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## A CHILD'S RIGHT TO LINEAGE IN ISLAMIC LAW: LEGAL FOUNDATIONS FOR ITS PROTECTION

**Abstract.** *This article provides a comprehensive analysis of the theoretical foundations, legal mechanisms, and contemporary challenges related to a child's right to lineage in Islamic law. It examines the concept of lineage from an Islamic perspective and highlights its significance in the Qur'an and Sunnah. Particular attention is given to the role of lineage in shaping personal identity and maintaining social stability.*

*The study further analyzes key Islamic legal mechanisms designed to protect lineage, including marriage, li'an (mutual imprecation), iddah (waiting period), denial of lineage, and adoption. In addition, through a textual analysis of primary Islamic sources, the article explores the legal importance of lineage and its relevance in contemporary society.*

**Keywords:** *Islamic law, lineage (nasab), children's rights, family law, marriage, kafalah (guardianship), iddah, li'an, paternity denial, DNA testing.*

### INTRODUCTION

For the healthy and well-rounded development of every individual, especially a child, a loving and secure environment is essential. The primary social institution responsible for providing such an environment is the family. The role of the family in shaping a child's personality and facilitating their integration into society is indispensable. Historically, the care and upbringing of children were regarded as a moral duty of parents; however, from the nineteenth century onward, this responsibility was elevated to the level of a legal obligation through civil codes adopted in European countries. Therefore, in a broad sense, children's rights can be understood as the body of legal relations governing the rights and responsibilities between parents and their children (Prof. Dr. Emine Akyüz, 2024:4).

Islam places special emphasis on the rights of children, designating them as obligatory responsibilities upon parents, close relatives, and society as a whole. Observing these rights is

considered a binding duty for every Muslim (Shaykh Muhammad Sadiq Muhammad Yusuf, 2023:272). Among these fundamental rights, the protection of lineage occupies a central position. Knowledge of one's lineage is crucial for the formation of personal identity, the strengthening of family ties, and the maintenance of social stability. By safeguarding lineage, Islamic law ensures a child's personal integrity, inheritance rights, and social status.

This article aims to provide an in-depth examination of the theoretical foundations, practical mechanisms, and contemporary significance of lineage protection within Islamic law.

## MAIN PART

Lineage (nasab) is an important social institution in human history, and its preservation is essential for the stability and continuity of society. Every individual seeks to establish a connection with their ancestors, which plays a crucial role in shaping both personal identity and social belonging.

Allah created humankind from a drop of fluid, paired man and woman, and established the foundation of the family system. This system grants each child a distinct identity and determines their place within society. This meaning is emphasized in the Qur'an as follows:

“And among His signs is that He created for you spouses from among yourselves so that you may find tranquility in them, and He placed between you affection and mercy” (Surah Ar-Rum, 21) (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:475).

Unlike modern legal systems, one of the distinctive features of Islam is that every child must be born with a legitimate and pure lineage. Islam calls upon every mature individual to establish a family and live a lawful and virtuous life with their spouse. As stated in a hadith:

“Choose suitable partners for marriage and marry among equals” (Naysaburi, 1998:510) (Karimova D., 2024:44).

Before Islam, Arabs used to take pride in their tribal origins. This practice continued even after the advent of Islam. However, Islam rejects such arrogance. Instead, it places great importance on preserving lineage and commands its protection. Therefore, Islamic legal teachings concerning lineage have been elaborated in detail.

The family is formed through lineage, and Allah has clearly defined the rights and responsibilities of each family member in the Qur'an. Among the many blessings granted to humankind, lineage is considered one of the greatest (Akbar, Junaid Kanwal, Ayesha Khan, Muhammad Hayat, 2025:55).

***Allah reminds humanity of this blessing in Surah Al-Furqan (25:54):***

“And He is the One who created man from water and made for him ties of lineage and marriage” (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:233).

The issue of lineage is of great importance because the continuity of humanity depends on its preservation. Lineage serves as a means of maintaining generations and forms the basis of kinship relations. In order to ensure order and mutual respect in society, Islam has clearly defined the rights and obligations associated with these relationships (Akbar et al., 2025:55).

***Allah the Almighty emphasizes the importance of kinship in Surah An-Nisa (4:1):***

“And fear Allah, through whom you ask one another, and (respect) the ties of kinship. Indeed, Allah is Ever Watchful over you.”

Shaykh Muhammad Sadiq Muhammad Yusuf, in his exegesis of this verse, explains that the command to observe piety regarding kinship ties is a distinctive expression that underscores the necessity of honoring these sacred relationships, fulfilling their rights, preserving them, and avoiding their severance (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:475).

According to Islamic law, the fulfillment of kinship rights is only possible when a person is aware of their lineage. The importance of lineage lies in the fact that its preservation constitutes one of the five essential objectives of Islamic law, known as Maqasid al-Shari‘ah. The entire structure of the family, kinship relations, and corresponding rights and obligations are based on lineage. Only when lineage and generational continuity are preserved can the family institution remain stable (Akbar, Junaid Kanwal, Ayesha Khan, Muhammad Hayat, 2025:56).

As emphasized by Shaykh Muhammad Sadiq Muhammad Yusuf, the right of a child to have a pure lineage is among their most fundamental rights. One of the primary purposes of marriage and family life in Islam is the preservation of lineage. A child’s lineage can only be clearly and legitimately established when the parents are united in lawful marriage and live a righteous life. In such circumstances, the child is able to identify their parents and relatives and grow up within a complete family and a healthy psychological and spiritual environment (Karimova D., 2024:44).

The hadith scholar Shah Waliullah Dehlawi, in his work Hujjatullah al-Baligha, highlights the significance of lineage as follows: “Know that lineage is one of the essential matters that human beings are naturally inclined to preserve. In no civilized society can one find a person who does not wish to be associated with their ancestors or who would accept doubt regarding

their lineage, unless compelled by shameful ancestry, the desire to avoid harm, or the pursuit of personal benefit. Likewise, it is natural for a man to desire offspring who will carry his name and succeed him after his death. Therefore, people strive earnestly to leave progeny, exerting all their efforts in this regard. The universal recognition of the importance of lineage stems from inherent human nature. The divine laws established by Allah aim to protect these fundamental inclinations, safeguard rights, establish justice, and prevent oppression. For this reason, resolving issues related to lineage is essential in Islamic law. The necessity of lineage pertains not only to the child but also to the father, as it represents a natural and mutual need between them” (Akbar et al., 2025:56).

The term nasab (lineage) linguistically denotes “attribution” or “affiliation.” In Islamic legal terminology, it refers to a relational bond between two individuals based on a shared origin through birth. Lineage may be established through either the paternal or maternal side (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:279–280).

***Due to the great importance of lineage in Islam, severe punishments have been prescribed for adultery. The Prophet (peace be upon him) said:***

“By Allah, there is no one more protective of honor than Allah when His servant commits adultery” (Al-Bukhari, 2019:108).

This hadith clearly indicates that Allah strongly condemns adultery because it corrupts lineage and causes confusion in family relationships. Therefore, Allah has elaborated the laws concerning lineage in the Qur’an and has explicitly established that lineage is determined through the biological father, leaving no room for doubt.

To eliminate any ambiguity regarding lineage, Allah has provided clear guidance in the Qur’an, emphasizing that lineage must be established solely through the biological father (Akbar et al., 2025:57).

***Allah the Almighty states in Surah Al-Ahzab (33:5):***

“Call them by [the names of] their fathers; that is more just in the sight of Allah. And if you do not know their fathers, then they are your brothers in religion and those entrusted to you. There is no blame upon you for what you have done unintentionally, but only for what your hearts intended. And Allah is Ever-Forgiving, Most Merciful.”

According to the contemporary scholar Shaykh Muhammad Sadiq Muhammad Yusuf, prior to the revelation of this verse, people used to adopt children and attribute them to themselves as their own sons, acting in accordance with prevailing social customs and traditions. However, with the revelation of this verse, such practices were invalidated. Naturally,

this raised questions among people regarding how to deal with previously adopted children and whether they would be held accountable for past actions. This Qur'anic verse provides clear answers to those concerns (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:546).

***The statement:***

“Call them by [the names of] their fathers; that is more just in the sight of Allah” means that adopted children should not be attributed to their adoptive parents, but rather to their biological fathers.

***Imam al-Bukhari and Imam Muslim narrate from ‘Abdullah ibn ‘Umar (may Allah be pleased with him):***

“We used to call Zayd ibn Harithah, the freed companion of the Messenger of Allah, ‘Zayd ibn Muhammad.’ However, after the revelation of the verse, ‘Call them by [the names of] their fathers; that is more just in the sight of Allah,’ the Messenger of Allah (peace be upon him) said to him: ‘You are Zayd ibn Harithah ibn Sharahbil’” (Al-Bukhari, 2019:256).

***The verse further states:***

“And if you do not know their fathers, then they are your brothers in religion and those entrusted to you.”

This indicates that if the biological father of an adopted child is unknown, such children should be regarded as brothers in faith or companions. They may be addressed as “my brother” or “my friend,” but not as “my son” or “my child.” Before the revelation of this verse, people treated adopted children as their own biological offspring due to existing customs, being unaware of the divine ruling on this matter (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:546–547).

***The continuation of the verse:***

“There is no blame upon you for what you have done unintentionally” is explained by Shaykh Muhammad Sadiq Muhammad Yusuf as meaning that actions performed prior to the revelation of this ruling do not incur sin, as they were done unknowingly. However, once the ruling became known, individuals are required to act in accordance with it (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:547).

***The verse concludes:***

“But only for what your hearts intended. And Allah is Ever-Forgiving, Most Merciful.”

Shaykh Muhammad Sadiq Muhammad Yusuf, in his interpretation, explains that if a person commits such an act knowingly fully aware that attributing a child to oneself is prohibited then it constitutes a sin. However, even in such cases, repentance remains possible,

as Allah is Most Forgiving and Most Merciful. Thus, unintentional mistakes do not incur sin, whereas deliberate actions are accountable; nevertheless, there remains an opportunity for repentance (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:547).

Based on this ruling, Shaykh Muhammad Sadiq Muhammad Yusuf emphasizes that attributing a non-biological child to oneself and referring to them as “my child,” as well as falsely claiming someone as one’s father, are strictly prohibited and constitute major sins.

***Furthermore, as narrated by Imam al-Bukhari and Imam Muslim, the Prophet (peace be upon him) said:***

“Whoever knowingly claims to belong to someone other than his father, Paradise is forbidden for him” (Al-Bukhari, 2019:169).

This ruling is rooted in one of the fundamental objectives of Islamic law, namely the preservation of human lineage. For this reason, numerous legal regulations such as those concerning marriage, divorce, iddah (waiting period), and others have been established to ensure the clarity, purity, and integrity of lineage.

If these principles are not upheld, the distinction between lawful and unlawful relationships would become blurred, leading to severe social and moral consequences. Individuals might no longer be able to recognize essential familial relationships such as between parents and children, siblings, and close relatives ultimately resulting in social disorder and moral decline.

Moreover, attributing a non-biological child to one’s lineage may lead to various prohibited outcomes. It can disrupt the rules governing mahram and non-mahram relationships and cause serious legal complications, particularly in matters such as inheritance and other rights. For these reasons, such practices are strictly prohibited in Islamic law.

However, this does not mean that it is impermissible to care for or raise an orphan or a child from a family facing hardship. On the contrary, such acts are highly encouraged and considered virtuous. What is prohibited is not the care and upbringing of such children, but rather falsely attributing them to one’s own lineage. Instead, the child must retain their original lineage and be raised in accordance with the principles of Islamic law (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:546–548).

## DISCUSSION

The special emphasis placed on lineage (nasab) in Islam is due to the existence of a number of fundamental rights associated with it:

a) Accurate determination of lineage prevents the grave sin of unlawful marriage between mahram (closely related individuals). Without clear knowledge of lineage, a person may unknowingly marry a close relative, which can result in serious moral and social harm as well as sin.

b) The establishment of lineage ensures the recognition and fulfillment of parental rights. If lineage is not properly determined, the rights of parents among the most significant obligations in Islam may be violated.

c) Attention to lineage also entails maintaining kinship ties (silat al-rahm) and fulfilling responsibilities toward relatives.

It is narrated from Abu Hurayrah (may Allah be pleased with him) that the Prophet (peace be upon him) said:

“Learn your lineage, for through it you will maintain kinship ties. Indeed, maintaining kinship ties brings love among relatives, increases wealth, and leaves a lasting legacy” (Al-Tirmidhi, 2015:611).

Every individual should be well acquainted with their lineage, including their ancestors and relatives, as this knowledge is essential for maintaining kinship ties. If a person neglects these ties due to ignorance of familial relationships, they may be considered blameworthy. Therefore, knowing one’s relatives and preserving kinship relations is regarded as a duty for a Muslim.

d) Emphasizing lineage also serves to protect the financial rights of children. Rights such as maintenance (nafaqah), inheritance, and guardianship are all directly dependent on the establishment of lineage (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:280–281).

Islamic law has developed several mechanisms to establish and preserve lineage. These include marriage (nikah), the waiting period (iddah), li’an (mutual oath in cases of accusation), denial of lineage, and regulations related to adoption.

All of these mechanisms are designed to ensure the clarity of lineage and to protect the rights of children.

Modern technologies, such as DNA testing, may also assist in determining lineage. However, their use should be approached with caution and in accordance with Islamic legal principles.

In authoritative classical works of Islamic jurisprudence, lineage (nasab) and related issues are addressed in dedicated chapters, where their legal rulings are systematically elaborated.

For instance, in Al-Hidaya, there is a chapter entitled “Establishment of Lineage” (Bab Thubut al-Nasab), which appears after the sections on divorce (talaq) and the waiting period (iddah). This chapter provides a detailed explanation of the evidentiary requirements for establishing lineage, including testimonies and other legal proofs.

The book outlines various methods of establishing lineage, such as marriage, acknowledgment (iqrar), testimony (bayyina), and circumstantial evidence (qarina).

*For example, regarding testimony, it is stated:*

“If a woman in her waiting period (iddah) gives birth, according to Abu Hanifa (may Allah have mercy on him), the child’s lineage (to the husband) is not established unless two male witnesses or one male and two female witnesses testify to the birth. However, if the woman’s pregnancy is evident or the husband acknowledges the pregnancy, lineage is established even without witnesses” (Burhan al-Din al-Marghinani, 2018:304).

It is further stated: “If a man marries a woman and she gives birth before six months have elapsed from the date of marriage, the child’s lineage is not attributed to the husband, as the pregnancy is presumed to have occurred prior to the marriage. However, if she gives birth after six months or more, and the husband acknowledges the child as his or remains silent, the child’s lineage is established from the husband, since the marital relationship exists and the minimum gestational period has been fulfilled” (Burhan al-Din al-Marghinani, 2018:305).

From this ruling, it is understood that the minimum duration of pregnancy is considered to be six months.

In Islamic law, a child born within a valid marriage, where there is no dispute between the spouses regarding paternity or maternity, is recognized as their legitimate child. The prominent scholar Imam al-Quduri also outlines several rulings concerning the establishment of lineage:

“If a woman who has been given a revocable divorce (talaq raj’i) gives birth within two years or more and does not acknowledge the completion of her waiting period, the child’s lineage is attributed to the divorcing husband. If she gives birth within less than two years, the divorce becomes irrevocable (ba’in) upon the completion of the waiting period. In such a case, the child’s lineage is attributed to the husband, since the pregnancy is presumed to have occurred during the marriage or within the waiting period.

However, if she gives birth after more than two years, the divorce is considered revocable, as the child is presumed to have been conceived after the divorce. If a woman who has been irrevocably divorced (talaq ba’in) gives birth within less than two years, the child’s lineage

is attributed to the former husband, as it is possible that the pregnancy began prior to the divorce. But if she gives birth after two full years following separation, the child's lineage is not attributed to the former husband, since the pregnancy is considered to have occurred after the divorce. In this case, the child is not linked to the former husband, as marital relations would have been prohibited. However, if the man claims the child as his own, the lineage may be established" (Burhan al-Din al-Marghinani, 2020:417–418).

If a woman gives birth within two years from the time of her husband's death, the child's lineage is attributed to the deceased husband. If a woman, during her waiting period (iddah) following her husband's death, gives birth and the heirs of the deceased confirm the birth, and no one testifies that the child does not belong to the deceased, then according to the opinions of the three jurists, the child is considered the offspring of the deceased (Burhan al-Din al-Marghinani, 2020:420–422).

***Thus, in determining lineage, the following principles apply:***

The minimum duration of pregnancy must be six months. This period is calculated from the time of marital relations between the husband and wife. The Qur'an states:

"...And his gestation and weaning period is thirty months..." (Surah Al-Ahqaf, 15) (Shaykh Muhammad Sadiq Muhammad Yusuf, 2013:450). Since the period of breastfeeding is two years (twenty-four months), the remaining duration six months represents the minimum period of pregnancy.

***For lineage to be established, the spouses must be in a valid (sahih) marriage.***

Lineage is not established for a child born out of adultery (zina) or outside of marriage.

According to a fiqh principle, if pregnancy occurs between individuals who are not married, and they subsequently marry, then if the child is born after six months from the time of marriage, the child's lineage is attributed to the father. However, if the child is born within less than six months, lineage is not established (Yusupova N., 2023:198–199).

## ANALYSIS

In her dissertation entitled "Issues of Islamic Legal Principles in Qaffal al-Shashi's 'Mahasin'," researcher Hakimova N. cites the following statement of the scholar: "The fundamental meaning of lineage is that adultery (zina) cannot assume the status of marriage, because lineage cannot be established through it. If adultery were treated as equivalent to marriage and lineage were thereby established, lineages would become confused.

Consequently, it would become impossible to distinguish between close and distant relatives, leading to the unlawful union of those who are prohibited from marrying each other. Therefore, Allah has established kinship through lineage and lawful marriage, not through adultery” (Hakimova N., 2022:113).

Denial of lineage (*nafy al-nasab*) refers to the process by which a husband formally declares that a child born to his wife is not his biological offspring and seeks confirmation of this claim through a Sharia court. This mechanism constitutes one of the legal means in Islamic law for preserving lineage and is implemented through the procedure known as *li‘an*.

The term *li‘an* is derived from the word “*la‘nah*” (curse) and denotes mutual imprecation. In Islamic legal terminology, *li‘an* refers to the process in which a husband, who accuses his wife of adultery but cannot produce witnesses, and the wife, who denies the accusation, invoke curses upon each other in the presence of a judge (Shaykh Muhammad Sadiq Muhammad Yusuf, 2018:511).

Once the procedure of *li‘an* is completed between the spouses, the marriage is dissolved (i.e., a separation occurs). If a child is subsequently born, the child is not attributed to the father’s lineage but is instead affiliated solely with the mother’s lineage.

The application of *li‘an* is limited specifically to cases in which a husband accuses his wife of adultery. The primary purpose of this procedure is to preserve lineage and to protect the honor of the family.

The scholar al-Mawardi (d. 450/1058) formulates a general principle on this matter, stating: “If conclusive evidence demonstrates that the child does not belong to the husband, the lineage may be denied without resorting to the procedure of *li‘an*” (al-Mawardi, XI:159).

This indicates that, in Islamic law, the legal denial of a child’s lineage when born within a valid marriage can be classified into two categories: cases that require recourse to *li‘an*, and cases that do not require *li‘an*.

***Accordingly, in situations such as:***

- when it is clearly established that the woman was pregnant by another man prior to marriage;
- when the child is born within less than six months from the date of marriage;
- when the husband is known to be biologically or physiologically incapable of procreation;
- when marital relations between the spouses are impossible, the husband has the right to deny the lineage of the child without resorting to *li‘an* (Ibrahim Yilmaz, 2014:35).

This issue is regarded as highly sensitive in Islamic law and is only addressed under strict conditions supported by clear and compelling evidence.

One of the legal measures prescribed in Islamic law for the preservation of lineage is the waiting period (iddah). The institution of iddah for women serves multiple purposes, among which the most significant is the protection of lineage. If a woman were to remarry immediately after divorce or the death of her husband and subsequently give birth, the identity of the child's father could become uncertain.

The waiting period ensures that the woman is not pregnant, thereby preventing any confusion in lineage.

Shaykh Muhammad Sadiq Muhammad Yusuf, in his work *Kifoya*, defines iddah as follows: "The term iddah refers to the period that a woman must observe after the death of her husband or after divorce" (Shaykh Muhammad Sadiq Muhammad Yusuf, 2018:530).

He further emphasizes that one of the primary wisdoms behind this ruling is to determine whether the divorced or widowed woman is pregnant, thereby preventing the mixing and confusion of lineage.

In the modern era, advances in science and technology particularly DNA testing can also serve as a tool for determining lineage and preventing its confusion. A DNA test is a medical procedure that analyzes an individual's genetic material (deoxyribonucleic acid) to identify biological characteristics, ancestry, and other personal data.

However, the permissibility of using DNA testing in matters of lineage remains a debated issue in Islamic law. There is no single, universally accepted fatwa on its use, and scholars and fatwa-issuing bodies have expressed differing opinions.

In a resolution adopted during its 16th session, the Islamic Fiqh Academy stated that it is not permissible under Sharia for a husband to use DNA testing to deny paternity of a child born within a valid marriage. According to Islamic law, the only legitimate method for a husband to deny paternity is through the process of li'an (mutual imprecation) in accordance with its prescribed conditions. Furthermore, DNA testing cannot be used to establish or challenge the paternity of a child whose lineage has already been legally established within a valid marriage.

However, there is no objection to the use of DNA analysis in disputes involving children of unknown lineage for the purpose of establishing paternity. This may be applied in cases where evidence is insufficient, where both parties possess equal evidentiary weight, or in situations of mistaken intercourse (i.e., when a man unknowingly engages in sexual relations with a woman believing her to be his lawful wife).

Furthermore, DNA testing may be utilized in cases where infants have been accidentally exchanged in hospitals, nurseries, or similar institutions; where confusion arises from assisted reproductive technologies; or where children are separated from their families due to accidents, natural disasters, or armed conflicts, making family identification difficult or impossible. DNA analysis also plays an important role in identifying unknown bodies, prisoners of war, and missing persons (<https://fiqh.islamonline.net/en/establishing-paternity-through-dna/>).

## CONCLUSION

In conclusion, lineage (nasab) in Islam represents a fundamental concept with profound social, legal, and moral significance. It serves as a cornerstone for both the well-being of the child and the stability of society. Marriage constitutes the primary and lawful means of ensuring a child's legitimate lineage and is the only recognized framework for family formation in Islam.

In contrast, adultery (zina) is strictly prohibited, as it leads to the corruption of lineage, violates the rights of the child, and negatively impacts social order. Moreover, full legal adoption that alters a child's lineage is not permitted in Islam, as it deprives the child of their true identity and genealogical roots.

Instead, Islam introduces the concept of kafalah (guardianship), which allows for the care, upbringing, and protection of children particularly orphans and those in need while preserving their original lineage. Through kafalah, Muslims are encouraged to support vulnerable children and safeguard their rights without compromising the integrity of lineage.

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