

The Robustness of Judicial Rulings through Biometrics and the Principles Governing Its Probative Value

Eftekhar. Daneshpour^{1*} 

¹ Assistant Professor, Department of Imami Jurisprudence and Law, Faculty of Jurisprudence and Law, International University of Islamic Denominations, Tehran, Iran

* Corresponding author email address: e.daneshpour@mazaheb.ac.ir

Received: 2026-03-11 Revised: 2026-07-28 Accepted: 2026-08-08 Published: 2026-09-01

EDITOR:

Richard Dodder 

Emeritus Professor of Sociology and of Statistics, Oklahoma State University Stillwater, Oklahoma, USA. Email: rdodder@hotmail.com

REVIEWER 1:

Mrinalini Puranik 

National Health Mission, Ministry of Health and Family Welfare, India. Email: MriPuranik@gmail.com

REVIEWER 2:

Thanuja Kulasooriya 

Department Soil Science, Faculty of Agriculture, University of Ruhuna, Mapalana, Kamburupitiya, Sri Lanka. Email: thkulasooriya@soil.ruh.ac.lk

1. Round 1

1.1. Reviewer 1

Reviewer:

In the paragraph stating that “Within Iranian criminal law, 'Ilm-e Qāḍī occupies a central position among the means of proof,” the authors should provide a more precise distinction between statutory evidence (adillah-ye shar‘ī and legal evidence recognized by legislation) and evidentiary circumstances that contribute to judicial conviction. The current discussion risks conflating judicial knowledge as a cognitive state of the judge with evidence as an external legal instrument. A clearer theoretical framework distinguishing these concepts would substantially strengthen the legal argument.

The introduction repeatedly emphasizes that biometric evidence can contribute to “more reliable and just judicial rulings,” but the manuscript does not sufficiently address the possibility that technological evidence may itself create new forms of judicial error. The authors should add a paragraph discussing whether judicial reliance on scientific evidence requires additional safeguards, such as expert verification, methodological transparency, chain-of-custody requirements, and judicial competence in evaluating scientific evidence.

In the section presenting the research questions and hypotheses, the relationship between the research questions and the hypotheses should be improved. For example, the hypothesis that “Knowledge derived from biometric technology may, through recourse to Ahl-e Khebreh, function as Amāreh-ye Qazā‘ī” contains a complex doctrinal proposition that requires analytical justification. The authors should explicitly explain the legal reasoning connecting expert opinion, judicial presumption, and judicial knowledge rather than presenting this relationship as an assumed conclusion.

In the discussion of Makarem Shirazi’s view that “whenever these methods give rise to judicial knowledge, the judge may legitimately rely upon them,” the manuscript should examine the practical threshold required for biometric evidence to generate

such knowledge. The authors should address whether biometric findings alone can establish judicial knowledge or whether corroboration through additional evidence is required.

The section on “Recourse to Ahl-e Khebreh (Expert Opinion)” requires further examination of the relationship between expert testimony and judicial independence. The manuscript suggests that expert evidence can contribute to judicial knowledge, but it should discuss the extent to which a judge may reject expert conclusions and what criteria should guide such rejection. This issue is especially important where biometric analysis involves complex algorithms beyond ordinary judicial expertise.

In section 2.2.2, the classification of biometric evidence as potentially comparable to Amāreh-ye Qazāī requires stronger legal justification. The authors should explain whether biometric evidence qualifies as a judicial presumption because of its scientific reliability, because of expert interpretation, or because of the judge’s own inference from factual circumstances. These distinctions have significant consequences for its legal status.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

In section 2.1, the paragraph beginning “With the rapid advancement of science and technology, the methods employed by offenders...” provides a general description of biometrics but does not sufficiently explain the forensic characteristics that distinguish biometric evidence from other forms of scientific evidence. The authors should expand this section by discussing issues such as uniqueness, permanence, measurability, reproducibility, and probabilistic interpretation, which are central to determining evidentiary value.

The paragraph stating that “biometric identification—or biometric recognition—is the automated recognition of individuals based on their unique physiological or behavioural characteristics” requires further clarification regarding the difference between identification and verification. These concepts have distinct technical meanings: identification generally involves a one-to-many comparison, whereas verification involves a one-to-one authentication process. This distinction is particularly important in criminal investigations because the evidentiary implications differ significantly.

In the discussion of physiological and behavioral identifiers, the manuscript states that physiological characteristics are generally more reliable than behavioral characteristics. Although this proposition is generally accepted, the authors should provide a more nuanced analysis by discussing circumstances in which physiological identifiers may also be unstable, degraded, or incorrectly interpreted. For example, biometric changes caused by aging, injury, environmental conditions, or poor-quality data acquisition should be considered.

The section “Judicial Knowledge (‘Ilm-e Qāḍī) and Its Nature” provides an extensive jurisprudential discussion but requires a clearer connection with the central research topic. The manuscript explains different theories of ordinary knowledge and certainty; however, it should more explicitly demonstrate how these theories apply specifically to biometric evidence. The authors should explain whether biometric evidence generally produces certainty, probability, or merely an evidentiary presumption within the framework of Iranian jurisprudence.

The paragraph beginning “Islamic jurists and legal scholars have adopted different positions regarding the legal validity of ordinary knowledge” would benefit from a more systematic classification of scholarly positions. Rather than presenting different opinions sequentially, the authors should organize the discussion according to theoretical approaches, such as restrictive approaches requiring textual authorization, expansive approaches based on rational certainty, and contemporary legal approaches recognizing scientific evidence.

In section 2.2.1, the discussion of the Ḥujjiyyah of ‘Ilm-e Qāḍī provides valuable jurisprudential material; however, the analysis remains largely descriptive. The authors should strengthen the section by explicitly comparing classical jurisprudential debates with contemporary evidentiary challenges created by scientific technologies. In particular, the manuscript should explain how traditional concepts of certainty and proof can accommodate probabilistic scientific evidence generated by biometric systems.

The paragraph stating that “knowledge derived from extraordinary methods such as mystical unveiling (Mukāshafah), Jafr, Raml, inspiration (Ilhām), and similar sources lacks legal validity” requires careful conceptual positioning. The authors should clarify that the rejection of such methods is based on legal evidentiary standards rather than a general rejection of non-empirical knowledge. This distinction is important for maintaining analytical precision within Islamic legal theory.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.