judge according to his knowledge and that the only way to prove the case is confession, evidence, and oath. (Khorsandian, 1383, period 21) Another group has elaborated on the right of Allah and the right of people and they believe that the knowledge of the judge is the evidence for the right of Allah and not for the right of people. (Moussavian, 1384 period 77). The opinion of another group is also detailed, but it is the opposite of the previous opinion: "The judge can rely on his knowledge in the right of the slave, not in the right of Allah" and this saying is attributed by Hali (Fakhr al-Mhaqiqin) to Ibn Idris (Muhammad bin Hasan Halli2008). And they have made a difference, and they do not consider it permissible for the judge to refer to his knowledge (Ibn Babouyeh, 1363). However, the famous opinion among Imamiyyah jurists is even the claim of consensus on the first point, that is, the knowledge of the judge is valid both on the right of God and on the right of the servant, both in criminal matters and in civil matters, and

contemporary jurists have also accepted this opinion, following the famous Imamiyyah jurists (Mousavi Khomeini, 2000, vol. 1, 101).

Proponents and supporters of the absolute authenticity and validity of the knowledge of the judge have cited several reasons, which are stated below.

#### a) Application of Some Verses

Surah (ص/س), verse 26: “O david! Indeed, we have made you a vicegerent on the earth. So, judge between people with justice, and do not follow your desires, or they will lead you astray from the way of Allah. Indeed, there is a severe punishment for those who stray from the way of Allah, because they forget the day of reckoning”.

Surah An-Nasa verse 58: “Indeed Allah commands you to deliver the trusts to their [rightful] owners, and to judge with fairness when you judge between people. Excellent indeed is what Allah advises you. Indeed, Allah is all-hearing, all-seeing.”.

Surah madeh, verse 45: “In it we prescribed for them: a life for a life, an eye for an eye, a nose for a nose, and an ear for an ear, a tooth for a tooth, and retaliation for wounds. Yet whoever remits it out of charity, that shall be an atonement for him. Those who do not judge by what Allah has sent down—it is they who are the wrongdoers.”.

Therefore, according to the application of the above verses, these verses indicate the validity of the judge's knowledge, because if the judge wants to judge based on his knowledge in the absence of valid and principled evidence, he must judge based on the justice and justice that is obtained in his knowledge. Therefore, when a judge is appointed to the position of judge, it is expected that his judgment will be done with fairness and justice. Therefore, the realization of justice and installment is dependent on the judgment of the judge, that is, the judge must first recognize that the judgment he gives is just and then insist on giving it.

So, as a result, using personal knowledge in judging is a sign of the validity of the judge's knowledge. In addition, it can be seen from the above verses that the judge's knowledge is authentic and valid both in the rights of the servant and in the rights of God. (Ibn Babouyeh, 1983). Some people also believe that the above verses are not used as the authority of the judge's knowledge. Because in the above verses, only refer to the implementation of justice and justice, and it does not refer to the validity of the knowledge of the judge, even though the judge, if he is aware of the incorrectness and injustice of the reasons presented, should not rule against his own opinion and confine himself to the mentioned reasons. Because the evidence of the necessity of a ruling for justice and the right does not allow him to issue a ruling against the right. (Abbas Zeraat; Hamid Reza Hajizadeh, 2018).

b) In the continuation of the arguments of the supporters, they have cited the priority of the knowledge of the judge over evidence because the knowledge is useful for certainty, but the evidence is conclusive and useful for suspicion. (Mohammed Hasan Najafi, 1983).

c) Failure to act according to knowledge causes the judge to commit misconduct in cases where failure to issue a verdict according to knowledge will lead to giving the right to someone else or stopping the judicial procedure (Seyed Mahmoud Hashemi Shahroudi, Vol. 99).

d) The common law connection between the judge's judgment in the cases of rulings and judicial doubts, whose knowledge is certainly valid, with the judge's knowledge in personal matters (Seyed Mahmoud Hashemi Shahroudi 1997, 100).

## 2. The Validity and Authenticity of the Judge's Knowledge in Sunni Jurisprudence

Two issues can be discussed here, one is if the judge's ruling is against his knowledge, such as someone testifying to the marriage between two people, and the judge's knowledge is about his privacy, for example, on custody or divorce, in this case, the judge's decision is not permissible, which is contrary to his knowledge. Issue based on the testimony of witnesses; Because his ruling will be invalid and forbidden, and according to Imam Nawwi's statement, he claimed consensus, although Mawardi says that he should issue the ruling based on witnesses, so it turned out that it is the opinion of the majority scholars, not consensus. Some scholars have said that he should wait because; The conflict between the knowledge of the judge and the witnesses, who are different, is made to reveal their corruption or to assign the case to another judge. (Yamri Maliki, 2011, vol. 4: 398; Sharqawi, 1818, vol. 2: 495 and Rafat Osman, 1994, vol. 1: 501).

Or if he knows the case, he will issue a ruling in favor of it? In this case, the following three theories have been proposed:

In Imam Abu Hanifah's opinion, if the issue is only the pure rights of God, such as the limit of adultery, drinking alcohol, and the limit of theft, the judge is not allowed to use his knowledge, but if the issue concerns the rights of the people, such as the limit of *gadf* (sexual slander) or the property and contracts that are intended Whether it is property or non-property such as marriage, divorce and diet (blood price), the judge can rule according to his knowledge. If a person is aware of an incident before assuming the position of judge, or after assuming the position of judge in a place other than his jurisdiction, he gains knowledge and knowledge about an issue, or he is a judge in a local area and he is also aware of an issue and then he is dismissed. After some time, if he receives a judicial notification again, he cannot issue a ruling, of course, if he obtains knowledge during his province or in the place of that province, he can issue a ruling again.

In Maliki jurisprudence, the judge judges based on his knowledge, and this is the opinion of Abu Thor, Abu Yusuf, and narration from Imam Ahmad, and the saying of Rajh from Imam Shafi'i, but the Shafi'i doctrine, based on both sayings, is that the judge can issue a ruling outside of the limits, but in The judges do not have the right to issue judgments, and they act according to their knowledge. But in what has been admitted, the judge cannot act according to his knowledge. The judge relies on his knowledge in correcting and modifying, but he will not rule on his knowledge in the object of which the confession has been made. Nevertheless, it is not possible to judge with one's knowledge the limits of punishments such as the limit of adultery or *muharibeh* or theft or drinking alcohol due to their falling due to suspicion also due to the *mustahabb* of concealment and covering it, but in human rights, there is no prohibition in judging with knowledge, either There is no problem in financial matters or the limit of *Qadz* and in injury and modification.

In the Hanbali religion, the judge cannot judge based on his knowledge, except in the case of injury and modification; There is no dispute in the fact that the judge is allowed to issue a verdict through confession and testimony in court, and when he hears it with two witnesses, he can act according to his knowledge, because he is out of the position of slander or excluded, but the verdict is based on knowledge other than what he has heard or seen. It is not permissible before or after taking judgment. As they have said: It is not permissible for a judge to judge with a scholar, neither in the limits nor in others, nor is it permissible for the scholar to rule before the judge, nor in the latter. It is strong according to al-Shafi'i and this opinion is also the appearance of al-Mahhab in the *fiqh* of al-Hanabula. (Yameri Maliki, 2011, vol. 1: 502-503; Ibn Qudama, 2009, vol. 11: 400 and Ibn Modud Mosuli, 1977, vol. 2: 121).

## 3-Criticism and Analysis of the Arguments of the Opponents of the Authority of the Judge

Some hadiths are used in such a way that they consider the way of proving claims to be based on traditional evidence (evidence and oath), the most important of which are the following:

1. The Prophet of Islam said: "I judge between you only with clear proofs and faith, and some of you are more compassionate with the evidence of others. So, whenever a man is cut off from his brother's wealth, a piece of the Fire is cut off for him for it." (Hurr Ameli, Beta, vol. 18: 70). The Prophet also said: I judge according to the evidence and the oath among you. I will give him (but in fact, it is not his right) I have provided a piece of fire for him with this ruling (Sajestani, N.D, Vol. 3: p. 328).
2. The Messenger of God (PBUH) cursed his wife Mian Ajlani, her wife was pregnant, and her husband said: I swear to God, two months after inoculating the palms and stopping watering them, I have not had intercourse with this woman, the narrator said: The husband of this woman is thin and has thick hair. And he was the person slandered by Ibn Sahma, the narrator said: That woman brought a black-faced boy with twisted and curly hair and a strong arm. Ibn Shaddad Ibn Had said to Ibn Abbas (R.A.): "Is this the same woman to whom the Prophet said: If I were to stone someone without a vision, it would be I would have stoned the woman. He said: No, she was a woman who was doing obscene things publicly in Islam (Qazvini, 2006, vol. 2: 855, Fazal Naraghi, vol. 17: 43 and Tabarani, 1983, vol. 10: 295).

The application of these hadiths means that it is forbidden to testify and accuse someone of adultery until there are four witnesses, even if it is from the judge. The same applies to the general verse of Hadd Qazf and Ma'anah and the verses of Afek in Surah Mubarakah Noor, because it is clear from their appearance that the existence of four witnesses is relevant. Their claim that this evidence is a rejection of the judge in the position of judging and implementing divine decrees, is not acceptable, because there is no reason for this rejection, the traditions specify that this ruling is general (it is not permissible to testify without the presence of four witnesses) for the position of interrogatories. And judgment, considering intuition; the judge is the same as the witness in this respect, and there is no difference between a just witness and a judge. In addition, in the language of the hadiths, the intensity and emphasis are visible, and the wisdom of this ruling, rather, the reason for it is that God willed to cover the sins, and the sin that has less than four witnesses will remain covered for the Muslims, and also the language of the telling narrations It is that the presence of four witnesses is relevant and it is clear that there is no difference between a judge and a non-judge in this regard.

#### 4. The validity of the judge's knowledge in Afghan law

In Afghan law, the knowledge of a judge is not recognized as an independent proof of a crime, and therefore the legislator has not mentioned it among the proofs of a lawsuit, both criminal and civil. However, it can be seen from various expressions of the legislator that the legislator considers the knowledge obtained from the evidence to be implicitly valid (Principles of Criminal Procedures, A. 19).

In the law of Afghanistan, although the legislator has not mentioned the knowledge of the judge as evidence in the counting of the proofs of the lawsuit (Principles of Criminal Procedures, Art. 19), instead of the Law of Principles of Criminal Procedures, he has spoken of fair and impartial judgment, and this purpose cannot be fulfilled except by Leaving the hands of the judge in the evaluation of the reasons, evidence, and Emirates. In legal terms; Judgment is based on "convincing the judge's conscience".

Therefore, there is no contradiction that the judge's knowledge is absolute proof, and at the same time, in the past, due to its practical limitations, the main reliance was placed on presumptive evidence. Today, with the development of scientific methods of crime detection, the science of the judge has regained its original place.

#### 4-1- Murad of the knowledge of the judge in Afghan law

Due to the fact that the Afghan penal law has been compiled only in the case of taziri punishment and the discussion of the limits of retribution and diat has been referred to the Hanafi jurisprudence, therefore, to explain the meaning of the science in question in Afghan law, it is evaluated from two aspects:

##### 4-1-1-Regarding the limits of Qisas and Diyat

As mentioned, the laws of Afghanistan in the discussion of the limits of Qisas and Diyat are subject to Hanafi jurisprudence, and referring to the aforementioned jurisprudence, it seems that the disputed science in Hanafi jurisprudence is a science based on the observations of a person. The judge is obtained because one of the well-known Hanafi jurists in his speech and the opinion of the Hanafi religion says: "In our opinion when a judge is allowed to judge by evidence, he judges by personal knowledge firstly. The judge is allowed. This is because the meaning of "visualization" is not the object, but the acquisition of knowledge by accident. It is clear that his knowledge is obtained through examination and observation. It is stronger than the science obtained through testimony, because what is obtained from testimony is science with probability, and what is obtained from observation is definite and certain science. Therefore, this knowledge is definitive and powerful, and judging by it is sufficient first. (Alauddin Kasani, p. 7).

##### 4-1-2- In other crimes

In the criminal and civil laws of Afghanistan, the knowledge of the judge is not mentioned separately as a reason to discuss the knowledge of the judge in the mentioned laws.

### **conclusion**

The sum of these arguments and demonstrations proves the same famous saying that knowledge is evidence for a judge and can be a document of ruling, whether it is in the rights of Allah or the rights of the slave.

- 1- Of course, all the jurists agree, except for the case that a judge cannot issue a verdict contrary to his knowledge.
- 2- According to their knowledge, all Imamiyyah jurists, except for Ibn Junaid, agree and agree on the action of Imam Masoom (a.s.); But in the case of non-infallible, it is difficult to believe in the validity of the judge's knowledge, therefore, the evidence of the consensus of the jurists as a clear proof of the validity of the judge's knowledge is distorted and debatable and cannot be a complete proof. (Najafi, 1369, vol. 40: 88 and Alam Elhadi, 2001: 241).
- 3- Regarding the rights of the slave, Ibn Junayd clearly stated that there is no atmosphere. (Alam Al-Hadi, 1380: 241) And Tusi, in Mobusut, is bound the promise of permission to immunity from wrongdoing; Therefore, it can be concluded that the reason for consensus is not generally accepted for the reason that was explained, and this consensus does not imply clarity.
- 4- The science that is proof for the judge and he can make a judgment based on it is the science that was obtained for him through the conventional method, that is, the method by which the type of people obtain knowledge and act according to it; However, if knowledge is obtained through dreaming or dreaming or using sand and astrolabe, it is not considered conventional. Yes, if it is obtained for him through scientific research, it can be valid.



- 5- The judge for whom knowledge is valid does not matter if he is an absolute mujtahid or a non-mujtahid who is authorized to judge; Because the proofs of scientific validity apply to the judge and include both cases, and there is no reason to limit it.
- 6- It is necessary for the judge to state the document of his knowledge; That is, he should mention the emirates and the evidence that he has obtained from all of them, so that his document is strong, solid, and inviolable, and he is free from accusations and suspicions.
- 7- If the judge has knowledge of the issue before him and knows the truth of the matter, whether it is a legal matter or a criminal matter, but they testify against him, or swear against what he knows, or confess and confess against him. In all these cases, the judge is obliged to act according to his knowledge and testimony, confession, and oath have no value and validity in front of the judge's knowledge, and he either waits until the justice and wickedness of the witnesses appear or assigns the matter to another judge, which was also a saying of Imam Shafi'i (RA) to avoid slander. Saved and not abused.

### **Resources**

Holy Quran

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