

## Determining a Child's Lineage through DNA Testing according to Nahdlatul Ulama and the Fatwa of Dar al-Ifta Egypt

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**Abstract:** Lineage (*nasab*) occupies a crucial position in Islamic law as it is intrinsically linked to an individual's rights, responsibilities, and social identity. Alongside the rapid advancement of modern technology, Deoxyribonucleic Acid (DNA) testing has emerged as a scientific tool capable of assisting in the legal determination of a child's lineage. This study adopts a qualitative library research method. Primary data were drawn from the resolutions of the 31st Nahdlatul Ulama Congress and the fatwa of the Egyptian Dar al-Ifta, while secondary data were obtained from relevant scholarly books, journal articles, and supporting academic sources. The findings indicate that Nahdlatul Ulama acknowledges the potential use of DNA testing primarily to negate lineage (*nafyu al-nasab*), although it does not unequivocally accept it as independent proof to establish lineage (*ilhāq al-nasab*). In contrast, Dar al-Ifta of Egypt affirms that DNA testing may be utilized as acceptable evidence for establishing lineage under specific circumstances, particularly when conventional legal mechanisms are unavailable or insufficient to provide certainty. Consequently, DNA testing should be positioned as a cautious, objective, and scientifically grounded complementary tool, particularly in complex cases where traditional evidentiary approaches face significant limitations. This study contributes to a deeper understanding of the perspectives of Nahdlatul Ulama and Dar al-Ifta Egypt regarding lineage determination through DNA analysis and serves as a useful reference for future scholarly discourse on this subject.

**Keywords:**

Lineage;  
DNA;  
Nahdlatul Ulama;  
Dar al-Ifta.

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## INTRODUCTION

In the contemporary era, rapid advancements in science and technology have significantly enhanced the capacity for precise empirical verification. One such development is the utilization of Deoxyribonucleic Acid (DNA) testing, which has raised fundamental questions regarding its capability to trace genealogical lineage (*qiyafah*) with a high degree of certainty. DNA constitutes an essential genetic material within the human body and serves as a powerful indicator for establishing biological relationships, particularly between a child and their parents.<sup>1</sup>

This study examines the determination of a child's lineage through DNA testing by analyzing the perspectives articulated in the resolutions of the Nahdlatul Ulama Congress and the legal opinions issued by Dar al-Ifta Egypt. Specifically, the research seeks to explore how these authoritative Islamic institutions conceptualize the legal status of lineage determination through DNA analysis and to understand the methodological frameworks of *ijtihad* employed in formulating their respective positions.<sup>2</sup>

<sup>1</sup> A. Aziz, M. A., and Aziz, Tes DNA: Prinsip, Prosedur, dan Aplikasinya (Yogyakarta: Deepublish, 2019), pp. 110–128.

<sup>2</sup> Ahmad Khaeron, "Tes DNA dan Pengaruhnya terhadap Penetapan Nasab Hasil Bahtsul Masa'il Muktamar NU ke-31" (Undergraduate Thesis, UIN Yogyakarta, 2005), pp. 101–102.

In recent developments, a case involving a public figure and motivational speaker, MT, emerged when mxxxx denied acknowledging his biological child. Consequently, in this case the Head of the Criminal Investigation Sub-Directorate of Polda Metro Jaya, AKBP Bxxx Hxxxxxx, stated that the DNA test results between Axxx Kxxxxxxx and Mxxxx Txxxx had been released, confirming a positive biological relationship between the two. Nevertheless, the legal process will continue, as the DNA findings do not constitute absolute and conclusive investigative evidence.<sup>3</sup>

Bxxx further explained that the DNA examination merely serves to verify that AK is indeed the biological son of the motivational figure. Therefore, DNA results function as indicative and supporting evidence acknowledged by both parties. This situation further reinforces the significance of lineage (*nasab*) within the framework of Islamic law. The recognition and establishment of lineage carry substantial legal implications, forming the foundational basis for various legal determinations, not only within the realm of family law but also extending to criminal law dimensions.<sup>4</sup>

Within Islamic jurisprudence, lineage is recognized as a fundamental construct integral to broader discussions in Islamic legal studies. Its influence extends across various domains, including family law, mu'āmalah, and even *jinayah* (criminal law). Classical jurists have frequently categorized *nasab* within the domain of family law, while also addressing its implications in criminal contexts—such as in cases involving *qishash* (retaliatory justice) where both perpetrator and victim may share blood relations.<sup>5</sup>

DNA testing thus serves an increasingly vital role not only in establishing lineage but also in identifying perpetrators or victims in various legal contexts, including accidents and criminal acts such as rape, falsification of guardianship credentials, or disputed inheritance. Except in certain homicide contexts where DNA is primarily restricted to identification purposes, genetic information provides critical evidentiary value within judicial processes. Consequently, DNA evidence represents a highly beneficial scientific tool to support legal verification within the framework of Islamic law and contemporary judicial practice.<sup>6</sup>

The evidentiary process in criminal proceedings operates within a formal juridical framework. Therefore, the admissibility and legal validity of any proof are inherently dependent on its conformity with other legally recognized evidentiary instruments governed by procedural regulations. In relation to formal evidentiary standards, both within Islamic law and positive law, as previously explained, DNA testing is classified as one of the legally acknowledged supporting evidences.<sup>7</sup>

The determination of a child's lineage carries profound legal and social

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<sup>3</sup> Angga Indrawan Muhyiddin, "Online News Report," *Republika News Portal*, accessed July 27, 2024, <https://news.republika.co.id/berita/oh6teu365/hasil-tes-dna-keluar-kasus-masih-panjang>

<sup>4</sup> M. Fahmi, "Penetapan Nasab Anak Mulā'anah Melalui Tes DNA (Studi atas Metode Istimbāt Yūsuf al-Qaradāwī)," *Samarah: Journal of Family Law and Islamic Law* 3, no. 1 (2019): 133–150.

<sup>5</sup> Nurul Irfan, *Hukum Pidana Islam* (Jakarta: Sinar Grafika Offset, 2016), pp. 30–35.

<sup>6</sup> Hasna Afifah, "Tinjauan Hukum Islam terhadap Tes DNA sebagai Alat Bukti Tindak Pidana Pembunuhan," *Jurnal Al-Ahkam*, UIN Walisongo Semarang 16, no. 2 (2020): 27–42, doi: <https://doi.org/10.37035/ajh.v16i2.3614>.

<sup>7</sup> Muhammad Firdaus, "DNA (Deoxyribonucleic Acid) sebagai Alat Bukti Zina dalam Qanun Aceh Nomor 6 Tahun 2014 (Analisis Qanun dan KUHP)" (Thesis, UIN Ar-Raniry, 2021), pp. 48–49.

implications in Islamic law, particularly in matters related to inheritance, marriage legitimacy, and broader social identity. Traditionally, lineage has been confirmed through paternal acknowledgment or through credible testimonial evidence. However, technological progress—especially DNA testing—has prompted new debates regarding the integration of scientific methods into Islamic legal frameworks.<sup>8</sup>

The development of DNA technology offers a remarkably high level of accuracy in identifying biological relationships. Nonetheless, employing DNA testing for establishing lineage introduces ethical, legal, and social challenges. In certain circumstances, DNA analysis may reveal results that contradict an existing claim of lineage, potentially leading to familial disputes and other social conflicts.<sup>9</sup>

The 31st Nahdlatul Ulama Congress in 2004 deliberated extensively on the use of DNA testing for lineage determination. The Congress resolved that DNA testing may be employed as an auxiliary tool in establishing lineage; however, it should not serve as the sole determinant. This reflects NU's cautious yet adaptive approach toward modern technological advancements, while consistently upholding established Islamic legal principles.<sup>10</sup>

Similarly, Egypt's Dar al-Ifta, one of the leading Islamic legal authorities, has issued a legal opinion affirming that DNA testing may be accepted as evidence in particular circumstances—especially when uncertainty arises concerning a child's biological paternity. However, the fatwa equally emphasizes the necessity of considering other evidentiary elements, including paternal acknowledgment and corroborating proofs.<sup>11</sup>

DNA-based lineage verification may be conducted upon the request of concerned parties, including in judicial contexts where judges may order DNA examination in disputed paternity cases. From the perspective of *istinbāt* methodology, determining lineage through DNA generally reflects the application of *istishlahiyyah* reasoning—an approach grounded in achieving public benefit and safeguarding the objectives of Islamic law.<sup>12</sup>

Issues of lineage are often highly sensitive within society, especially when uncertainty surrounds an individual's familial background. In such contexts, DNA testing serves as an objective scientific means of confirming biological parentage. Analytical assessment demonstrates that a man may deny paternity when strong factual and evidentiary grounds exist. In Indonesia, significant guidance regarding such matters is provided by authoritative Islamic institutions, notably through the resolutions

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<sup>8</sup> Ni Putu Gatriyani et al., *Filsafat Ilmu* (Makassar: CV Tohar Media, 2023), p. 25.

<sup>9</sup> Nurul Hak, "Kedudukan dan Hak Anak Luar Nikah Pasca Putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010 tentang Status Anak Luar Nikah (Studi Persepsi Hakim Pengadilan Agama se-Wilayah Pengadilan Tinggi Agama Bengkulu)" (Doctoral Dissertation, UIN Raden Intan, 2018), p. 123.

<sup>10</sup> Fuad Fachrudin, *Agama dan Pendidikan Demokrasi: Pengalaman Muhammadiyah dan Nahdlatul Ulama* (Jakarta: Pustaka Alvabet and Yayasan INSEP, 2006), p. 216.

<sup>11</sup> Fathullah Rusly and Abd. Hannan, "Analisis Pandangan Hakim terhadap Cerai Murtad Perspektif Hukum Islam di Pengadilan Agama Kraksaan Probolinggo Jawa Timur," *Jurnal As-Syar'i*, Universitas Islam Zainul Hasan Genggong 6, no. 2 (2024), p. 196.

<sup>12</sup> Mutiara Fahmi and Fitiya Fahmi, "Penetapan Nasab Anak Mulā'anah Melalui Tes DNA (Studi atas Metode Istinbāt Yūsuf al-Qaradāwī)," *Samarah: Journal of Family Law and Islamic Law* (Sinta 3), UIN Ar-Raniry 3, no. 1 (2019): 151–158, doi: <http://dx.doi.org/10.22373/sjkh.v3i1.5024>.

of the 31st Nahdlatul Ulama Congress, which offer jurisprudential direction for addressing contemporary family and lineage issues within a modern legal environment.<sup>13</sup>

Based on the preceding discussion, the determination of lineage through DNA testing represents a recurring and widely discussed societal issue. It has even surfaced in high-profile public controversies involving prominent figures who refused to acknowledge their biological children. Accordingly, this study seeks to comparatively analyze the legal and jurisprudential perspectives on DNA-based lineage determination, specifically through examining the resolutions of the Nahdlatul Ulama Congress and the fatwa of Dar al-Ifta Egypt.<sup>14</sup>

Several previous studies provide an important foundation for this research, although they differ in focus and methodological orientation. The study conducted by Ifitah Utami<sup>15</sup> emphasizes the urgency of DNA testing as a legal benchmark; however, it does not examine comparative perspectives between contemporary fatwas and institutional decisions. Subiyadi's research<sup>16</sup> concentrates on determining the lineage of foundlings (*al-laqith*) within the framework of Islamic law, without addressing the role of DNA testing. Meanwhile, Ayu Imanullah<sup>17</sup> explores the relevance of *al-qāfah* methodology in relation to DNA testing for lineage determination, although her discussion remains largely limited to classical scholarly thought. In addition, Fita Faiqotul Himah<sup>18</sup> analyzes the use of DNA testing as evidentiary support for genealogy within the perspective of Islamic law.

Distinct from these earlier studies, the present work adopts a comparative approach between the Resolution of the 31st Nahdlatul Ulama Congress and the Fatwa of Dar al-Ifta, while simultaneously engaging with contemporary scholarly discourse. Accordingly, this study does not merely examine normative Islamic legal principles, but also discusses the modern implementation of DNA testing in determining a child's lineage. It thereby contributes to a more contextual, applicable, and socially responsive understanding of Islamic legal thought.

## METHOD

This study employs a library research methodology, which emphasizes the collection, examination, and analytical interpretation of scholarly literature as the primary source of data. Through this approach, the researcher systematically reviews

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<sup>13</sup> Fionola Berliana, "Peralihan Wali Nasab kepada Wali Hakim Akibat Wali 'Adhol dalam Pelaksanaan Perkawinan (Studi Kasus di KUA Kecamatan Gebog Kabupaten Kudus)" (Undergraduate Thesis, IAIN Kudus, 2022), p. 123.

<sup>14</sup> Mahfudz Sahal, *Ahkamul Fuqaha: Solusi Problematika Aktual Hukum Islam – Keputusan Mukhtar, Munas* (Surabaya: Diantama, 2004), pp. 624–631.

<sup>15</sup> Ifitah Utami, "Eksistensi Tes Deoxyribo Nucleic Acid dalam Menentukan Nasab" (UIN Raden Fatah, 2015), p. 196.

<sup>16</sup> Subiyadi, "Penentuan Nasab Anak Temuan (Al-Laḳīṭ) dalam Hukum Islam" (UIN Raden Fatah, 2017), p. 47.

<sup>17</sup> Imanullah, "Metode Al-Qāfah dan Relevansinya dengan Tes DNA dalam Penetapan Nasab: Studi terhadap Pemikiran Ibnu Qayyim al-Jauziyyah" (UIN Ar-Raniry Banda Aceh, 2018), p. 22.

<sup>18</sup> Fita Faiqotul Himah, "Kajian Analisis Hukum Islam tentang Penggunaan Tes DNA sebagai Bukti Silsilah" (STAIN Pekalongan, 2008), p. 54.

theories, concepts, legal frameworks, fatwas, and other relevant documents to formulate findings grounded in theoretical and normative analysis. The research stages include identifying relevant sources, collecting textual materials, thoroughly reading and extracting essential information, and processing data to arrive at scientifically credible and justifiable conclusions. This method is particularly effective for normative, comparative, and conceptual research, where comprehensive engagement with literature is crucial to understanding and critically analyzing legal phenomena.

In the context of this study, the primary sources consist of the resolutions of the 31st Nahdlatul Ulama Congress and the fatwas issued by Dar al-Ifta, alongside authoritative scholarly works discussing lineage determination through *Deoxyribonucleic Acid* (DNA) testing. Data obtained from these sources are critically examined to explore the underlying legal principles, conceptual frameworks, and practical applications related to the determination of a child's lineage. By integrating primary and secondary literature, this research seeks to reveal the alignment between Islamic legal provisions and contemporary legal practices, while simultaneously offering an in-depth comparative perspective on the interaction between law and modern technological developments in lineage determination.

## RESULTS AND DISCUSSION

### Resolution of the 31st Nahdlatul Ulama Congress on Lineage Determination through DNA (Deoxyribonucleic Acid) Testing

The 31st Nahdlatul Ulama (NU) Congress produced a significant resolution regarding the use of *Deoxyribonucleic Acid* (DNA) testing in establishing lineage. This resolution generated broad scholarly discourse among Islamic jurists and the wider community, particularly concerning the integration of modern scientific technology with established Islamic legal principles.

The determination of lineage constitutes an essential component in Islamic law, as it is closely tied to inheritance rights, marital legitimacy, and individual identity. Traditionally, lineage has been established through paternal acknowledgment (*iqrar*) and credible testimony (*syahadah*). However, technological advancements have opened opportunities for DNA testing to serve as an empirical means of ensuring accuracy in lineage determination.

The 31st NU Congress resolved that DNA testing may be utilized as a supportive (*wasilah*) evidentiary tool in establishing lineage, provided that its application does not contradict the principles of Islamic law. This resolution is grounded in several legal considerations, including:

1. *Maqasid al-Syariah* (Objectives of Islamic Law)

One of the core objectives of Islamic law is the preservation of public interest and societal welfare (*maslahah*). The use of DNA testing can help prevent disputes and uncertainty in matters of lineage, thereby promoting justice and safeguarding the rights of all involved parties.<sup>19</sup>

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<sup>19</sup> Muhammad Izudin, *Dinamika Atas Perlindungan Hukum Terhadap Anak Yang Lahir Di Luar Perkawinan* (Indramayu: CV. Adanu Abimata, 2023). p. 158.

## 2. Opinions of Contemporary Scholars

Many contemporary scholars acknowledge that DNA testing may be accepted as supporting evidence in lineage determination, as long as it is applied prudently and does not undermine other established legal considerations.<sup>20</sup> The application of DNA testing in establishing lineage has become a widely debated subject among contemporary Islamic scholars. Various scholars have presented differing perspectives regarding the legitimacy and scope of DNA testing in matters of lineage determination:

### a. Supporting Views

- 1) Prof. Dr. Yusuf al-Qaradawi. He asserts that DNA testing may be employed as one of the methods to determine lineage, particularly in complex legal situations, while emphasizing that its application must remain within the ethical and legal framework of Islamic law.
- 2) Prof. Dr. Wahbah al-Zuhaili. He argues that DNA testing may be categorized as a strong *qarinah* (indicative evidence) in establishing lineage, especially when traditional mechanisms cannot be effectively implemented.<sup>21</sup>
- 3) Indonesian Council of Ulama (MUI). Through Fatwa No. 11 of 2012, MUI states that DNA testing may be used as evidentiary support to establish the lineage of a child born out of illicit relations to the man responsible for the conception.<sup>22</sup>

### b. More Conservative Views. Some scholars, particularly from Saudi Arabia, adopt a more cautious stance. They emphasize prioritizing traditional evidentiary methods over DNA testing in determining lineage.

The resolution of the 31st NU Congress holds substantial implications for legal practice in Indonesia. DNA testing offers the potential to increase accuracy and objectivity in confirming biological relationships,<sup>23</sup> thereby assisting in resolving lineage disputes that may be difficult to settle through conventional means.<sup>24</sup>

However, several challenges accompany its implementation. *First*, the relatively high cost of DNA testing poses a financial barrier for segments of society.<sup>25</sup> *Second*, clear regulatory frameworks are needed to govern the use of DNA testing, including laboratory standards, sampling procedures, and data protection safeguards.<sup>26</sup> *Third*, its application

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<sup>20</sup> Endi Muhammad Astiwaru, *Fikih Kedokteran Kontemporer* (Jakarta: Pustaka Al Kautsar, 2018). p. 126.

<sup>21</sup> Wahbah Az-Zuhaili, *Al-Fiqh Al-Islami Wa Adillatuhu*, 2011.

<sup>22</sup> Majelis Ulama Indonesia, "Fatwa No. 11 Tahun 2012," 2012.

<sup>23</sup> Mukhadis, *Evaluasi Program Pembelajaran Bidang Teknologi: Terminologi, Prosedur Pengembangan Program Dan Instrumen* (Malang: Media Nusa Creative, 2017). p. 303.

<sup>24</sup> Asep Saepudin Jahar et al. *Hukum Keluarga, Pidana, & Bisnis: Kajian Perundang-Undangan Indonesia, Fikih, Dan Hukum Internasional* (Jakarta: Kencana Prenadamedia Group, 2013). p. 58.

<sup>25</sup> Indah Nur Utami, "Implementasi Pembuktian Asal-Usul Anak Luar Kawin Berdasarkan Ilmu Pengetahuan Dan Teknologi Dalam putusan Mahkamah Konstitusi Nomor 46/PUU-VIII/2010," *Novum: Jurnal Hukum UNS* 1, no. 4 (n.d.): 5, doi: <https://doi.org/10.2674/novum.v1i4.11657>.

<sup>26</sup> Cut Murzalina, "Pemeriksaan Laboratorium Untuk Penunjang Diagnostik Demam Tifoid," *Jurnal Kesehatan* 1, no. 3 (n.d.): 64, <https://www.jkc.puskadokesa.com/jkc/article/view/42>.

must be accompanied by a comprehensive understanding of Islamic legal doctrines to avoid misuse or erroneous interpretation.<sup>27</sup>

In essence, the NU resolution represents a progressive step toward harmonizing modern scientific knowledge with Islamic legal principles. DNA testing can serve as an effective supplementary instrument for enhancing the accuracy of lineage determination, thereby promoting justice and public benefit. Nevertheless, regulatory clarity and deep understanding of Islamic jurisprudence remain necessary to prevent emerging complications.<sup>28</sup>

Ultimately, the NU decision affirms that DNA testing may be applied to negate lineage (*ilhaq al-nasab*), but it does not necessarily function as an independent means to definitively establish lineage (*ilhaq al-nasab*). Thus, DNA evidence should be regarded as a supportive modern tool, rather than the primary determinant, applied mainly when necessity and urgency demand its use.

The Congress emphasized the necessity of ensuring that DNA testing remains aligned with Islamic legal principles. DNA testing must be employed in accordance with syariah, interpreted correctly, and safeguarded from misuse or exploitation that may harm individuals or families.

### **Dar al-Ifta Egypt's Fatwa on Lineage Determination through DNA Testing**

The Grand Mufti of Dar al-Ifta Egypt, His Eminence Prof. Dr. Ali Jum'ah Muhammad Abdul Wahab, was asked by a mustafti regarding reliance on contemporary DNA paternity testing. The central questions included: Can a Muslim rely solely on DNA paternity test results?<sup>29</sup> What is the legal implication if DNA results are proven inaccurate or falsified, leading to erroneous judicial rulings?

A frequently cited case concerns a husband who doubts the lineage of a child born within a valid marriage. The husband claims prolonged absence, making biological fatherhood impossible, while the wife maintains that the child is legally and biologically his.

Dar al-Ifta Egypt issued a fatwa permitting the use of DNA testing under specific conditions:<sup>30</sup>

1. DNA testing is permissible when strong and credible doubt arises concerning a child's lineage within a valid marriage.
2. If DNA results indicate that the husband is not the biological father, then li'an (mutual oath of condemnation) must be undertaken before lineage is legally negated. Furthermore, DNA testing must be conducted with judicial

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<sup>27</sup> Junaidi et al., *Hukum & Hak Asasi Manusia: Sebuah Konsep dan Teori Fitrah Kemanusiaan dalam Bingkai Konstitusi Bernegara* (Jambi: PT Sonpedia Publishing Indonesia, 2023), p. 95.

<sup>28</sup> Abid Nurhuda Yulita Putri, *Filsafat Pemikiran Pendidikan Islam Lintas Zaman* (Jambi: PT. Sonpedia Publishing Indonesia, 2023). p. 117.

<sup>29</sup> Dar al Ifta, "Fatwa Darul Ifta Mesir Tentang 'Penggunaan Tes DNA Dalam Penetapan Nasab' (Fatwa No. 2245)," *Dar Al Ifta Al Mishiriyyah*, last modified 2010, <http://www.dar-alifta.org/fatwa/ViewFatwa.aspx?ID=12345>.

<sup>30</sup> Dar al Ifta, "The Importance of Correcting Erroneous DNA Test Results in Establishing Lineage: A Perspective from Dar Al-Ifta Mesir," *Jurnal: Journal of Fatwa Studies* 3, no. 2 (2021), <http://www.dar-alifta.org/engtie/article/20/10717/the-importance-of-correcting-erroneous-dna-test-results-in-establishing-lineage>.



authorization and official supervision to ensure procedural integrity.

Dar al-Ifta adopts a highly cautious stance in such matters. Reliance on DNA testing is acceptable only after strict procedural safeguards are implemented to prevent error and protect human dignity.

Analytical Discussion of Dar al-Ifta Egypt's Fatwa, with advancements in DNA technology providing increasingly precise biological identification, Dar al-Ifta Egypt, as the highest authoritative fatwa institution in Egypt, addressed the issue of DNA usage in lineage determination. This fatwa serves as a crucial reference for Muslims both in Egypt and internationally regarding the Islamic legal stance on DNA-based lineage verification.

Dar al-Ifta recognizes DNA testing as a scientifically reliable and valid method for determining biological relationships. However, the fatwa firmly asserts that DNA results cannot entirely replace traditional Islamic mechanisms such as paternal acknowledgment (*iqrar*), credible testimony, or other legally recognized evidences.

Accordingly, DNA testing is accepted as supplementary evidence, not as the primary or exclusive basis for legal rulings concerning lineage. This reflects Dar al-Ifta's balanced approach in harmonizing modern technological advancements with the enduring principles of Islamic jurisprudence.

### **Comparison between the Resolution of the 31st Nahdlatul Ulama Congress and the Fatwa of Dar al-Ifta Egypt on Lineage Determination through DNA (Deoxyribonucleic Acid) Testing**

The determination of lineage carries significant legal implications in Islamic law, particularly in matters of inheritance, marriage, and broader kinship relations.<sup>31</sup> With the advancement of technology, *Deoxyribonucleic Acid* (DNA) testing has emerged as a highly accurate and reliable method for establishing biological relationships between individuals. However, the application of DNA testing in lineage determination has become a subject of considerable scholarly debate among Islamic jurists and fatwa institutions.<sup>32</sup>

The comparative perspectives of Nahdlatul Ulama and Dar al-Ifta Egypt on lineage determination through DNA testing are presented in Tables 1 and 2 below:

Table 1. Similarities Between the Two Fatwa Institutions

Similarity	The XXXI Nahdlatul Ulama Congress	Fatwa of Dar al-Ifta' al-Mishriyyah
Recognition of DNA Testing	Both acknowledge that DNA testing may be utilized as one of the methods to assist in determining an individual's lineage.	Both acknowledge that DNA testing may be utilized as one of the methods to assist in determining an individual's lineage.

<sup>31</sup> Dar al Ifta, "The Legal Consequences of Lineage Determination in Islamic Law: A Study from Dar Al-Ifta Mesir," *Jurnal: Journal of Islamic Legal Studies* 4, no. 3 (2020).

<sup>32</sup> Sri Wahyuni, *Etika Keperawatan Dan Hukum Kesehatan* (Cirebon: CV. Rumah Pustaka, 2021). p. 98.



DNA Testing as a Supporting Tool	Utilized as supporting evidence and not as the sole determinant.	Functions as supplementary evidence and does not replace other legally recognized syar'i evidentiary mechanisms.
Validity of Marriage	Emphasizes the importance of a legally valid marriage contract (akad nikah).	Confirms that a legally valid marital status may be used as a basis in lineage determination.
Consideration of Syari'ah Principles	Takes into account the fundamental principles of Islamic law.	Reflects an effort to balance adherence to traditional syari'ah principles with the necessity of adapting Islamic legal rulings to contemporary realities.
Role of the Judge	Emphasizes the authority and judicial consideration of the judge.	Requires authorization and supervision from the court (qadi).

Table 2. Differences Between the Two Fatwa Institutions

Difference	The XXXI Nahdlatul Ulama Congress	Fatwa of Dar al-Ifta' al-Mishriyyah
General View	Prohibits the use of DNA testing as a definitive basis for establishing lineage.	Permits the use of DNA testing for establishing lineage, subject to specific conditions.
Legal Basis	Refers to the Prophet's ḥadīth concerning lineage determination through <i>firasy</i> (legitimate marital relation) and <i>qiyafah</i> (assessment of physical resemblance).	Based on considerations of public interest ( <i>maslahah</i> ), including the protection of children's rights, affirmation of lineage, and preservation of women's dignity.
Permissible Conditions	May be considered in cases of <i>li'an</i> , where a husband accuses his wife of adultery without witnesses and disputes lineage.	Permissible in cases such as: valid marriage contracts, defective ( <i>fasid</i> ) marriage contracts, sexual relations due to shubhah, lineage disputes, baby-switching incidents, in-vitro fertilization (IVF) cases, and cases involving lost or missing children.
Cases Involving Adultery	In its ruling, the Congress affirms that in cases of adultery, DNA testing cannot be used to establish a child's lineage to	DNA testing may not be used to establish lineage to the adulterer (biological father); the child's lineage

	the biological father involved in the illicit act.	is legally attributed only to the mother.
Denial of Lineage	Permissible, as stated in its ruling, particularly in the context of negating <i>ilhaq al-nasab</i> (established lineage).	DNA testing may not be used to deny lineage that has previously been legally established according to <i>syari'i</i> principles.
Handling of DNA Testing	Not discussed in specific procedural detail.	Must be handled with extreme caution and strict confidentiality.
Legal Priority	Reflects an effort to balance the preservation of <i>syari'ah</i> principles with the benefits of scientific advancement. Priority remains given to the validity of marriage, consistent with prophetic traditions.	Does not prioritize or give precedence to DNA testing over established Islamic legal maxims, evidentiary principles, and recognized <i>syari'ah</i> rulings.

## CONCLUSION

Based on the findings of this study, several key conclusions may be drawn. First, the Resolution of the 31st Nahdlatul Ulama Congress permits the use of DNA testing as a basis for negating lineage (*ilhaq al-Nasab*), although it does not necessarily function as definitive proof for establishing lineage (*ilhaq al-Nasab*). Its acceptance is conditional upon the consistency of DNA results with other forms of evidence recognized under Islamic law. Second, the Fatwa of Dar al-Ifta Egypt allows the use of DNA testing as evidentiary support in lineage determination cases. However, it emphasizes that DNA testing serves only as supplementary proof and cannot entirely replace legally established *shar'ī* evidentiary mechanisms. Third, both the Resolution of the 31st Nahdlatul Ulama Congress and the Fatwa of Dar al-Ifta Egypt share a common perspective in recognizing DNA testing as supporting evidence that may be considered in specific cases, particularly when traditional methods are difficult to apply or generate uncertainty. The divergence between the two primarily lies in emphasis. The 31st NU Congress highlights the role of DNA testing principally in negating lineage, while Dar al-Ifta Egypt affirms that DNA testing may be relied upon—under regulated conditions—as part of the process of determining lineage.

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