

Interpretation on crime scene photography evidence for Syariah Offences: A conceptual paper

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Abstract. The use of crime scene photography in the investigation of criminal cases is crucial in recording evidence at the scene. Today's increasingly complex crimes demand, the need to understand the digital medium of photography as one of the tools that can help in facilitating the criminal case investigation process. In Malaysia civil law, crime scene photography has long been practiced, however, this medium is relatively new in the Syariah Legal System. There is research on the usage of photography in crime investigation, however, there is a lack of research on digital image photography in Syariah crime investigation, particularly on the interpretation by Syariah practitioners on digital image photography as evidence for Syariah offenses. This research aims to enhance the understanding of Syariah practitioners towards the interpretation of digital image photography evidence for Syariah offenses. The ability of Syariah practitioners is not only required to conduct investigations properly but also to provide digital image photography analysis to produce documented evidence to support criminal investigations and prosecutions in court. This study will be conducted using the qualitative case study method on Syariah Investigation Department which enforces photography as evidence in Syariah offences. A model on interpreting crime scene photography for Syariah offence cases would be developed with the findings that could be considered helpful to the Syariah Investigation Department.

Keywords: Crime scene photography, interpretation, crime scene, evidence, Syariah offences.

1 Introduction

The year 2021 is an increasingly demanding year for any sector. The understanding and knowledge about digital image photography due to its comprehensive function cover various social aspects. Because digital technology has become so essential in our daily lives, it must be considered as a tool for investigation and the study of its function to understand its worth as evidence at a crime scene ^[1]. The Fourth Industrial Revolution (IR 4.0) has had a significant impact on human civilization, particularly science and technology. This technology is a fast-moving technology where its development from analogue cameras to digital and mirrorless cameras were upgraded when examined through the lens of photography. Added to this development, current smartphones are also loaded with various advanced camera technologies, and the results are on par with DSLR cameras. Before discussing the study's central issue, the essential thing to know is the history of photography itself.

Since Nicéphore Niépce produced the first image found around 1800, photography has become a medium of communication in human life. Visual communication has become an essential demand in understanding the meanings and messages contained in image photography. Crime scene photography was introduced to the world of forensic science in 1864. The use of crime scene photography continues to grow and expand in an investigation for legal systems worldwide, and Malaysia is also among those using these platforms. As everyone knows, Malaysia is a democratic country that practices two legal systems, namely Civil Law and Syariah Law. Photography technology is an effective medium employed in each investigation process in the Malaysian legal system to provide crime scene photos. It may be observed in the formation of specific professional bodies such as the PDRM D6 (C), which assists investigating officers in situations requiring specialized photography or videography capabilities.

However, this situation differs in the practice of Syariah Law, where CCTV and electronic document such as photography medium are still new and is in the process of adapting according to the Syariah law [13], [2]. There is hardly any academic writing that was found primarily related to the crime scene investigation in Syariah's legal perspective [3]. This study examines the use of digital electronics in general and specifically in crime scene photography in the legal practice of Syariah offenses in Malaysia. This study will discuss the perspective of Syariah practitioners regarding crime scene photography as one of the mediums used by them in recording evidence and recording current incidents at a crime scene. It is essential to know about Syariah's practitioner's interpretation of crime scene photography as it will lead to the understanding and the actual policy of this medium being used.

2 Problem Statement

Electronic digital evidence used in the process of investigation of Syariah offenses is relatively new in the Islamic Legal System. Saudi Arabia, Indonesia and Brunei are among the countries that practice Syariah law in their country's judiciary system. In their study, explained that the use of digital evidence in the investigation process in Saudi Arabia is still vulnerable since there are no specific guidelines in the process of collecting, processing, and digital handling of evidence in their investigation process of criminal cases. The weakness in using digital technology mediums that correspond to the passage of time in criminal cases in Saudi Arabia affects the investigation and proof of cases [14]. This problem is also apparent in Malaysian Syariah law, where specific electronic document guidelines have yet to be enacted. It has been urged that Syariah officials should be given proper closure and training to handle electronic documents [2].

Electronic documents in the Syariah Court are limited and require support from more substantial and convincing evidence [5], [6]. However, when described proof through qārinah such as CCTV footage, conversation recordings, screenshots of conversations or emails or photographs, and cell phone video recordings are most crucial proof to strengthen witness's testimony that is not consistent with each other [7]. The study conducted by [8] also mentioned that CCTV could act as evidence of crime scene to prove the offense of the spread of infectious diseases and described CCTV as a method of proof of Forensic Science [8]. These statements clearly show the role and function of crime scene photography are significant in helping to guide the process of investigation and proof of criminal cases.

The use of crime scene photography to investigate criminal cases for Syariah offenses indicates that the medium is acceptable and supports strengthening the case. However, when evidence was not recorded appropriately, reliance on a document such as a plan location and image obtained may severely affect the prosecution's case [9]. If photographs are not taken during the investigation [9] or if they are not appropriately taken because of lack of skill or defective equipment [10], it can affect the case and jeopardize the prosecution [11].

The challenge of using obsolete tools, lack of updated procedures, lack of expertise, technically competent and certified investigator are significant factors in the investigation process and is the challenge to investigators [12]. Digital technology such as a digital camera is a powerful medium for collecting evidence in the investigation process [7], [13]. However, the lack of electronic digital equipment required during the investigation process made it difficult to collect evidence at the crime scene [14]. This statement was further supported by a study conducted which reiterated that the lack of digital instruments such as cameras was a cause of inefficiencies in the process of collecting evidence during the investigation process by giving examples in the handling of Syariah offenses involving transgender women in Malacca [15]. If photographs were not captured during the investigation [9] or if they are not appropriately captured due to lack of skill or defective equipment [10], [14], it can affect the case and jeopardize the prosecution [12]. Thus, at the investigation level, all evidence must be appropriately recorded to facilitate the prosecution.

Digital evidence, including image photography, can be challenged in court if the data is tampered with, modified, or edited. There is a need for procedures under digital forensics science in validating digital evidence [16]. The Syariah courts must keep abreast with the advancement of technology and accept forensic evidence as one of the usable technology as it is not against the Islamic principles and can facilitate the administration of justice [17]. [15], also said, Syariah law practitioners face challenges in conducting investigation processes and gathering evidence, especially when investigating Syariah offenses cases is considered personal affairs of individuals. The challenge in collecting evidence occurs when the video or photograph recorded is said to violate the rights of said individuals and damage their reputation. This situation is because of the belief that Syariah's offenses are considered more personal.

Research objective

- a) To identify the current practice in documenting crime scene photography as evidence in Syariah offences.
- b) To explore interpretation among Syariah practitioners in producing crime scene photography as evidence for Syariah offences.
- c) To propose indicators or framework to Syariah's practitioners for enhancement towards understanding the importance of using crime scene photography as a medium of documentation and evidence for Syariah offences.

Research question

Consequently, the purpose of this study is to explore Syariah practitioners' interpretation

of digital image photography evidence and documentation for Syariah offences. To investigate these issues, a qualitative analysis is conducted on crime scene photography interpretation among Syariah offences used in these contexts, led by three related questions:

- a) What is the current practice in documenting crime scene photography as evidence in Syariah offences?
- b) How do Syariah practitioners understand the content and technicalities in producing crime scene photography as evidence for Syariah offences?
- c) How does the relationship between understanding and interpretations of technicality influence crime scene photography evidence for Syariah offences?

Significance of Study

The outcome is to develop indicators that are required in crime scene photography to enhance the burden of proof. This finding of the study will also become an assistant to Syariah practitioners in handling digital photography evidence in their investigation and smoothen the process of inquiry in collection and documentation. This will enhance the reliability and authenticity of digital photography in Syariah cases. It may also be developed as a module for training Syariah practitioners on digital technology, especially in digital photography. A report made by Grand View Research, Inc 2017, the global forensic technology market size is expected to reach USD 40.4 billion by 2025. It is fundamental that all agencies involved in the investigation processes using digital equipment be sufficiently trained in digital technology, mainly digital cameras. This will elevate the position of legal institutions which are relying on digital photography and indirectly secure the trust of the public towards these institutions.

3 Methodology

The fundamental method in this research implements the qualitative method because this method is rich in data collection. Moreover, the qualitative method intends to understand the complex reality and the meaning of actions in a given context [18]. Every research method can be used for all three purposes exploratory, descriptive, and explanatory studies. A research purpose can be exploratory, descriptive, or explanatory [19]. This research is carried out using an exploratory case study to explore issues in the interpretation of Syariah practitioners about crime scene photography in their investigation.

A case study is an empirical investigation that delves deeply into a current phenomenon in a real-world setting [19] it can be a narrative about someone, a process, a programme, an institution, a location, and more that is unique, distinctive, or interesting [20]. Case studies are relevant in this research because the main research question focuses on “how” and that questions require an extensive and in-depth description of some social phenomenon [19]. The implementation of case study research will be chosen if the researcher has these three criteria; 1) main research questions are how or why questions, 2) researcher have little or no control behavioural events, and 3) focus on study in a phenomenon-a “case” [19]. Single case studies

involving Syariah practitioners towards the interpretation of crime scene photography for Syariah offences are organizational in this research and become a case study.

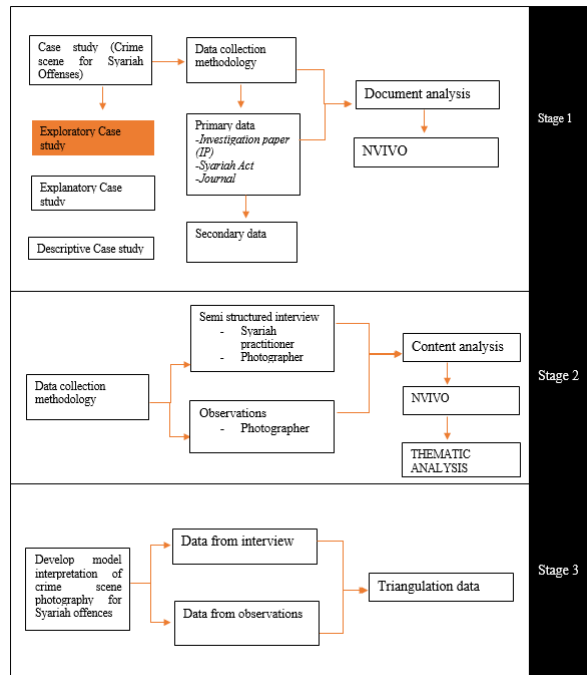


Fig. 1. Research design

4 Literature Review

Concept of Syariah Law in Malaysia

The scope and jurisdiction of Syariah law in Malaysia is divided into two, namely mal and crime. Syariah law is a path of conduct passed by the prophet according to what is conducted by Allah S.W.T, and all Muslims must obey it. In simple terms of understanding, Syariah law is the law that Allah SWT has given to Muslims to prevent people from doing criminal and damage in the world. In reference to the administration of Syariah criminal justice has to deal with the Quran and the As-Sunnah and seeks to achieve happiness in the world and the hereafter [21], [4], [9], [22].

In the Syariah legal system, there is three primary legislation on Syariah criminal law the following will discuss these primary legislations:

1. Syariah crimes, offenses, and punishments are prescribed under the Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 559);
2. Syariah Criminal Procedure (Federal Territories) Act 1997 (Act 560) lays down the procedures to be complied with in prosecuting Syariah offenses; and
3. Syariah Court Evidence (Federal Territories) Act 1997 (Act 561) provides for the law on evidence to prove a crime under the *hukum syarak*.

In the Islamic legal system, justice is the judicial system's main objective and goes through meticulous processes before the individual is convicted of punishment [22], [23]. The function of a Syariah court is not to punish individuals who are involved in a crime but rather to educate and prevent someone from committing a crime or sin by providing guidelines following the rules prescribed by Islam. The main objective of the Islamic legal system is to implement a legal system based on the Quran and the Hadiths [24], which aims to uphold justice while keeping harmony in the world and hereafter [22]. The jurisdiction of the Syariah court is restricted to the Muslim community only and does not affect the non-Muslim community. Therefore, it is specifically altered and administered to Muslims that likely would benefit Muslims in the road to achieve a better place in the hereafter as this is the law that Allah Almighty has given to Muslims.

To understand the jurisprudence of the Syariah court, there are six categories of offenses related to criminal jurisdiction namely (1) Sexual Offenses such as adultery, sodomy, homosexuality, prostitution, *musahaqah* and premarital pregnancy, (2) Offenses relating to intoxicating drinks such as alcohol, selling alcohol and buying alcohol, (3) Offenses relating to aspects of Islamic precepts such as disobeying fasting month of Ramadan and fails to pay tithe, (4) Religious offenses, such as wrongful teaching, to teach and explain contrary to Islamic law and to convert religion, (5) Matrimonial offenses such as failing to provide for wives and children, disobedience to husband, divorcing wife without court permission, depriving wife, injustice to wife and (6) various other offenses that is not included in the category error such as fundamentals, fleeing wives, fleeing women, consulting Islamic affairs officials while carrying out their duties, disobeying the order of His Majesty the Sultan on matters of religion [22].

Investigation on Syariah offenses or crimes is conducted by the Religious Enforcement Officer or *Pegawai Penguatkuasa Agama* (PPA). Upon completing their investigation, the Syariah Prosecutor will prosecute the accused person in the Syariah Court based on the evidence gathered. The sources of Syariah, primarily the Al-Quran and Hadiths, would drive the prove of a criminal case in a Syariah court [4], [22]. In the Islamic legal system, justice is the main objective in the judicial system, and it will go through comprehensive processes before the individual is convicted [22], [25]. Syariah means the rules or regulations that Allah commands to His servants. In contrast, in terms of terminology, Syariah implies applying all aspects of life, following the teachings of Islam related to the problem of public and specific worship attributed to the source of Islamic law.

Digital evidence part of the document in Syariah perspective

Regarding digital proofing in Syariah law, the primary reference used is referred from the Act 561 Syariah Court Evidence (Federal Territories) Act 1997. This Act defines the law of evidence for Syariah courts, and it applies to the Federal Territory of Kuala Lumpur and Labuan. Digital documents are also known as electronic documents and can be used as a means of proof in court [8]. The definition and clear explanation of the meaning of digital evidence, document, photography, *Al-Qārinah*, and everything related to electronic proof is explained in this Act. Refers to the interpretation of documents in act 561:-

- (a) any letter, figure, mark, symbol, signal, sign, or other forms of expression, description, or representation;
- (b) any type of visual recording (still or moving pictures);
- (c) any sound recording, or any electronic, magnetic, mechanical, or other recordings, or any sounds, electronic impulses, or other data, of any kind and created in any way;
- (d) a recording or transmission of any matter over a long distance using any, or a combination of, the methods described in paragraphs (a), (b), or (c) (c),

or by more than one of the methods listed in paragraphs (a), (b), (c), and (d), which are intended to be utilized or may be used to express, characterize, or otherwise portraying that matter;

A document is a piece of writing.

Documents are words that have been printed, lithographed, or photographed.

A document is a map, plan, graph, or drawing.

A document is an inscription on wood, metal, stone, or any other substance, material, or item.

A document is a drawing, painting, photograph, or caricature.

A document is a picture or a negative.

A document is a tape recording of telephonic communication, including a recording of communication transmitted over a long distance.

A document is a photograph or other visual recording and a recording of a photograph or other visual transmission across a long distance.

A document is a piece of information that has been recorded, saved, processed, retrieved, or created by a computer.

According to Section 48 of the Syariah Courts (Federal Territories) Evidence Act 1997, the document's content can be proved either by primary evidence or by secondary evidence. Section 49 of the same Act categorizes evidence into primary and secondary evidence. The definition of 'document' under the Act includes any visual recording, whether still or moving images, including photographs. Therefore, documented evidence or *kitabah* is considered as substantial evidence aside from *syahadah* and *bayyinah*. The Syariah Courts have now accepted *kitabah*, including electronic *kitabah* as a form of evidence [26], [27]. In addition to *kitabah*, *qārinah* is another form of evidence in Syariah court that can prove a prosecution's case. *Qārinah* in its literal meaning means connection, conjunction, relation, union, affiliation, linkage, or association [3]. However, legally speaking, it refers to logical inference to be drawn from circumstances. Most Muslim jurists believe that circumstantial evidence such as presumption is one of the branches of *qārinah* and is accepted in cases involving the punishment of *ta'zir*.

Definition of "evidence" from Act 561

According to Act 561, the evidence used in the investigation and trial of Syariah's criminal cases is categorized as evidence. According to the definition of Act 561, the description consists of:

- (a) *bayyinah* and *syahadah*;
- (b) all statements authorized or required by the Court to be made before it by a witness concerning the matters of fact under investigation: such statements are referred to as oral evidence;
- (c) all documents submitted for examination of the Court: such documents are referred to as documentary evidence;

The *bayyinah* and *Al-Qārinah* both include proof that relates to the proof of documents. The term used in the Syariah legal system must be understood as it involves understanding from the Quran and hadith. This knowledge is crucial since it is a pillar that leads to action or a subsequent procedure. The term "document" is referred to as "*bayyinah*" in Syariah law, which means "proof showing the right to know of interest," and it also contains *qārinah*. Refers to section 2 of Act 561, which defines *Qārinah* as a fact related to another fact.

Digital photography as a tool of documentation

Photography is a powerful medium of communication in the life of the world today. Photography has also become a very global form of communication where thousands of pictures are uploaded into social media platforms every minute and second. There is no denying that the power of photography today is increasingly important and complex day by day. Crime scene photography is very significant as a medium of documentation of evidence in Syariah Offenses cases. It can show and determine the nature of the incident or be an indication of the type of crime that has been committed and serves to record the essential aspects needed in the investigation process [3], [9]. Documentation of crime scene photography is necessary because it shows the relationship between the scene and as a record of other evidence accurately and truthfully. Complete and accurate crime scene photography documentation is the primary goal of every criminal investigation process. Crime scene photography also records evidence during the investigation process [28]. Referring to Act 56, Evidence act 1950 of 2017, crime scene photography is documenting, and all documents produced for court examination are referred to as documentary evidence. Today's world is dominated by using digital photography as a very influential medium of communication. This phenomenon also contributes to the demand to understand digital photography technology and how it works.

Photographs and the recording of visual images are documents under the Syariah Courts (Federal Territories) Evidence Act 1997. It can be primary evidence, secondary evidence, or circumstantial evidence depending on the nature of the case and how the photographs are utilized in a case. As technology advances, greater reliance on photographs and other comparable mediums will substantiate the occurrence of a crime and connect the offender to the act, making it easier for the prosecution to discharge the burden of proof in the case. Photography is an essential medium in investigating and prosecuting a criminal case with its

function as a burden of proof. In Syariah, the law also uses crime scene photography as evidence in the investigation and prosecution of Syariah cases. Crime scene photography taken at the scene during the Syariah criminal case investigation process is one form of *al qārinah* according to the perception of Syariah law. *Qārinah* is a sign taken from the current situation (circumstance) associated with a single case, where the characters lead to a conviction of conclusions that can clarify a single fact of the matter in question or issues [27], [5], [29], [30].

The practice of Crime scene photography in the investigation process of Syariah offences

The paradigm shift towards implementing crime scene photography in Syariah investigations is due to new global needs and challenges in the digital age. Photographs were taken during the crime scene investigation process become an essential medium as they will be used to document the evidence of the scene to be presented in court. The implementation of digital photographic images in Syariah investigations is cited as a new global need and challenge in the digital age. The rapid development of science and technology also contributes to complex criminal behavior. This phenomenon contributes to the urgent need for circumstantial evidence such as CCTV, DNA, fingerprints, digital image photography known as *Al-Qārinah* in Syariah law [2], [27]. The need for crime scene photography is also seen as necessary in helping to launch the investigation process.

Crime scene photography is an important medium used in every criminal case investigation process. The use of crime scene photography as documentation and proof through digital and electronic mediums is still relatively new in Syariah law practice. The acceptance toward digital evidence is still debated and questioned by some parties in sharia law practices [27]. However, in describing electronic digital mediums such as CCTV, photographic images are more reliable than methods such as pledge and *shahadah* because they are permanent, which can help in terms of forgetting, death, etc. [2]. When this crime scene photography is used in the investigation process, the medium is very significant and needs to be understood carefully to achieve the desired objectives. This study will identify the current practice of Syariah practitioners on crime scene photography produced during the investigation process and Syariah law in Malaysia. This study is essential to explain the perspective of crime scene photography in Syariah criminal case investigation practices.

The crime scene is crucial since it will be the starting point for the investigation. Crime scene management is crucial to avoid concerns tampering with evidence, breaking the chain of custody, and forensic analyst incompetence [3]. All evidence will be collected, recorded, and analyzed at the incident's location to be submitted as evidence in court [31]. Digital evidence functions to record all evidence materials at the crime scene to preserve all data for an extended period and to avoid the problem of evidence loss caused by natural elements or human intervention [32].

Crime scene photography taken at the scene during the Syariah criminal case investigation process is one form of *Al-Qārinah* according to the perception of Syariah law. *Qārinah* is a sign taken from the current situation (circumstance) associated with a single case, where the characters lead to a conviction of conclusions that can clarify a single fact of the matter in

question or issues [30], [23], [33]. According to section 2 of Syariah Court Evidence (Federal Territories) Act 1997 (Act 561), “evidence” includes;

- (a) *bayyinah* and *syahadah*;
- (b) all statements which the Court permits or requires to be made before it by a witness with matters of fact under inquiry: such statements are called oral evidence;
- (c) all documents produced for the inspection of the Court: such documents are called documentary evidence.

Image photography is a selection of the suitable medium for documentation to record the crime scene evidence [34]. Crime scene photography from Syariah's perspective is categorized in *Al-Qārinah*, an indication taken from the current situation (circumstance evidence) and *Al-Bayyinah*, which carries the meaning of documentary evidence [27], [29]. Moreover, crime scene photography is needed in the investigation as a tool of documentation and evidence for Syariah offenses [27].

In the Syariah judicial system, crime scene photography is classified as *Al-Qārinah* because the characteristics specified in the definition of *Al-Qārinah* are the same as those described by Syariah law reviewers. A scholar had defined *Al-Qārinah* as an outward statement relating to a hidden fact [5]. According to this definition, a photographic crime scene is one in which images are taken and documented throughout the investigative process and will be utilized to determine facts in the case. According to the Syariah perspective, photographic images are categorized as *Al-Qārinah*, which carries the definition of an outward statement that has to do with the hidden fact statement [27].

Acceptance of the burden of proof through modern technology such as digital photography, CCTV is often a debate among Syariah practitioners [10]. Even though scholars disagree regarding the strength of a document as a technique of proof, the document has been accepted in all circumstances, places, and situations, whether manually or electronically [35]. Syariah law is more accepting of the burden of proof in the form of witnesses and *iqrar* [2]. However, in describing witness evidence can also be manipulated and falsified and affirms that the use of modern technology such as crime scene photography, CCTV can help confirm or correct witness evidence in the process of proving the crime [36].

The practice of Crime scene photography s as proof of case in Syariah Offenses.

The usage of photographs can be widely seen in Malaysian civil courts. In the Syariah Courts, photographs have also been used to establish a case or to support a contention. For example, in *Siti Fatimah Bte Abd Karim v Majlis Agama Islam Melaka [2007] 2 ShLR 136*, photographs were used to prove that the applicant is a Muslim. This case was on renouncing the religion of Islam. Applicant “married” a Hindu man, but the marriage could not be registered as a civil marriage. She applied to the Syariah Court to renounce Islam after the registration department refused to register the birth of her child. The applicant’s parents were called as witnesses and they testified that the applicant was brought up as a Muslim and they did not approve of the marriage unless the man converted to Islam. Photographs were produced to show that the applicant is a Muslim wearing hijab. Based on the photographs of the applicant and

testimony of the witnesses, the Syariah Court was satisfied that the applicant was a Muslim and portrayed an Islamic image. The Syariah Court ordered that the applicant be detained at the Centre for Religious Counselling supervised by the Islamic Religious Council Malacca for a period of 100 days at the Pusat Bimbingan Aqidah, Ulu Yam Selangor. She was permitted to bring along her child but not permitted to meet anyone except her parents.

In *Pendakwa Syarie v A Mohad A/L Sahab Bin Husin [2013] 3 ShLR 33*, photographs were used to prove to gamble. The accused was charged with the offence of being in the premises of a gaming house (Sports Toto), an offence under section 18 of the Islamic Criminal Offences (Federal Territories) Act 1997. Photographs were tendered in court to show that the accused was in the gaming house. The evidence of the prosecution witness and the photographs tendered in court were strong primary evidence relating to the existence of the facts as per the charge. The JAWI Syarie prosecutor had proven his case beyond reasonable doubt (*zann qarib min al-yakin*) and the accused was required to enter a defence.

Photographs were also relied on to support the burden of proving an offence of proximity. In *Pendakwa Syarie v Zulkifli bin Othman [2013] 4 ShLR 92*, the accused was charged for the offence of khalwat (close proximity) under section 27(a) of the Islamic Criminal Offences (Federal Territories) Act 1997. More than 2 witnesses testified that they saw the accused and his partner in the hotel room in a suspicious position. 11 photographs were taken of the accused person and his partner. The Syarie prosecutor had proven the case based on the testimony of the witnesses and documents which were primary evidence such as the photographs, sketch plan, towel, etc. In sum, photographs have evidential value in proving a case in the Syariah courts.

5 Conclusion and Recommendation

This study found that the use of crime scene photography in Syariah criminal investigations is practiced by every Syariah criminal investigation department. When investigating criminal cases on the scene, law enforcement officials will be divided into tasks based on their authority, and a photographer will be assigned to the scene. Through literature review, it is clearly understood that digital proof is useful and competent in the Syariah criminal investigation process. Despite the various challenges faced by Syariah practitioners in adapting to handle the technicality of this medium, it is still used and is always improvised in each assignment. Crime scene photography is considered very important in recording evidence at the scene of the incident, always given serious attention by officers so that it can help to facilitate further investigation process. According to previous studies, based on crime scene photography, the acceptance of this medium has also been adopted in the Syariah legal system. However, the literature review also shows that the level of understanding of the practitioner of crime scene photography is still at a moderate level as some still take lightly on the role of this medium. A more detailed study can be conducted to see how Syariah practitioners evaluate crime scene photography in helping them record information related to case investigations.

Crime scene photography is an important document to support oral and circumstantial evidence. However, based on previous research in Syariah's practice, inadequate skills and insufficient knowledge in photography may impede the investigation and affect the prosecution's case. Syariah practitioners such as prosecutors also refer to evidence collected during an investigation, such as crime scene photographs, to interpret the occurrence of the

crime in the attempt to prove the case. Therefore, the Syariah practitioners must interpret the photographs to develop a case and present it to the Syariah court to discharge the burden of proof. As the prosecution's case can be seriously jeopardized by incorrect interpretation caused by insufficient digital image evidence, crime scene photography must be appropriately captured so that an accurate interpretation of the image can be made. Hence, there is a need to study the interpretation of Syariah practitioners on digital image photography evidence to establish understanding regarding the content in crime scene photography.

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