

Management of the dead from the islamic law and international humanitarian law perspectives: considerations for humanitarian forensics

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Abstrak

ABSTRACT

This article discusses a number of contemporary issues and challenges pertinent to the management of the dead in contemporary armed conflicts and other situations of violence and natural disasters under Islamic law and international humanitarian law. Among the issues and challenges faced by forensic specialists in Muslim contexts at present are collective burial, quick burial of dead bodies, exhumation of human remains, autopsy, burial at sea, and handling of the bodies by the opposite sex. The article concludes that both legal systems have developed rules which aim at the protection of the dignity and respect of dead bodies, and that they complement each other to achieve this protection in specific Muslim contexts. The main objectives of this article are twofold: firstly, to give an overview of the Islamic law position on these specific questions and challenges, in order to, secondly, provide some advice or insight into how forensic specialists can deal with them.