



جامعة نايف العربية للعلوم الأمنية
كلية الدراسات العليا
قسم العدالة الجنائية
تخصص السياسة الجنائية

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جامعة نايف العربية للعلوم الأمنية

Naif Arab University For Security Sciences



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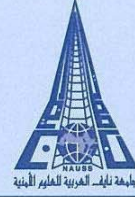
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College of Graduate Studies

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Department: Criminal Justice

Specialization: Criminal Policy

THESIS ABSTRACT MA PH.D

Thesis Title : Hostage Holding and Penalty
“A Comparative Study”

Prepared by: Mansour Bin Maged Bin Khaled AlRubaian

Supervisor: Dr. Mufleh Bin Rubaian Al-Gahtani

Thesis Defence Committee:

- 1- Dr. Mufleh Bin Rubaian Al-Gahtani - Supervisor and Reporter**
- 2- Ambassador Dr. Jameel Bin Mahmood Mirdad - Member**
- 3- Dr. Abdulqadir Abdul Hafidh Al-Shaikahli - Member**

Defence Date: 18-5-1427H

Corres.: 14- 6-2006 G

Research Problem: The problem of this research crystallizes in a form of international terrorism that presents itself in holding hostages which is an aggression on human beings which is tabooed and also disagreement on whether to consider this a crime in all cases or there are cases that shall be excluded from incrimination

Research Importance: The importance of this study is manifest in many aspects, the most significant of them are:

- 1- It addresses the crime of holding hostages as per the Islamic Sharia and the Law and it reviews the Shariite provisions that encounter this crime as per the Islamic approach.
- 2- It grasps the causes of terrorist crimes in general and the crime of holding hostages in particular and it brings to light the Islamic Sharia stance regarding it pointing out that Islamic Sharia covers current terrorist crimes and has established the regulations that ensure combating them when it organized the punishment for the Haraba crime (doing mischief on earth) in the light of the holistic objectives of the Islamic Sharia.

Research Objectives:

Showing what is meant by terrorism in general together with its methods and understanding the concept of hostage holding and showing its motives and also getting acquainted with the cases of hostage holding that are excluded from incrimination and the characterization of this crime in the Islamic Sharia and bringing to light punishment for it in Islamic Sharia and the Law.

Research Hypotheses/Questions:

This study has put forward a number of questions:

- 1- What is meant by the crime of terrorism and its methods?
- 2- What is the concept of hostage holding and what are the motives for that?
- 3- What are the cases that are excluded from incrimination?
- 4- Is the crime of hostage holding an act of Haraba (doing mischief on earth)?
- 5- What is meant by criminal prosecution of hostage holders in the Islamic Sharia and the Law?
- 6- What is the established penalty for the crime of hostage holding in the light of Islamic Sharia and the Law?

Research Methodology:

The methodology of this research is an inductive analytic one putting forward Islamic Sharia and Legal provisions pertaining to the crime of hostage holding. The research is based on the comparative method that deals with the stipulation of the law and the stance of the Islamic Sharia in regard of that crime.

Main Results:

- 1- The Islamic Sharia taboos aggression on the innocent including children, females and the aged by kidnapping and holding them as hostages for the purpose of negotiating their safety against illegal objectives.
- 2- Kidnapping and holding hostages for the purpose of terrifying and intimidating them and utilizing them for achieving a political objective or material gain that is tabooed by Islamic Sharia because it is against the holistic purposes of Sharia.
- 3- The Shariite characterization of the crime of hostage holding is that it is joined to the Haraba Crime and takes all its provisions and stipulated penalties.
- 4- Confirming the comprehensiveness of the Islamic Sharia and its competence for all issues including the issue of terrorism which was addressed by it fourteen centuries ago which confirms its suitability for all times and places.



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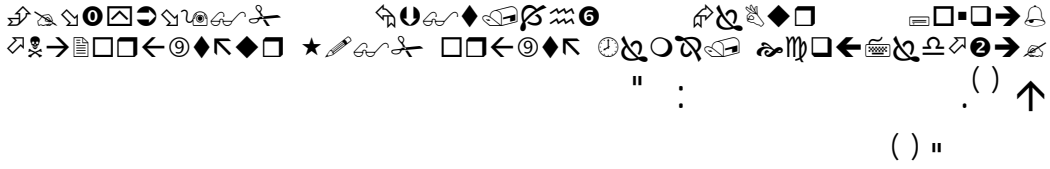
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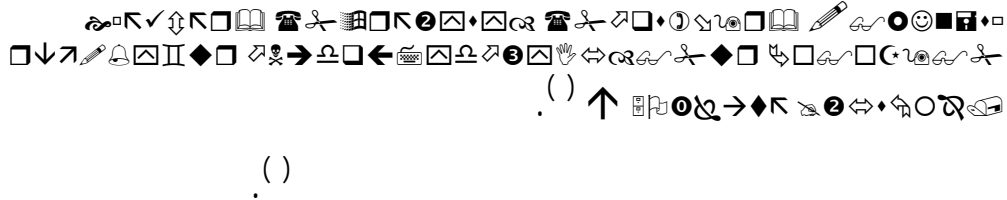
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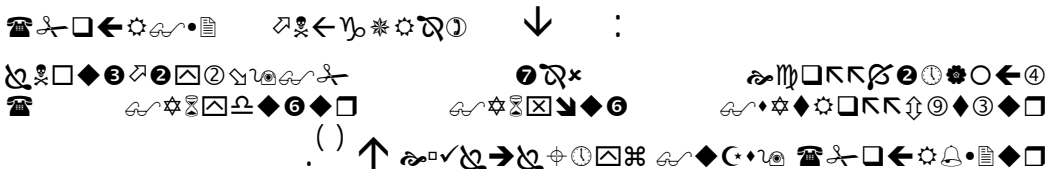
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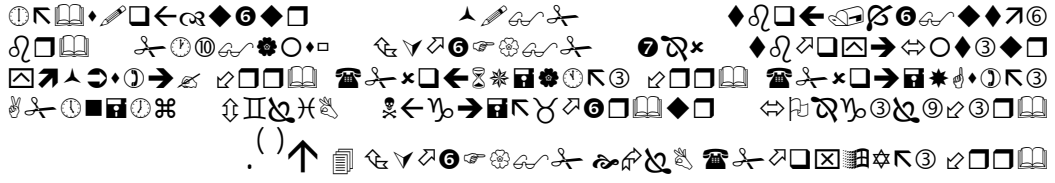
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