



Family Obligations toward Missing Persons (*Mafqūd*) Resulting from Armed Conflict: Perspectives from Kinship Jurisprudence and Humanitarian Protection

Reza Atabaki*

Shahid Beheshti University, Tehran, Iran, 1983963113

Email: r_atabaki@sbu.ac.ir

Forough Abolghasemi

Shahid Beheshti University, Tehran, Iran, 1983963113

Email: a.forough@sbu.ac.ir

Jafar Abolghasemi

Shahid Beheshti University, Tehran, Iran, 1983963113

Email: abolghasemi.ja@sbu.ac.ir

Khadijeh Sharifi

Shahid Beheshti University, Tehran, Iran, 1983963113

Email: k_sharifi@sbu.ac.ir

Article	Submitted	Revised	Accepted	Available Online
History	2026-06-08	2026-09-12	2026-09-22	2026-09-27

Abstract

Missing persons (*mafqūd*) resulting from armed conflict create legal uncertainty that extends beyond the mere determination of life or death; the issue encompasses the continuity of kinship ties, identity protection, the management of civil rights, and family responsibilities while the family member's fate remains unknown. Existing *fiqh* (Islamic jurisprudence) literature on the *mafqūd* tends to focus on inheritance and marriage, so the conceptualization of family obligations during this period of uncertainty—as well as humanitarian protection—requires further development. This study aims to formulate a framework for family obligations toward a *mafqūd* resulting from armed conflict and define the limits of family responsibility. At the same time, legal status remains uncertain, and the study seeks to integrate kinship *fiqh* principles with Islamic humanitarian protection principles. This normative legal study employs conceptual, comparative, and integrative approaches, analyzing primary sources (classical and contemporary *fiqh* texts), secondary sources on Islamic law, and relevant international humanitarian and human rights instruments. The analysis identifies *mafqūd*-related norms, maps family obligations, compares human protection principles, and synthesizes these elements to define the nature and limits of family responsibility. The findings reveal three layers of family obligation: safeguarding the *mafqūd*'s civil rights and identity; pursuing continuous search, tracing, and documentation efforts; and upholding their dignity and social interests throughout the period of uncertainty. Family obligations constitute a trust (*amānah*) that does not lapse simply due to the lack of status certainty, whereas actions altering civil status require a legal basis and sufficient evidence. Integrating kinship *fiqh* with humanitarian protection frames

the search for and preservation of the *mafqūd*'s rights as a normative family responsibility centered on protecting life, dignity, identity, and fundamental human rights.

Keywords: *Mafqūd*; *Fiqh* of Kinship; Armed Conflict; Humanitarian Protection; Family Responsibilities

Abstrak

Orang hilang (*mafqūd*) akibat konflik bersenjata menghadirkan ketidakpastian hukum yang melampaui persoalan penetapan hidup atau mati karena menyangkut kesinambungan hubungan kekerabatan, perlindungan identitas, pengelolaan hak keperdataan, serta tanggung jawab keluarga selama nasib anggota keluarga belum diketahui. Literatur fikih *mafqūd* cenderung berpusat pada waris dan perkawinan, sehingga konstruksi kewajiban keluarga selama masa ketidakpastian serta perlindungan kemanusiaan masih memerlukan pengembangan. Penelitian ini bertujuan merumuskan konstruksi kewajiban keluarga terhadap *mafqūd* akibat konflik bersenjata, menentukan batas tanggung jawab keluarga selama status hukum belum pasti, serta mengintegrasikan prinsip fikih kekerabatan dengan prinsip perlindungan kemanusiaan dalam Islam. Penelitian hukum normatif ini menggunakan pendekatan konseptual, komparatif, dan integratif dengan menganalisis sumber primer berupa kitab fikih klasik dan kontemporer, sumber sekunder hukum Islam, serta instrumen hukum humaniter dan hak asasi manusia yang relevan. Analisis dilakukan melalui identifikasi norma *mafqūd*, pemetaan kewajiban keluarga, perbandingan prinsip perlindungan manusia, kemudian sintesis normatif untuk merumuskan hubungan dan batas tanggung jawab keluarga. Hasil penelitian menunjukkan tiga lapis kewajiban keluarga, yaitu menjaga hak keperdataan dan identitas *mafqūd*, mengupayakan pencarian, pelacakan, dan dokumentasi yang berkelanjutan, serta menjaga martabat dan kepentingan sosialnya selama ketidakpastian berlangsung. Kewajiban keluarga berfungsi sebagai amanah yang tidak gugur hanya karena ketiadaan kepastian status, sementara tindakan yang mengubah status keperdataan memerlukan dasar hukum dan pembuktian yang memadai. Integrasi fikih kekerabatan dengan perlindungan kemanusiaan menempatkan pencarian dan pemeliharaan hak *mafqūd* sebagai tanggung jawab normatif keluarga yang berorientasi pada jiwa, martabat, identitas, dan hak-hak dasar manusia.

Kata Kunci: *Mafqūd*; Fikih Kekerabatan; Konflik Bersenjata; Perlindungan Kemanusiaan; Tanggung Jawab Keluarga

Introduction

Armed conflict gives rise to family law issues that extend beyond death, injury, or property damage to include the uncertain fate of family members whose whereabouts are unknown. Such conditions place an individual in the category of *mafqūd*—a subject whose location is unknown and whose status as living or deceased remains unconfirmed, preventing a definitive resolution of their personal status and legal relationships (Sulfinadia et al., 2026). The status of a *mafqūd* entails consequences distinct from confirmed death, as the rights and legal interests of the missing person must be upheld in the absence of sufficient grounds to establish their death (Zidan, Angga, & Fataruba, 2026). The issue becomes more complex when the disappearance results from armed conflict, as factors such as forced displacement, detention, family separation, document destruction, unidentified deaths, and limited access to conflict zones can prolong this uncertainty.

Islamic jurisprudence regarding kinship (*fiqh al-qarābah*) is essential to elucidate the sources, subjects, forms, priorities, and limits of obligations arising from lineage and marital ties (Taufiqurohman & Fauziah, 2023), while a humanitarian protection perspective is required to address rights concerning identity, dignity, information, the search process, and certainty regarding one's fate (Fahmi et al., 2024). This distinction is crucial because the *mafqūd* category is not entirely synonymous with the international legal concepts of a "missing person" or a victim of enforced disappearance. The ICRC defines a "missing person" more broadly as an individual whose whereabouts are unknown to their family or who is reported missing due to armed conflict, violence, disaster, migration, or other situations requiring humanitarian action (Puerto et al., 2021). The relationship between these two categories requires careful examination to ensure that the *fiqh* concept is not simply subsumed into international legal categories, while still allowing humanitarian protection principles to broaden the interpretation of family obligations.

The scale of the missing-persons issue underscores the urgency of such an analysis. The ICRC (2025b) recorded over 56,000 new missing-persons cases throughout 2024, bringing the total number of cases the ICRC actively pursues to nearly 255,000 by early 2025. Data from the Family Links Network, released by the ICRC in August 2025, indicates that approximately 284,400 individuals were registered as missing by the end of 2024—an increase of about 68 percent compared to 2019 (ICRC, 2025a). International humanitarian law imposes obligations on parties to a conflict to prevent disappearances, search for the missing, and clarify the fate and whereabouts of those reported missing. Rule 117 of Customary International Humanitarian Law affirms these obligations, stipulating that each party to a conflict must take all feasible measures to determine the fate of persons reported missing as a result of armed conflict and provide their family members with any available information regarding their fate (Rivas, 2025). This framework highlights a significant issue in Islamic family law: conflict actors and relevant authorities must search and fulfill the right to information, while safeguarding the missing person's legal interests remains the family's responsibility.

Literature on the *mafqūd* (missing person) remains fragmented, depending on the specific issues addressed and the legal regimes applied. Ikbāl, Pulungan, and Syaputra (2024) frame the *mafqūd* issue primarily in terms of protecting heirs' rights and deferring inheritance distribution until life or death is certain. However, their study does not address the family's active obligations during the search process or in situations where conflict hinders the determination of status. Taman et al. (2025) outline differing jurisprudential views on the timeframe for declaring a *mafqūd* deceased and the consequences for the continuity of marriage; yet, their focus remains on marital status determination rather than developing a typology of kinship obligations before the declaration of death. Sulfinadia et al. (2026) highlight

the need to harmonize the concept of *mafqūd* with modern family law administration—particularly where status certainty is required to access administrative rights—yet they do not position the family as a normative actor that safeguards identity, assets, and legal interests, or actively seeks the missing member. Baranowska (2021) identifies the families of victims of enforced disappearance as stakeholders with an interest in truth, information, and certainty regarding the victim's fate; however, the categories of Islamic family law and the *mafqūd* construct have not yet been incorporated into the analysis.

Asqool et al. (2023) emphasize the obligations to search for, identify, and protect conflict victims under international humanitarian law. However, they do not explain how these obligations relate to those arising from kinship ties. Gieseken and Londoño (2025) also affirm families' right to know the fate and whereabouts of missing relatives and the obligation of parties to the conflict to conduct searches and provide information, while acknowledging families' legal, administrative, social, and economic needs. This fragmentation in the literature reveals two trends: studies on *mafqūd* jurisprudence tend to focus on personal status, marriage, inheritance, and asset management, whereas humanitarian studies emphasize search efforts, the right to information, identification, dignity, and family protection. There is currently no analytical framework that bridges these two orientations to determine the basis and limits of family obligations toward members missing due to armed conflict. This research addresses this gap by connecting *mafqūd* status, kinship jurisprudence, and humanitarian protection, without equating Islamic legal categories with international legal terminology.

This research aims to address three key issues: the legal construction of the *mafqūd* status resulting from armed conflict under kinship jurisprudence; the basis, subjects, forms, priorities, and limits of family obligations to uphold the rights and legal interests of the *mafqūd* while their survival status remains uncertain; and how these kinship obligations can be linked to humanitarian protection principles—specifically the rights to identity, information, search, dignity, and certainty regarding one's fate. The research pursues these three analytical objectives by reconstructing the *mafqūd* as a legal subject with uncertain survival status, mapping obligations based on kinship ties and the legal interests requiring protection, and formulating the normative relationship between kinship jurisprudence and humanitarian protection principles. The study's initial argument rests on the principle of *istiṣhāb*—which presumes the continuity of an individual's legal status in the absence of sufficient grounds to establish death—and on the protection of rights. It links this presumption to *ṣilat al-raḥim* (maintaining kinship ties), the preservation of life and property, the prohibition against causing harm, and the responsibility to uphold human dignity. Consequently, this research aims to formulate a conceptual framework regarding family obligations toward the *mafqūd*, thereby expanding the scope of kinship jurisprudence—traditionally focused on

marital and inheritance status—to encompass the protection of personal and human rights in conflict situations.

Method

This study is a normative legal inquiry that employs conceptual, comparative, and integrative approaches to reconstruct family obligations regarding persons missing due to armed conflict through a dialogue among *mafqūd* jurisprudence, kinship jurisprudence, and humanitarian protection principles. Primary legal materials include the Qur'an, Hadith, and classical and contemporary jurisprudential works representing the views of various schools of thought regarding the *mafqūd* status, maintenance (*nafaqah*), guardianship, rights management, inheritance, and kinship responsibilities, alongside international humanitarian law instruments governing the search, identification, protection, and restoration of contact regarding missing persons. Secondary legal materials—such as journal articles, academic monographs, and prior research—reinforce the conceptual context. At the same time, reports from humanitarian organizations serve as contextual support rather than a basis for norm establishment. Data collection was conducted via a literature review involving systematic searches based on the term *mafqūd* and related terminology; selection based on substantive relevance, source authority, publication period, and connection to armed conflict; and subsequent extraction into a matrix detailing sources, norms, obligated parties, forms of obligation, and conditions for application. Analysis involved the identification and categorization of norms, comparison of jurisprudential constructs, mapping of differences and potential normative conflicts, and an assessment of compatibility with humanitarian protection principles to formulate the scope, obligated parties, forms, and applicability of family obligations. At the same time, the *mafqūd* status remains legally unresolved.

Results and Discussion

The Legal Status of the *Mafqūd* in Kinship Jurisprudence During Armed Conflict

In *fiqh*, the term *mafqūd* refers to a person who has left their place of residence and whose status—whether alive or deceased—is unknown; thus, the legal issues involved stem from uncertainty regarding their status rather than merely their location (Sulfinadia et al., 2026). Al-Kāsānī (1986) elucidates the position of the *mafqūd* by distinguishing between legal consequences arising from pre-existing, vested rights and those concerning rights yet to be established. The status of being alive is maintained to safeguard previously held rights, whereas new rights cannot be established based solely on the mere possibility of survival. This framework distinguishes the *mafqūd* from the *ghā'ib* (an absent person whose whereabouts are known), a prisoner whose detention status is verifiable, a person presumed dead based to factual indications, and a person whose death has been legally established.

The principle of *istiṣhāb al-ḥāl* (presumption of the continuation of a state) underpins the presumption of life, as an established state is not nullified by doubt about a change in circumstances (Kurnaz, 2024). The legal maxim *al-yaqīn lā yazūlu bi al-shakk* (certainty is not removed by doubt) provides the epistemic framework for applying this principle. At the same time, the specific rulings (*furūʿ*) regarding the *mafqūd* demonstrate its operational limits. Al-Kāsānī (1986) characterizes the *mafqūd* as “alive” in matters involving the preservation of existing rights, but “not alive” in matters requiring the establishment of new rights; this formulation highlights *istiṣhāb* as a mechanism for preservation rather than a tool for creating new certainty. Consequently, a presumption of death does not automatically dissolve a marriage nor trigger inheritance rights. A change in status requires evidentiary grounds or a legal ruling that can override the initial state. This framework also explains why the status of a *mafqūd* can yield different consequences depending on the type of right: vested rights tend to be preserved, whereas new rights cannot be sufficiently established based merely on possibility (Rohman, Hamidah, & Hidayah, 2025).

Differences among legal schools regarding the *mafqūd* stem from varying assessments of the weight of *istiṣhāb* (presumption of continuity), the harm caused by uncertainty, and factual indications of death. Ibn Rushd (2004) notes that Ḥanafī and Shāfiʿī opinions tend to uphold the marital bond until death is confirmed. In contrast, the Mālikī school allows for dissolution after a certain period, taking into account the ongoing hardship faced by the wife. He attributes this divergence to a conflict between *istiṣhāb* and an analogical approach that factors in the harm resulting from the husband’s disappearance. This difference cannot be reduced to a dispute over the duration of the waiting period, as each approach relies on distinct theories of evidence and interest protection. *Istiṣhāb* preserves the continuity of an established status, while harm considerations allow legal intervention when uncertainty leads to disproportionate detriment (Muslimin & Kharis, 2020). This comparative analysis highlights the pivotal role of *ʿillah* (legal rationale) in the jurisprudence of the *mafqūd*: the context of disappearance becomes relevant insofar as it alters the strength of indications of death or the hardship borne by the family.

The context of warfare is explicitly recognized in *furūʿ* (substantive) jurisprudence and provides a robust basis for interpreting modern armed conflicts. Ibn Rushd (2004) distinguishes between a *mafqūd* in Muslim territory (*arḍ al-Islām*), in enemy territory (*arḍ al-ḥarb*), in wars involving Muslims, and in wars against non-Muslims. In the Mālikī tradition, a person missing in a war zone may be treated as a captive—meaning their marital status and property rights remain unchanged until death is confirmed. In contrast, a person missing during inter-Muslim warfare might be treated differently if the circumstances of the battle create a strong presumption of death (ʿUlayish, 1989). Ibn Qudāmah (1997) also distinguishes between a missing person facing a high probability of death—such as

someone lost between two warring armies—and a case of disappearance lacking such strong indications of fatality. This fact corrects the assumption that classical jurisprudence recognizes only ordinary cases of disappearance. The distinction hinges on the nature of the conflict and the strength of the indications of death; the stronger the link between the location, the event, and the likelihood of death, the greater the legal weight assigned to the disappearance.

Therefore, the waiting period cannot be viewed as an automatic mechanism that converts absence into legal death. Ibn Rushd (2004) notes variations in duration and consequences depending on the context of the disappearance, while Ibn Qudāmah (1997) identifies categories of missing persons based on circumstances that strongly indicate certain death. Duration works alongside factual circumstances rather than replacing an examination of those facts. This distinction is crucial in modern armed conflicts. Four years of silence regarding an individual known to have entered a refugee camp do not carry the same epistemic weight as four years of silence following an individual's last sighting in a battle involving mass casualties. Similarly, an individual believed to be detained by a warring party presents different indicators of life compared to a victim of enforced disappearance who has left no trace of their existence. Jurisprudential constructs allow for such distinctions because classical *furū'* links the status of the *mafqūd* to the specific context of their disappearance.

Furthermore, the family does not have unilateral authority to alter legal status. Jurisprudential structures highlight the judge's role in addressing the legal consequences of a *mafqūd*, particularly when uncertainty must be translated into a ruling on marriage or property rights (Dupret et al., 2019). Ibn 'Ābidīn (1992) situates the judge's decision within the process of establishing the *mafqūd* status, while the Hanafi school outlines mechanisms for suspending or withholding rights until the individual's status—whether alive or dead—is clarified (Ibn Nujaym, 2002). This principle is particularly relevant when evidence of death is circumstantial. Witness testimony, detention information, hospital records, evacuation data, refugee documentation, body identification, and information from parties controlling the conflict zone can form a chain of indications; however, such indications do not automatically constitute a legal ruling. An authoritative assessment is required to determine whether the body of evidence has shifted the situation from mere doubt to a strong presumption capable of triggering legal consequences. This mechanism safeguards two simultaneous interests: preventing a death from being declared rashly and preventing families from remaining indefinitely trapped in uncertainty when a strong factual basis for resolution already exists.

Consequences regarding marriage and inheritance stem from legal status. The Ḥanafi school distinguishes between preserving the rights of the *mafqūd* and recognizing new rights for them; a missing person may be treated as alive for the

purpose of retaining ownership, whereas their status as an heir to another is not established solely on the possibility of survival (Al-Bukhārī, 2004). Ibn Qudāmah (1997) also distinguishes between a *mafqūd* whose disappearance predominantly points toward likely death and a disappearance that does not suggest such a likelihood. This distinction affects the waiting period, the distribution of assets, and marital status. This pattern demonstrates a crucial principle: a change in status need not be understood as a singular event that triggers all legal consequences simultaneously. Marriage, inheritance, and ownership each involve distinct objects of protection and evidentiary requirements.

Modern armed conflict highlights both the relevance and the limitations of classical legal constructs, as contemporary forms of disappearance yield more diverse evidentiary configurations. Individuals missing in combat, detained without communication, forcibly transferred, separated during displacement, or subjected to enforced disappearance cannot be placed into identical epistemic categories. International humanitarian law requires parties to a conflict to take steps to ascertain the fate of missing persons and inform their families (Baranowska, 2022), while declarations of absence underscore the need to distinguish a missing person's status from that of a person formally declared dead (Zarook, 2024). On this basis, the legal status of a *mafqūd* can be reconstructed through the interplay of the initial status upheld by *istishhāb*, the nature of the disappearance, indicators of life or death, the quality of evidence, the degree of presumption established, and the ruling of the competent authority.

Family Obligations in Safeguarding the Civil and Social Rights of the *Mafqūd*

The family's status must be distinguished from that of the rights holder, as ties of lineage or marriage do not automatically transfer ownership to relatives (Taqiyuddin, Millah, & Luthfi, 2023). This distinction follows the implications of *istiṣhāb*, which maintains the prior legal state unless a valid basis exists to alter it. Spouses and children possess independent rights based on marriage and lineage (Nawawi et al., 2022), whereas other relatives may acquire specific interests depending on legal relationships and needs (Riyanta et al., 2025). Potential heirs do not have the authority to distribute assets simply because they may eventually inherit them (Oussama et al., 2026). This configuration creates three distinct roles: the *mafqūd* as the rights holder; the family as an interested party capable of custodial functions; and the legal authority as the overseer of actions beyond ordinary management.

The management of a *mafqūd's* assets must focus on preserving ownership, utility, and economic value without unilaterally altering the status of ownership. This principle aligns with the Ḥanafī jurisprudential framework, which upholds the status of the *mafqūd's* assets as belonging to the owner until there is certainty regarding death or a legal ruling that changes that status (Dönmez, 2022). Al-Sarakhsī (1993) situates the management of a *mafqūd's* assets within the framework

of ownership protection—encompassing the collection of asset yields and their maintenance—while Ibn ‘Ābidīn (1992) emphasizes that the appointed manager acts as a custodian or representative with limited authority. The sale or transfer of assets requires compelling justification, as such actions affect the owner’s patrimonial position; under Ḥanafī jurisprudence, a sale may be justified when physical preservation of the asset is no longer feasible, and the sale is necessary to safeguard its economic value (Al-Sarakhsī, 1993). The principle of *ḥifẓ al-māl* (preservation of wealth) is given concrete effect through actions that prevent deterioration or loss of value while fostering the stability and growth of wealth within sharia-compliant boundaries (Kamali, 2025).

The issue of spousal maintenance rests on a different legal basis than the obligation to safeguard the assets of a *mafqūd*. A wife possesses a right to maintenance arising from the marital bond, whereas a husband who has gone missing is unable to directly fulfill this obligation (Ardo & Adamu, 2025). Divergent views among legal schools (*madhhabs*) regarding the wives of missing persons reflect a tension between upholding the marital bond and allowing for a resolution when uncertainty causes severe hardship. These differing perspectives also influence how the wife’s economic needs are met during the period of absence. A *mafqūd*’s assets of a may serve as a source for meeting obligations, provided their use is legitimately authorized and does not alter the underlying ownership status. If access to these assets is cut off, relatives’ responsibility cannot be assumed to apply equally to every family member (Ikbal et al., 2024). Economic capacity, the closeness of the relationship, and each legal school’s specific maintenance doctrines must form the basis for determining substitute responsibility.

The father-child relationship gives rise to maintenance and care obligations distinct from ownership rights over the father’s assets. A child meeting the criteria for maintenance eligibility may have their needs met from the assets of a father with *mafqūd* status, as the lineage bond establishes a right to maintenance that persists as long as the need exists. When a father becomes *mafqūd*, the child’s needs continue even as the family’s source of financial support is disrupted (Shakor & Muda, 2023). Assets belonging to a *mafqūd* individual may be utilized to meet the child’s needs, provided such use relates to maintenance obligations and falls within the bounds of lawful administration; this administration is fundamentally aimed at preserving the *mafqūd*’s property while simultaneously fulfilling the rights of those legally entitled to maintenance, rather than transferring asset ownership to the family (Choirullah & Suryana, 2025). The principle of *ḥifẓ al-nasl* (preservation of lineage) is relevant here, as it elucidates the continuity of offspring care through the fulfillment of the child’s needs and the protection of family stability.

The status of assets prior to the distribution of inheritance must be distinguished from the rights of potential heirs. Wealth remaining in the ownership of a *mafqūd* individual cannot be treated as an inheritance freely disposable by

relatives. Potential heirs hold legal expectations that differ from actual ownership, as opening succession requires fulfilling the legal conditions that trigger the transfer of assets. The administrator must also segregate the *mafqūd's* assets from the family's personal wealth to prevent commingling of ownership (Zidan et al., 2026).

The civil legal status of a *mafqūd* individual encompasses obligations and rights that remain in effect despite their physical absence. Receivables must be safeguarded and collected through legitimate representation mechanisms; matured debts must be accounted for as liabilities against the assets; and ongoing contracts require assessment based on their subject matter, duration, and feasibility of execution (Ardhani, 2019). Ownership documents, bank accounts, shares, business proceeds, and cross-jurisdictional assets present complex challenges regarding proof and access during armed conflicts. While families may serve as administrative intermediaries when the law grants them representative capacity, kinship ties alone do not suffice to access every asset. Fiduciary principles require segregating accounts, keeping transaction records, documenting expenses, and reporting on management outcomes.

Conflicts of interest arise when the family managing a *mafqūd's* assets also relies on those same economic resources. Wartime conditions can eliminate income, damage assets, restrict access to financial institutions, and escalate the need for food, housing, and children's education (Federle et al., 2026). Such circumstances do not justify appropriating assets, nor can an absolute ban on asset use resolve the situation when legitimate maintenance obligations exist. The solution lies in distinguishing the purposes of use: costs for asset maintenance, settlement of the *mafqūd's* obligations, and legally mandated maintenance rest on different grounds than the manager's personal consumption. When family's interests and the *mafqūd's* obligations conflict, legitimate needs must be addressed through mechanisms that are proportional, documented, and subject to oversight.

Family Obligations in Maintaining the Dignity and Certainty of *Mafqūd's* Fate

Losing someone in armed conflict raises different issues than mere physical absence because the uncertainty of whereabouts can disrupt recognition of identity, kinship relationships, and continuity of rights (Robins & Stockwell, 2026). The Qur'an provides a normative basis: "Indeed, We have glorified Adam's descendants" (Al-Isrā' [17]: 70). *Karāmah* in this verse refers to the value inherent in humans because of their humanity (Davoudi, 2022). This conception is important for *mafqūd* because the loss of contact is not synonymous with the loss of the human subject. *Fiqh* recognizes *ḥurmah* as a legal consequence that protects humans, bodies, honor, and interests recognized by sharia (Elmahjub, 2021). The relationship between *karāmah* and *ḥurmah* allows a more precise reading: *karāmah* provides the basis of value, while *ḥurmah* translates that respect into certain prohibitions and obligations.

The first consequence of continuity of dignity is the obligation to maintain the *mafqūd* identity. Identity in kinship jurisprudence does not stop at personal names,

because lineage determines legal relationships with parents, children, partners, and relatives (Djawas et al., 2022). From a *maqāṣid al-sharī'ah* perspective, *nasab* maintenance protects family order and ensures genealogical relationships, including a person's attribution to their family origins (Mustamam et al., 2025). *Ḥifẓ al-nasl* is therefore relevant as a framework for maintaining genealogical continuity, while *karāmah* explains why individuals should not be reduced to anonymous objects due to loss. In searching for and identifying missing persons, family information about personal identity, biological characteristics, medical history, recent circumstances, and kinship relationships is an important source for identification (Bai et al., 2022). Maintaining identity becomes a concrete form of respect for *mafqūd* because it maintains the connection between the individual, body, name, and kinship network.

The obligation to search requires a more careful formulation because classical jurisprudence cannot simply be read as having established the family as the main implementer of search in the modern institutional sense. *Fiqh* discussions of *mafqūd* focus more on uncertain life or death, the application of *istiṣhāb*, property management, marital relations, inheritance rights, and judges' authority to determine the legal status of missing people (Zidan et al., 2026). Contemporary reconstruction can draw process obligations from the principles of maintaining rights, trust, kinship relations, and preventing loss, as long as the results of reconstruction are not treated as explicit provisions of classical jurisprudence (Sulfinadia et al., 2026). Families may be required to make reasonable efforts to report the loss, gather information, contact accessible sources, and cooperate with authorities. Liability coverage depends on the family's capabilities, safety, access, and factual control. Failure to find *mafqūd* does not, by itself, indicate family negligence.

The distinction between seeking and obtaining information becomes important when families face armed conflict. Searching means making efforts directed at finding clues regarding someone's whereabouts (Lam, Kerstholt, & Kop, 2025); obtaining information means receiving reports regarding location, conditions, detention, evacuation, or possible death (Woolford et al., 2022); reporting means passing on information to parties who have the capacity to act on it (Fyfe, Stevenson, & Woolnough, 2015). These three actions differ in character and should not be combined into a single obligation. Families may be unable to conduct a physical search because the conflict area is under the control of an armed group, road access is closed, or the search poses a safety risk. In such circumstances, a reasonable obligation may be to convey identity and final information to the agency with access, rather than having to enter dangerous areas.

Receiving information regarding a *mafqūd* also necessitates a verification process, as armed conflict creates an epistemic environment susceptible to rumors, propaganda, erroneous testimony, and misidentification (Hajir, Clarke-Habibi, & Kurian, 2022). *Istiṣhāb* plays a crucial role here; a previously established state of life

is not nullified simply by a report lacking sufficient evidentiary weight. The principle of *al-yaqīn lā yazūlu bi al-shakk* reinforces this caution by preventing doubt from triggering a disproportionate change in status. *Qarīnah* (circumstantial evidence/indications) can guide the search and enhance the weight of information when facts corroborate one another; however, an indication does not automatically equate to a legal determination. *Shahādah* (testimony) and *bayyinah* (clear proof/evidence) must also be understood in terms of their evidentiary functions within *fiqh*, rather than as generic labels for all information. An eyewitness account of an arrest, for instance, may serve as a basis for further searching. In contrast, a report of death requires scrutiny of the source of knowledge, the circumstances of the event, the account's consistency, and supporting evidence.

Verification can be advanced through multi-layered testing of both the source and the information's subject matter. Location information requires validation through chronology, geographical consistency, corroborating testimony, or—where available—detention and evacuation records. Information concerning death demands more rigorous examination, given the potential consequences for identity, family relationships, and civil rights. Identifying a body differs from merely receiving news of a death; identification requires a matching personal characteristics based on available data (Puerto et al., 2021). Family data plays a vital role, as ante-mortem information can help identify unidentified victims (Bertoglio et al., 2020). The ICRC (2025b) frames the search for missing persons, information gathering, and body identification as an interconnected process requiring cooperation among families, authorities, and relevant institutional mechanisms. This framework aligns with the function of *qarīnah*: various indicators may reinforce one another, yet the conclusion remains contingent upon the quality and convergence of the evidence. Certainty regarding one's fate must, therefore, be distinguished from the determination of legal status. A person's location may be known without their living conditions being certain; a person may be reported dead without their body being identified; a body may be found without an immediate determination of identity; and identity may be successfully established before authorities resolve the legal consequences of the death. This sequence illustrates the distinctions between certainty regarding existence, factual information, identity, death, and legal status. Once death is confirmed through a reliable mechanism, the focus of obligations shifts from the search itself to respecting the identity. It remains with the deceased, preserving information about them, and communicating the facts to interested parties.

Family Obligations toward the *Mafqūd* within the Framework of Humanitarian Protection

In this context, "humanitarian protection" refers specifically to the legal framework governing the protection of missing persons and their families during armed conflict, with international humanitarian law as the primary framework and human rights law as a complement on specific issues. This conceptual delimitation

is crucial because “humanitarian protection” can encompass various legal regimes with different subjects and consequences. International humanitarian law regulates parties’ obligations to prevent disappearances, take measures to ascertain the fate and whereabouts of missing persons, and provide information to their families (Parrin, 2023). Article 32 of Additional Protocol I establishes the right of families to know the fate of their relatives as a general principle. In contrast, Article 33 governs the search for missing persons and the exchange of information between parties to the conflict. Human rights law provides an additional layer of protection, particularly when the disappearance involves secret detention or enforced disappearance.

The conceptual distinction between *mafqūd* and “missing person” provides a starting point for linking kinship jurisprudence and humanitarian law. *Mafqūd* is a legal status category arising from uncertainty about a person’s life or death, determining consequences for marriage, property ownership, inheritance, and other legal relationships (Zidan et al., 2026). In humanitarian law, the concept of a “missing person” focuses on the uncertainty surrounding an individual’s fate or whereabouts during a conflict and triggers obligations for parties with the capacity to clarify the situation (Rivas, 2025). The ICRC (2025b) employs a broad definition of a missing person, encompassing individuals whose families have received no news or who have been reported missing under circumstances requiring protective action. This difference in orientation leads to significant normative consequences. *Fiqh* provides mechanisms to maintain or alter an individual’s legal status based on the quality of evidence. In contrast, humanitarian law establishes external obligations for parties to the conflict to generate information that allows an individual’s factual status to be ascertained.

The allocation of responsibilities must ensure that families are not placed in the position of substitutes for the state or the warring parties. Islamic jurisprudence on kinship accords the family a significant position because lineage and marriage create a web of rights, interests, and obligations that remain relevant as long as the *mafqūd*’s status remains unchanged (Ardhani, 2019). This relational position does not automatically grant the family the authority to access conflict zones, detention centers, military archives, medical facilities, or the locations of human remains. Instead, international humanitarian law obliges the parties to the conflict to search for and provide information. Article 33 of Additional Protocol I requires each party to search for persons reported missing by the opposing party and to transmit relevant information to facilitate the search. At the same time, customary international humanitarian law establishes an obligation for each party to take steps enabling accountability regarding missing persons and to provide the information they possess to the families concerned (Londoño & Signoret, 2017). This structure creates a framework of responsibility distinct from the family’s obligations. States, belligerents, and armed groups that are parties to the conflict bear public obligations commensurate with their respective legal statuses and capacities; families hold a

direct interest and a relational role that cannot be expanded into an institutional obligation.

Family obligations must therefore be defined by capacity, safety, access, and actual authority. Families may provide information regarding identity, last known circumstances, kinship ties, and relevant documents to authorities or search mechanisms; they may also request information, utilize available legal channels, maintain documentation, and uphold the legal status of the *mafqūd* pending any change in that status. A demand for direct physical searching cannot be imposed as an absolute obligation when the search area is under the control of armed groups, communication is severed, the population has been forcibly displaced, or the search poses a serious threat to the family's safety. La Gamma et al. (2026) emphasize that the families of missing persons face information barriers, security threats, and difficulties in proving death, while formal search mechanisms and status recognition often depend on national laws and institutions. Principles within *fiqh*—specifically those regarding trust and the prevention of harm—support limiting obligations based on capability. Families cannot be held responsible for failures arising from structural limitations beyond their control. Family obligations are proportional, whereas the obligations of parties controlling information and territory carry greater institutional weight.

The family's right to know the fate of the *mafqūd* must also be understood as a legal matter, not merely a psychological need. Article 32 of Additional Protocol I explicitly establishes the family's right to know the fate of a relative as a guiding principle for implementing provisions concerning missing and deceased persons. Customary international humanitarian law reinforces this concept through Rule 117, which requires parties to a conflict to take steps to account for persons reported missing and to provide information regarding their fate to family members. Baranowska (2022) further demonstrates that protecting the families of missing persons extends beyond addressing emotional needs, as status uncertainty can hinder the exercise of legal rights, the maintenance of family ties, and the resolution of civil affairs. The *fiqh* perspective expands this dimension by maintaining the continuity of ties regarding lineage, marriage, property ownership, and financial support as long as the legal status of the *mafqūd* remains unchanged. While the right to know does not take an identical form in both systems, they converge on the need to preserve legal relationships between the missing individual and their family.

Protection regarding the deceased reveals further differences between the two frameworks. *Fiqh* concerning the *mafqūd* addresses when uncertainty ends, and the legal consequences of death take effect. In contrast, humanitarian law governs concrete actions regarding human remains both before and after identity is established. Customary humanitarian law obliges parties to a conflict to take all feasible measures to search for, collect, and evacuate remains without discrimination; similar rules apply to recording information prior to burial and

marking grave sites to facilitate identification (Gieseken & Londoño, 2025). Article 34 of Additional Protocol I mandates respect for human remains as well as the maintenance and marking of graves in situations covered by its provisions. These obligations cannot be shifted to the family simply because it has the greatest interest in identifying and repatriating the remains. While families may provide comparative data, request repatriation, and receive information, the field search, collection, documentation, and safeguarding of remains require the authority of the party controlling the location. This framework highlights a significant contribution of *fiqh*: the certainty of death determines the change in personal status, whereas humanitarian law governs the process of protecting individuals before that change in status can be formally established.

Conclusion

A person missing (*mafqūd*) due to armed conflict retains their status as a legal subject as long as there is no certainty regarding their life or death; thus, the uncertainty of their whereabouts does not extinguish their civil rights, identity, family ties, or human dignity. This status entails a continuity of family responsibility, differentiated by the closeness of kinship and legal interests: spouses and children have an interest in maintaining family relationships and civil rights; parents and close relatives are obliged to support search efforts, information verification, and the preservation of the missing person's identity; and those holding the *mafqūd* person's assets are obliged to prevent misuse and safeguard those interests until legal certainty is established. This analysis demonstrates that the *fiqh* of kinship provides a normative basis for family responsibility. At the same time, humanitarian protection principles broaden the scope to prevent the loss of rights, discrimination, and the degradation of the victim's dignity. These findings have implications for developing kinship *fiqh* and Islamic family law through a rights-based protection framework, as well as for families, religious institutions, humanitarian organizations, and policymakers on strengthening search efforts, identity documentation, asset management, and family support. Limitations arise from the study's normative approach and the fact that its application across various conflict contexts remains untested. Further research should examine family experiences, conduct comparative analyses across legal schools (*madhhabs*) and jurisdictions, and integrate the *fiqh* of the *mafqūd* with contemporary legal and humanitarian mechanisms.

Acknowledgments

—

Author Contribution Statement

RA contributed to conceptualizing the research, developing the methodology, collecting and analyzing data, and drafting and revising the manuscript. FA contributed to data collection, literature review, analysis of research materials, and

refinement of the manuscript. JA contributed to data analysis, interpreting results, reviewing academic content, and revising the manuscript. KS contributed to validating data and research results, critically reviewing the manuscript, and final editing to ensure academic accuracy and consistency.

Conflict of Interest

The authors declare that this manuscript presents no conflict of interest of any kind that could influence the processes of research, writing, review, or publication. The entire research process was conducted independently and transparently, free from any personal, professional, institutional, or financial interests—or other relationships—that could compromise the manuscript's objectivity and integrity.

AI Usage Statement

AI was used to a limited extent to help improve language quality, correct grammar, enhance editorial clarity, and format the manuscript. The authors fully developed and determined all research results, findings, concepts, analyses, ideas, interpretations, and conclusions. AI did not generate scientific content, formulate findings, conduct analyses, or draw research conclusions.

Bibliography

- Al-Bukhārī, B. al-D. M. ibn A. (2004). *al-Muḥiṭ al-Burhānī fī al-Fiqh al-Nu'mānī*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Al-Kāsānī, A. B. (1986). *Badā'i' al-Ṣanā'i' fī Tartīb al-Sharā'i'*. Beirut: Dār al-Kutub al-'Ilmiyyah.
- Al-Sarakhsī, M. ibn A. (1993). *al-Mabsūṭ*. Beirut: Dār al-Ma'rifah.
- Ardhani, A. A. (2019). Distribution of heritage To People Which made lost (mafqud) According to Islamic Law. *International Journal on Advanced Science, Education, and Religion*, 2(1), 16–26. <https://doi.org/10.33648/ijoaser.v2i1.23>
- Ardo, H., & Adamu, A. I. (2025). The Rights of A Working Wife to Maintenance: An Islamic Perspective. *MAQOLAT: Journal of Islamic Studies*, 3(2), 250–257. <https://doi.org/10.58355/maqolat.v3i2.125>
- Asqool, A. M., Ismail, S. M., & Nordin, R. (2023). The Protection of Children During Armed Conflicts: Israeli Violations of International Humanitarian Law in Three Wars in Gaza. *UUM Journal of Legal Studies*, 14(2), 535–556. <https://doi.org/10.32890/uumjls2023.14.2.5>
- Bai, Z., Zhang, N., Liu, J., Ding, H., Zhang, Y., Wang, T., ... Ou, X. (2022). Identification of missing persons through kinship analysis by microhaplotype sequencing of single-source DNA and two-person DNA mixtures. *Forensic Science International: Genetics*, 58, 102689. <https://doi.org/10.1016/j.fsigen.2022.102689>
- Baranowska, G. (2021). *Rights of Families of Disappeared Persons*. Cambridge: Intersentia. <https://doi.org/10.1017/9781839701740>
- Baranowska, G. (2022). The Rights of the Families of Missing Persons: Going Beyond

- International Humanitarian Law. *Israel Law Review*, 55(1), 25–49. <https://doi.org/10.1017/S0021223721000182>
- Bertoglio, B., Grignani, P., Di Simone, P., Polizzi, N., De Angelis, D., Cattaneo, C., ... Previderè, C. (2020). Disaster victim identification by kinship analysis: the Lampedusa October 3rd, 2013 shipwreck. *Forensic Science International: Genetics*, 44, 102156. <https://doi.org/10.1016/j.fsigen.2019.102156>
- Choirullah, A. F., & Suryana, M. I. (2025). Analysis of the Determination of Guardianship of Mafqud Inheritance on the Urgency of National Dam Land Acquisition in the Religious Court of Suwawa North Sulawesi (Case Study Number: 355/Pdt.P/2022/PA.SWW). *Hukum Islam*, 24(2), 289. <https://doi.org/10.24014/hi.v24i2.29160>
- Cross, I. C. of the R. (2025a). *Number of Missing People Registered with the Red Cross and Red Crescent Movement up Nearly 70% in Five Years*. Retrieved from <https://www.icrc.org/en/news-release/missing-people-registered-increased-70-percent-five-years>
- Cross, I. C. of the R. (2025b). *The ICRC Is Registering Unprecedented Numbers of Missing Persons*. Retrieved from <https://www.icrc.org/en/statement/icrc-registering-unprecedented-numbers-missing-persons>
- Davoudi, N. (2022). Remember Death: An Examination of Death, Mourning, and Death Anxiety Within Islam. *Open Theology*, 8(1), 221–236. <https://doi.org/10.1515/opth-2022-0205>
- Djawas, M., Achyar, G., Arifin, N. B., Reza, M., & Yakub, B. U. (2022). The Legal Position of Children of Incest (A Study of Madhhab Scholars and Compilation of Islamic Law). *Samarah: Jurnal Hukum Keluarga Dan Hukum Islam*, 6(1), 139–155. <https://doi.org/10.22373/sjhk.v6i1.11904>
- Dönmez, İ. K. (2022). Fıkıh Usulü Yazımında ve Öğretiminde Yanlış Bir Ezber ve Düşündürdükleri: Mefkud Örneği. *İslâm Araştırmaları Dergisi*, 47, 1–65. <https://doi.org/10.26570/isad.1056197>
- Dupret, B., Bouhya, A., Lindbekk, M., & Yakin, A. U. (2019). Filling Gaps in Legislation: The Use of Fiqh by Contemporary Courts in Morocco, Egypt, and Indonesia. *Islamic Law and Society*, 26(4), 405–436. <https://doi.org/10.1163/15685195-00264P03>
- Elmahjub, E. (2021). Islamic Jurisprudence as an Ethical Discourse: An Enquiry into the Nature of Moral Reasoning in Islamic Legal Theory. *Oxford Journal of Law and Religion*, 10(1), 16–42. <https://doi.org/10.1093/ojlr/rwaa023>
- Fahmi, M., Djawas, M., Sumardi, D., & Husna, A. (2024). Islamic Jurisprudence and Local Wisdom in the Humanitarian Protection of Rohingya Refugees by Acehese Figures. *El-Mashlahah*, 14(2), 323–342. <https://doi.org/10.23971/el-mashlahah.v14i2.8958>
- Federle, J., Meier, A., Müller, G. J., Mutschler, W., & Schularick, M. (2026). The Price of War. *American Economic Review*, 116(3), 791–827. <https://doi.org/10.1257/aer.20241355>

- Fyfe, N. R., Stevenson, O., & Woolnough, P. (2015). Missing persons: the processes and challenges of police investigation. *Policing and Society*, 25(4), 409–425. <https://doi.org/10.1080/10439463.2014.881812>
- Giesecken, H. O., & Londoño, X. (2025). Dignity in death: International humanitarian law and the protection of the deceased in war. *International Review of the Red Cross*, 107(929), 662–719. <https://doi.org/10.1017/S1816383125100647>
- Hajir, B., Clarke-Habibi, S., & Kurian, N. (2022). The ‘South’ Speaks Back: Exposing the Ethical Stakes of Dismissing Resilience in Conflict-Affected Contexts. *Journal of Intervention and Statebuilding*, 16(1), 1–17. <https://doi.org/10.1080/17502977.2020.1860608>
- Ibn ‘Ābidīn, M. A. (1992). *Radd al-Muḥtār ‘alā al-Durr al-Mukhtār*. Beirut: Dār al-Fikr.
- Ibn Nujaym, Z. al-D. ibn I. (2002). *Al-Baḥr al-Rā’iq Sharḥ Kanz al-Daqa’iq*. Beirut: Dār Iḥyā’ al-Turāth al-‘Arabī.
- Ibn Qudāmah, A. M. ‘Abd A. ibn A. ibn M. (1997). *Al-Mughnī*. Riyadh: Dār ‘Alim al-Kutub.
- Ibn Rushd, A. al-W. M. ibn A. (2004). *Bidāyat al-Mujtahid wa Nihāyat al-Muqtaṣid*. Cairo: Dār al-Ḥadīth.
- Ikbāl, M., Pulungan, S., & Syaputra, A. (2024). Division of Inheritance of Mafqud Husband According to the Opinion of the Ulama of Langsa City. *Journal of Law, Politic and Humanities*, 4(6), 2452–2466. <https://doi.org/10.38035/jlph.v4i6.734>
- Kamali, M. H. (2025). Protection of Wealth (Hifz al-Mal). In *Goals and Purposes of Shariah* (pp. 289–303). New York: Oxford University Press. <https://doi.org/10.1093/9780197786390.003.0030>
- Kurnaz, S. (2024). The (Im)Possibility of Persistence? – Najm al-Dīn al-Ṭūfī’s (d. 716/1316) Atomistic Argumentation for the Probative Value of istiṣḥāb al-ḥāl. *Islamic Law and Society*, 31(4), 323–356. <https://doi.org/10.1163/15685195-bja10059>
- La Gamma, M., Flores, P., Velasco, J., Rodríguez, R., Bardavío, C., & Moyano, M. (2026). Family Perspectives on Disappearance: Perceived Contributing Factors and Coping Strategies for Ambiguous Loss. *Family Relations*, 1–11. <https://doi.org/10.1111/fare.70299>
- Lam, J., Kerstholt, J., & Kop, N. (2025). The urge to search: cognitive and affective drivers of citizen searches in missing person cases. *Police Practice and Research*, 26(1), 53–72. <https://doi.org/10.1080/15614263.2024.2361241>
- Londoño, X., & Signoret, A. O. (2017). Implementing international law: An avenue for preventing disappearances, resolving cases of missing persons and addressing the needs of their families. *International Review of the Red Cross*, 99, 547–567. <https://doi.org/10.1017/S1816383118000528>
- Muslimin, J., & Kharis, M. A. (2020). Istihsan and Istishab in Islamic Legal Reasoning: Towards the Extension of Legal Finding in the Context of Indonesia. *Al-Risalah*, 20(2), 163–179. <https://doi.org/10.30631/al-risalah.v20i2.589>

- Mustamam, Danialsyah, Harahap, N., Saputri, M. A., & Ariestino, L. (2025). Reinterpreting Ḥifẓ al-nasl in Contemporary Marriage Contracts: Navigating Islamic Normativity and State Law. *MILRev: Metro Islamic Law Review*, 4(2), 1258–1280. <https://doi.org/10.32332/milrev.v4i2.11158>
- Nawawi, M. A., Sulastri, S., Edi, R. N., & Setiawan, A. (2022). Harmonization of Islam and human rights: judges' legal arguments in rejecting child marriage dispensation in Sukadana, Indonesia. *Ijtihad: Jurnal Wacana Hukum Islam Dan Kemanusiaan*, 22(1), 117–134. <https://doi.org/10.18326/ijtihad.v22i1.117-134>
- Oussama, A., Elhassaneen, M., Saeed, E. A., Nasser, A. K., & Elsaywy, H. M. (2026). Is the Distribution of Inheritance in the Quran Final? An Epistemological Analysis of the Concept of Gender Justice in Fiqh Mawārīth. *Arba: Jurnal Studi Keislaman*, 2(2), 141–158. <https://doi.org/10.64691/nv9g1z62>
- Parrin, A. (2023). “How did they die?”: Bridging humanitarian and criminal-justice objectives in forensic science to advance the rights of families of the missing under international humanitarian law. *International Review of the Red Cross*, 105, 1047–1070. <https://doi.org/10.1017/S1816383122000686>
- Puerto, M. S., Abboud, D., Baraybar, J. P., Carracedo, A., Fonseca, S., Goodwin, W., ... Finegan, O. (2021). The search process: Integrating the investigation and identification of missing and unidentified persons. *Forensic Science International: Synergy*, 3, 100154. <https://doi.org/10.1016/j.fsisyn.2021.100154>
- Rivas, J. M. I. (2025). The dead and missing in armed conflict: Protections set out in the judgments of the European and Inter-American Courts of Human Rights. *International Review of the Red Cross*, 107(929), 592–608. <https://doi.org/10.1017/S1816383125100623>
- Riyanta, Najib, A. M., Bahiej, A., & Falah, M. B. (2025). Toward Interfaith Equality in Islamic Inheritance Law: Discourse and Renewal of Judicial Practice in Indonesia. *Al-Manahij: Jurnal Kajian Hukum Islam*, 19(1), 1–16. <https://doi.org/10.24090/mnh.v19i1.10762>
- Robins, S., & Stockwell, J. (2026). Missing persons and peacebuilding: The transformative role of families of the missing. *International Review of the Red Cross*, 108, 278–303. <https://doi.org/10.1017/S1816383126101192>
- Rohman, M., Hamidah, T., & Hidayah, K. (2025). Reformulation of Mafqud Husband Regulations in the Indonesian Marriage Law System in the Perspective of Maslahah Al Buthi. *AT-TURAS: Jurnal Studi Keislaman*, 12(2), 85–98. <https://doi.org/10.33650/at-turas.v12i2.11233>
- Shakor, N. A. B. A., & Muda, M. Z. Bin. (2023). Missing Persons (Al-Mafqud) and its Relationship With Nafaqah According to Sharia Perspective. *International Journal of Academic Research in Business and Social Sciences*, 13(3), 16399. <https://doi.org/10.6007/IJARBS/v13-i3/16399>
- Sulfinadia, H., Roszi, J. P., Amirulhakim, A., & Anwar, S. (2026). Interpreting Mafqūd in Modern Courts. *Justicia Islamica*, 23(1), 119–150.

<https://doi.org/10.21154/justicia.v23i1.9694>

- Taman, B., Fatimah, Sari, F. L., & Fahm, A. G. O. (2025). Time-Related Rulings in Fiqh Munakahat: A Contemporary Integration of Astronomical and Jurisprudential Analysis. *MILRev: Metro Islamic Law Review*, 4(2), 797–821. <https://doi.org/10.32332/8pvnz650>
- Taqiyuddin, H., Millah, M., & Luthfi, H. (2023). Instruments of Property Ownership in Islam: The Study of Inheritance Law. *Journal of Islamic Thought and Civilization*, 13(1), 157–171. <https://doi.org/10.32350/jitc.131.11>
- Taufiqurohman, T., & Fauziah, N. (2023). The Evaluation of Maqāṣid Asy-Syarī'ah on Discourses of the Islamic Family Law. *El-Usrah: Jurnal Hukum Keluarga*, 6(1), 81. <https://doi.org/10.22373/ujhk.v6i1.13035>
- Woolford, M. H., Bugeja, L., Weller, C., Koester, R. J., & Ibrahim, J. E. (2022). Search and rescue incidents among persons 65 years and older in the USA: Examination of factors associated with death. *International Journal of Geriatric Psychiatry*, 37(11), 5821. <https://doi.org/10.1002/gps.5821>
- Zarook, G. S. (2024). "The Missing Are Considered Dead": Reflections on a Declaration. *Journal of Genocide Research*, 26(4), 495–505. <https://doi.org/10.1080/14623528.2023.2212514>
- Zidan, A., Angga, L. O., & Fataruba, S. (2026). Legal Consequences of Mafqud (Missing Persons) Wealth According to Islamic Law. *TATOHI: Jurnal Ilmu Hukum*, 6(2), 50–63. <https://doi.org/10.47268/tatohi.v6i2.3261>
- ‘Ulayish, M. ibn A. (1989). *Minḥ al-Jalīl Sharḥ Mukhtaṣar Khalīl*. Beirut: Dār al-Fikr.