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## **ABSTRACT**

This study looks at the rules concerning foundlings in Islamic jurisprudence, and examines the treatment of such children at a child care institution located in the province of Yala in Southern Thailand. The study compares the manner in which these children are treated in this institution with the way they are to be treated according to Islamic law. It also offers suggestions for solving the problem of foundling and their treatment. The study adopts both the analytical and practical method. The first method is utilized to deal with the theoretical aspect of foundlings in Islamic jurisprudence, while the second is used to describe the practical reality in Thai communities through child care institutions in Yala province. The study concludes that foundlings are to be given the utmost care and attention under Islamic law. This is because Muslims have been instructed to protect these children and save them from any possible harm. Moreover, Islam makes provisions for their living expenses to be paid by the government, and instructs those who take foundling into their care to protect their interests, and not to move them from their hometown unless it is for their benefit. According to Islamic law certain condition must be observed by any who wants to take care of foundlings to insure their happiness. Islam allows the lineage of the foundling to be connected to any person who claims them, and also gives them the right to possess any amount of money found with the child. The government must help them to pay wergild if they unintentionally kill or injure someone, and must punish anyone who harms them. The study found that the number of foundlings is increasing rapidly. The Thai government is trying to solve this problem by establishing institutions that take care of them, and by legislating laws that ensure that ensure that they receive whatever they may need, such as giving them a name and surname with appropriate meanings, a nationality, and tracing their families. However, if the family is not found, the foundlings are transferred to an institution where they may be put up for adoption. Even though the institutions in Yala have succeeded to some extent in dealing with this type of children, there is still an urgent need to improve the conditions in these institutions.

## APPROVAL PAGE

I certify that I have supervised and read this study and that in my opinion it conforms to acceptable standards of scholarly presentation and its fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

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Naamane Djeghim  
Supervisor

I certify that I have read this study and that in my opinion, it conforms to acceptable standards of scholarly presentation and its fully adequate, in scope and quality, as a thesis for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

---

Sayed Sikandar Shah  
Examiner

This thesis was submitted to the Department of Fiqh and Usul al-Fiqh and is accepted as partial fulfillment of the requirement for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

---

Muhammad Akram Laldin  
Head, Department of Fiqh and Usul al-Fiqh

This thesis was submitted to the Kuliyyah of Islamic Revealed Knowledge and Human Sciences and is accepted as partial fulfillment of the requirements for the degree of Master of Islamic Revealed Knowledge and Heritage (Fiqh and Usul al-Fiqh).

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Mohamad @ Md Som Sujimon  
Dean Kuliyyah of Islamic Revealed Knowledge and Human Sciences.

## DECLARATION

I hereby declare that this thesis is the result of my own investigations except where otherwise stated. Other sources are acknowledged by footnotes giving explicit references and a bibliography is appended.

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## DECLARATION

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**The Problem of**

**/Doubtful Parenthood (Nasab) Relating to Children in Islamic Law**

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<sup>28</sup> Mohammad M.B. Sujimon, "*The Problem of Doubtful Parenthood (Nasab) Relating to Children in Islamic Law*", Thesis submitted to the department of Islamic and middle eastern studies, faculty of arts, The University of Edinburgh, for the degree of doctor of philosophy, August 1997.

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