



جامعة نايف العربية للعلوم الأمنية  
كلية الدراسات العليا  
قسم العدالة الجنائية

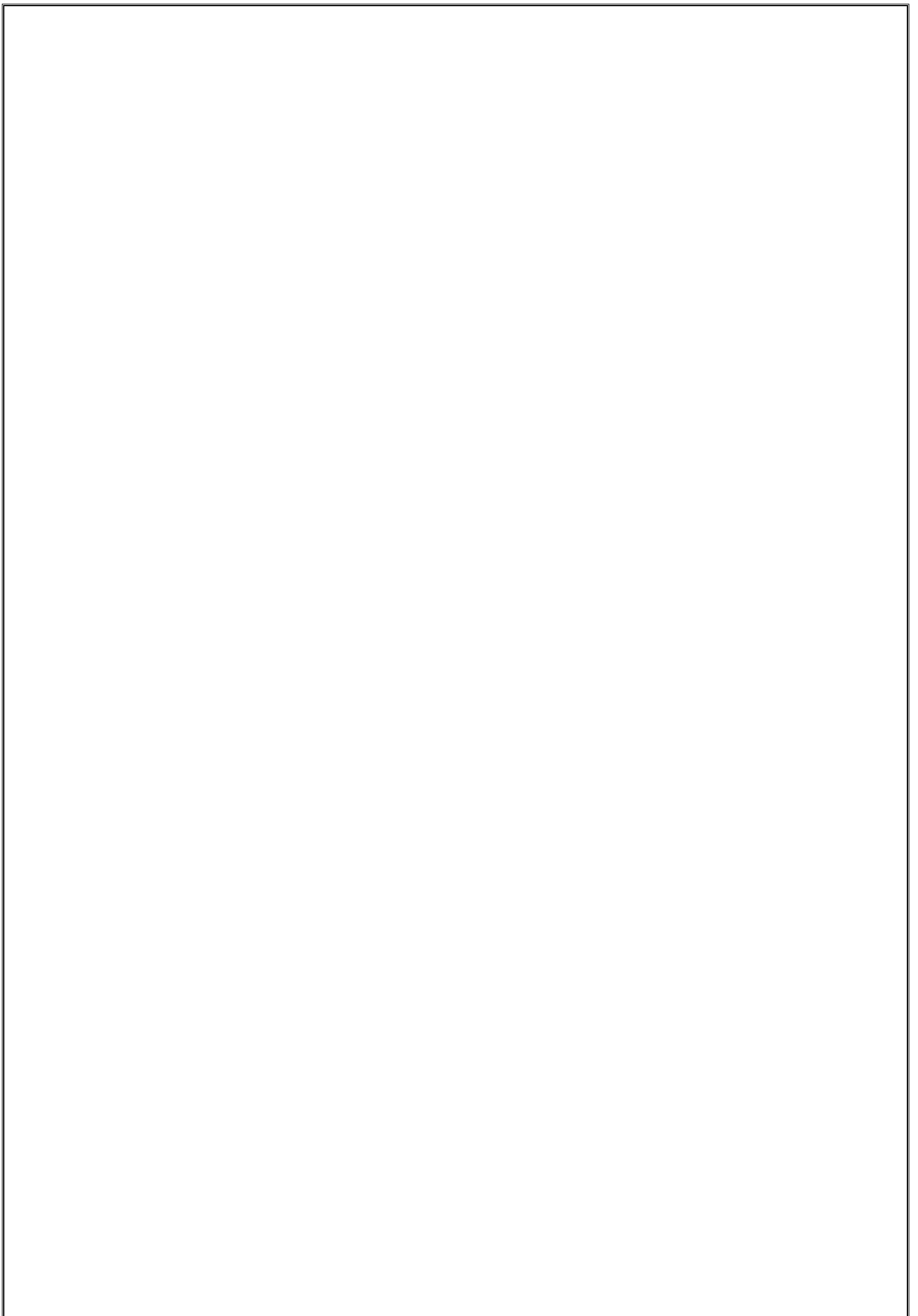
## التوبة واثرها في اسقاط الحدود وتطبيقاتها في مدينة جدة

بحث مقدم استكمالاً لمتطلبات الحصول على درجة الماجستير في قسم العدالة الجنائية  
تخصص التشريح الجنائي الاسلامي

إعداد الطالب  
سليمان بن محمد الغرير

إشراف الدكتور  
محمد بن فضل المراد

١٤٢٧هـ - ٢٠٠٦م



## شكر وتقدير

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جامعة نايف العربية للعلوم الأمنية

Naif Arab University For Security Sciences

College of Graduate Studies

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# Naif Arab University for Security Sciences

## College of Graduate Studies

**Department** : Criminal Justice  
**Major** : Islamic Criminal Legislation

### MASTER THESIS ABSTRACT

**Thesis Title:** Repentance, its influence in Sanctions Waiver and its Applications in Jeddah City.

**Prepared by:** The Student: Sulaiman Bin Mohamed Saleh Al-Ghareer  
**Supervision:** Dr. Mohamed Fadel Al-Murad

#### Thesis Jury:

- 1- Dr. Mohamed Fadel Al-Murad Supervisor & Reporter
- 2- Professor/ Hamad Bin Nasser Al Amar Member
- 3- Dr. Ali bin Omar Ahmed Badahdah Member

**Defense Date:** 03/11/1426H, corresponding to: 05/12/2005

**Research Problem:** There is a category of people who persists in committing guilt without hope or belief that Allah forgives all sins except polytheism. Human being has to approach all means that bring him close to Allah and has not to give up any opportunity or outlet to become free from guilt he/she committed; he/she has not to neglect the true repentance from such guilt in order to purify himself/herself thereof. Therefore, we have to know what sanctions waived by repentance and what others which are not, despite that repentance is obligatory and required at anytime.

**Research Importance:** There are crimes and sanctions legally considerable, that is to say crimes of punishment and sanctions, which all laws and codes agree upon their protection. Otherwise there are crimes which the punishment is left to the own discretion of the ruler in accordance with the circumstances of time and place and as per the criteria of the true Sharia (Islamic Legislation) in a manner that achieves to the nation the interest of getting rid of crimes. There are sanctions that concern the individual right and others that concern the right of Allah Almighty. So what kind of sanctions that shall be

waived if the repentance with its complete conditions are satisfied and which ones that shall not be waived? Does repentance waive the punishment from the criminal and when does that take place?

### **Research Objectives:**

- 1- Language definition of repentance and the usage of jurists to this term.
- 2- Learning of the repentance influence upon all the sins.
- 3- Learning of the repentance influence upon sanctions.
- 4- Learning of repentance influence in individual and group amelioration.
- 5- Study of cases of committing sanctioned crimes and mentioning of repentance in wavering such crimes before their execution basing on the records of Jeddah City Courts.

### **Research Hypotheses / Questions:**

- 1- What is the meaning of repentance in language and terminology?
- 2- What is the influence of repentance upon all sins?
- 3- What is the influence of repentance upon sanctions?
- 4- What is the influence of repentance upon individual and society amelioration?
- 5- What is the reality of Saudi judicial authority concerning sanctions and repentance from sins?

### **Research Methodology:**

Includes two methodology: Theoretical and Practical

The theoretical methodology is the method that depends on following the concern subject by learning all its aspects and details from the holy Koran and the pure Suna.

The practical methodology concerns the applications of all details set out in the inductive method and the transfer of the same to a tangible fact.

### **Main Results :**

- 1- Repentance is a great gift from Allah Almighty for human beings who have lost their way. Repentance opens the hope light to those who are overburdened by atrocities and crippled by minor sins.
- 2- Repentance can get one free from all sins except polytheism.
- 3- Allah Almighty does not legislate sanctions for vengeance against His guilty servants but for purifying (their) souls.



- 4- The objective of legislating sanctions is to protect human being dignity and security and to preserve his blood, wealth, family and all which Allah puts in his possession.
- 5- It has been clear that sanctions constitute fortified fences through which the legislation preserve the integrity and security of human being; violation of such integrity and security is considered as horrible crime from the Islamic point of view.
- 6- Repentance does not affect the judge verdict whenever sanction is confirmed through its legal evidence, as we have seen in inebriety cases.

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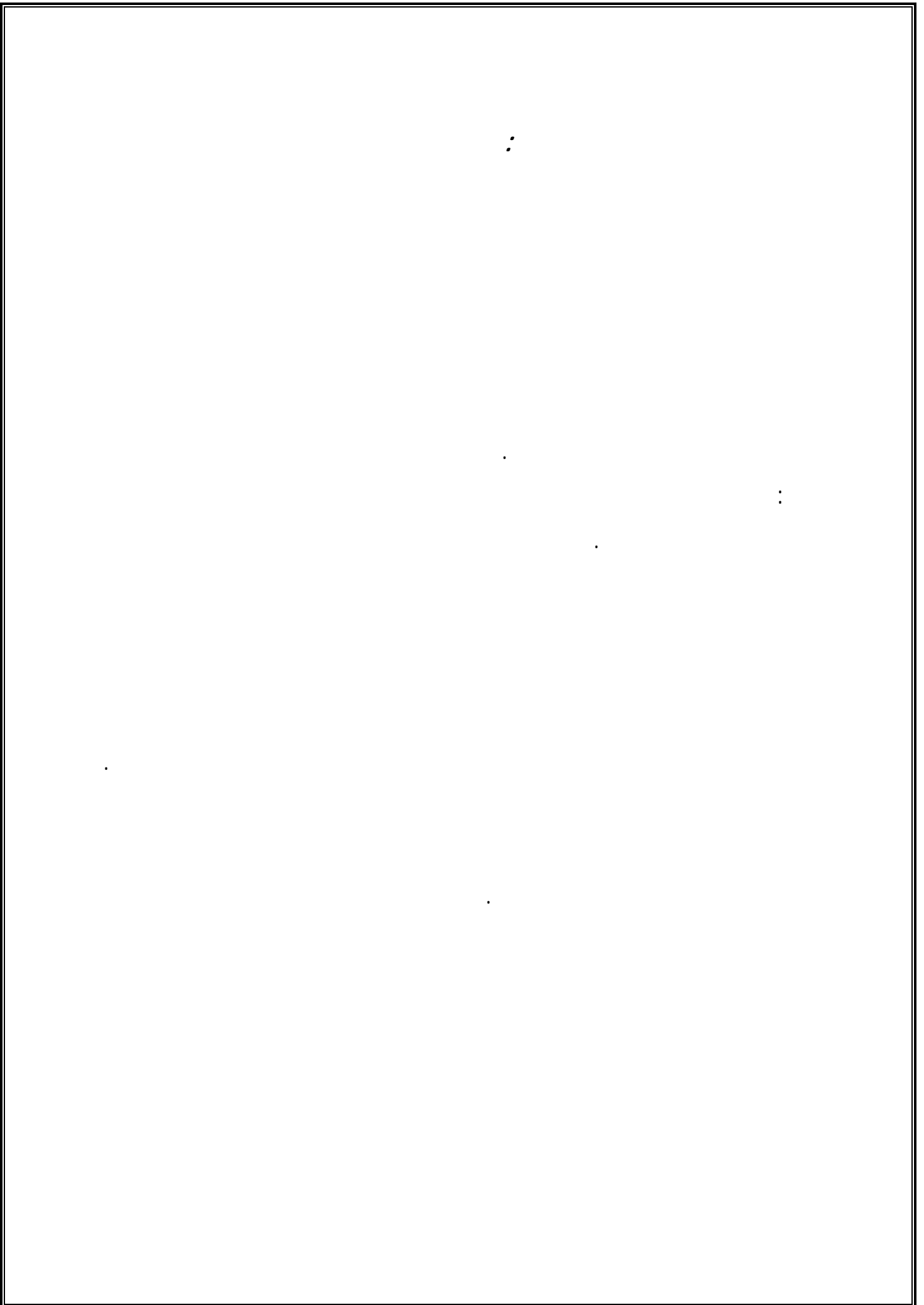
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## الفصل الأول التوبة وأحكامها

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## الفصل الثاني

### الحدود وأحكامها

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المبحث الأول : تعريف الحدود والحكمة من مشروعيتها

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المطلب الأول :

المطلب الثاني :

المبحث الثاني : حكم إقامة الحدود مع الأدلة والآثار المترتبة على تعطيلها

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المطلب الأول :

المطلب الثاني :

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المبحث الأول : المراد بإسقاط الحدود

المبحث الثاني : التوبة وأثرها في حد الحرابة

المبحث الثالث : التوبة وأثرها في حد السرقة

المبحث الرابع : التوبة وأثرها في حد الزنى

المبحث الخامس : التوبة وأثرها في حد الردة

المبحث السادس : التوبة وأثرها في حد الشرب

المبحث السابع: التوبة وأثرها في حد القذف

المبحث الأول : التوبة في اللغة والإصطلاح والقرآن الكريم والسنة النبوية المطهرة :

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المبحث الثاني : أحكام التوبة



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المبحث الأول : تعريف الحدود والحكمة من مشروعيتها

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المطلب الأول :

المطلب الثاني :

المبحث الثاني : حكم إقامة الحدود مع الأدلة والآثار المترتبة على تعطيلها

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المطلب الأول :

المطلب الثاني :

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المبحث الثالث : أنواع الحدود وأحكامها.

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حكم إقامة الحدود والأدلة على ذلك

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## أنواع الحدود وأحكامها

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سقوط حد القذف :

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المبحث الأول : المراد بإسقاط الحدود

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المبحث الخامس : التوبة وأثرها في حد الردة

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## الفصل الرابع

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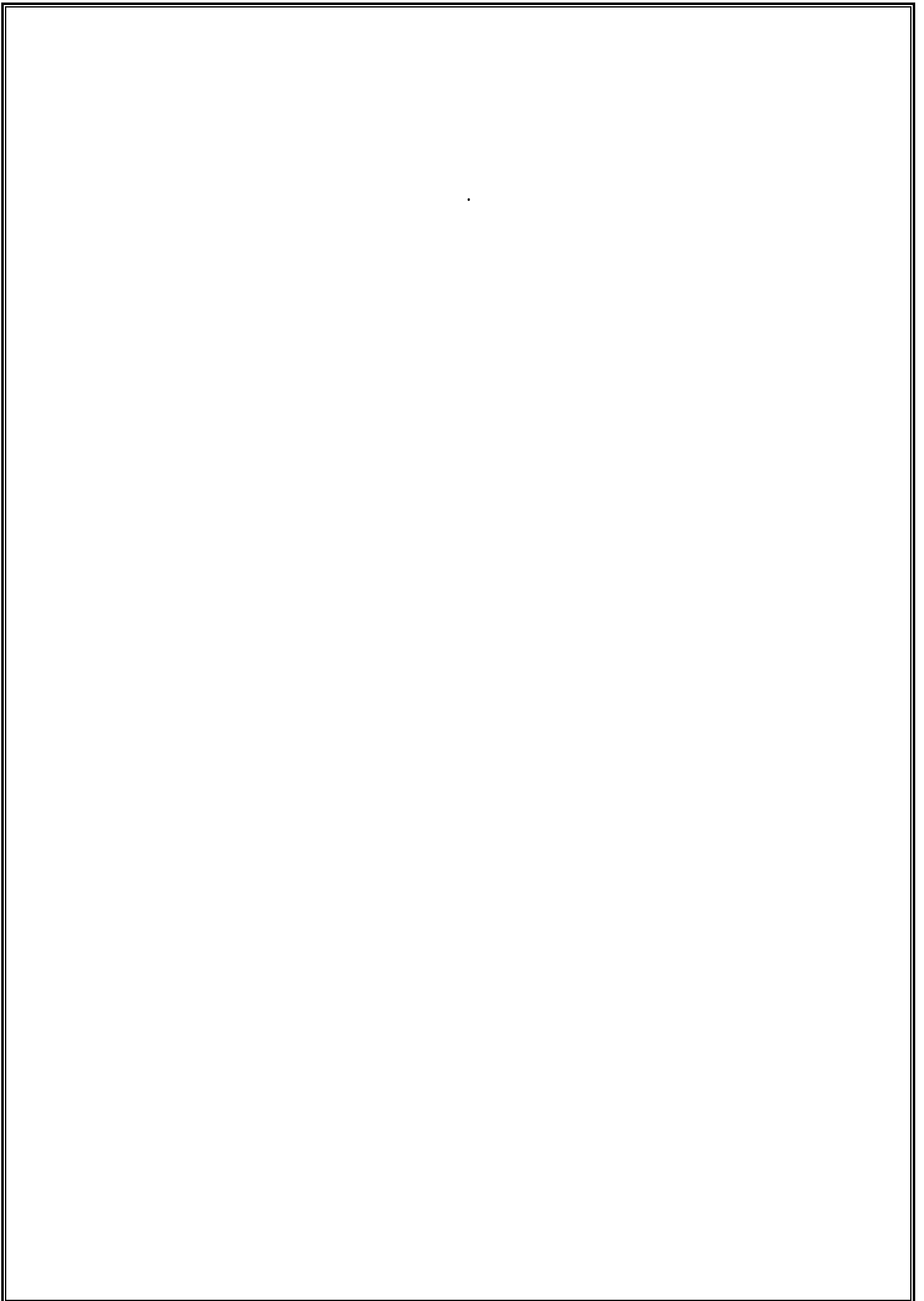
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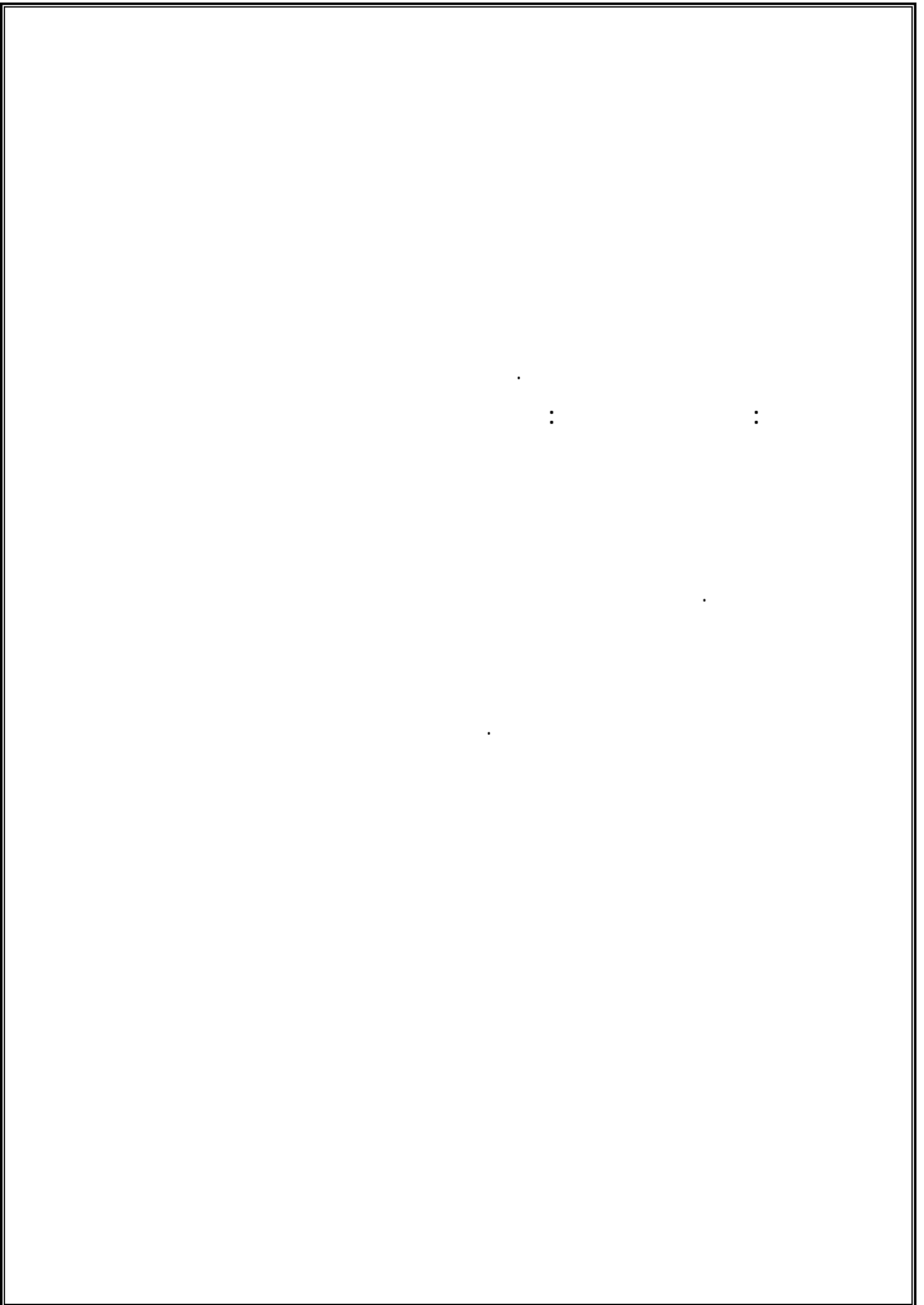
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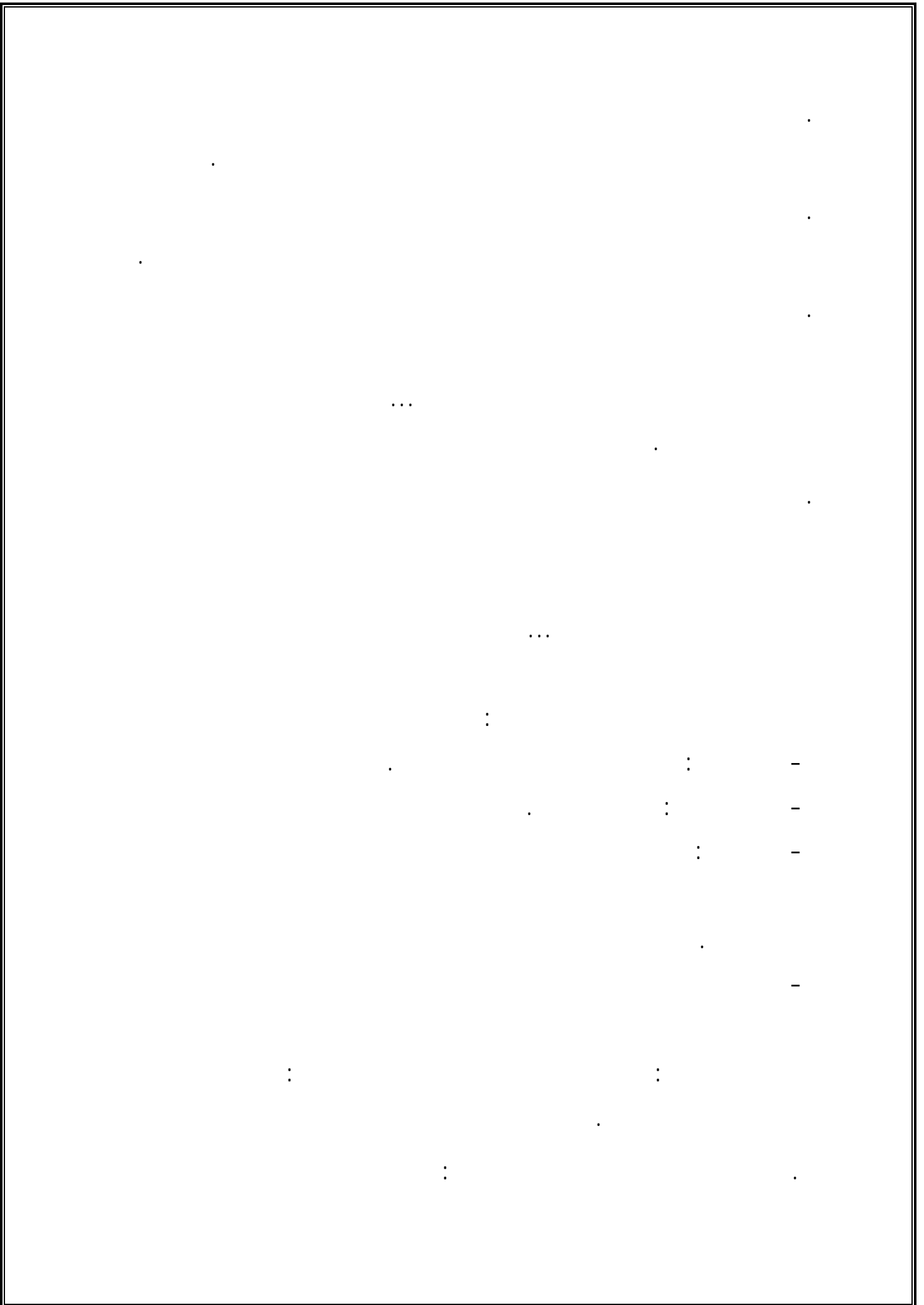
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## خاتمة الرسالة

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## فهرس الأحاديث النبوية

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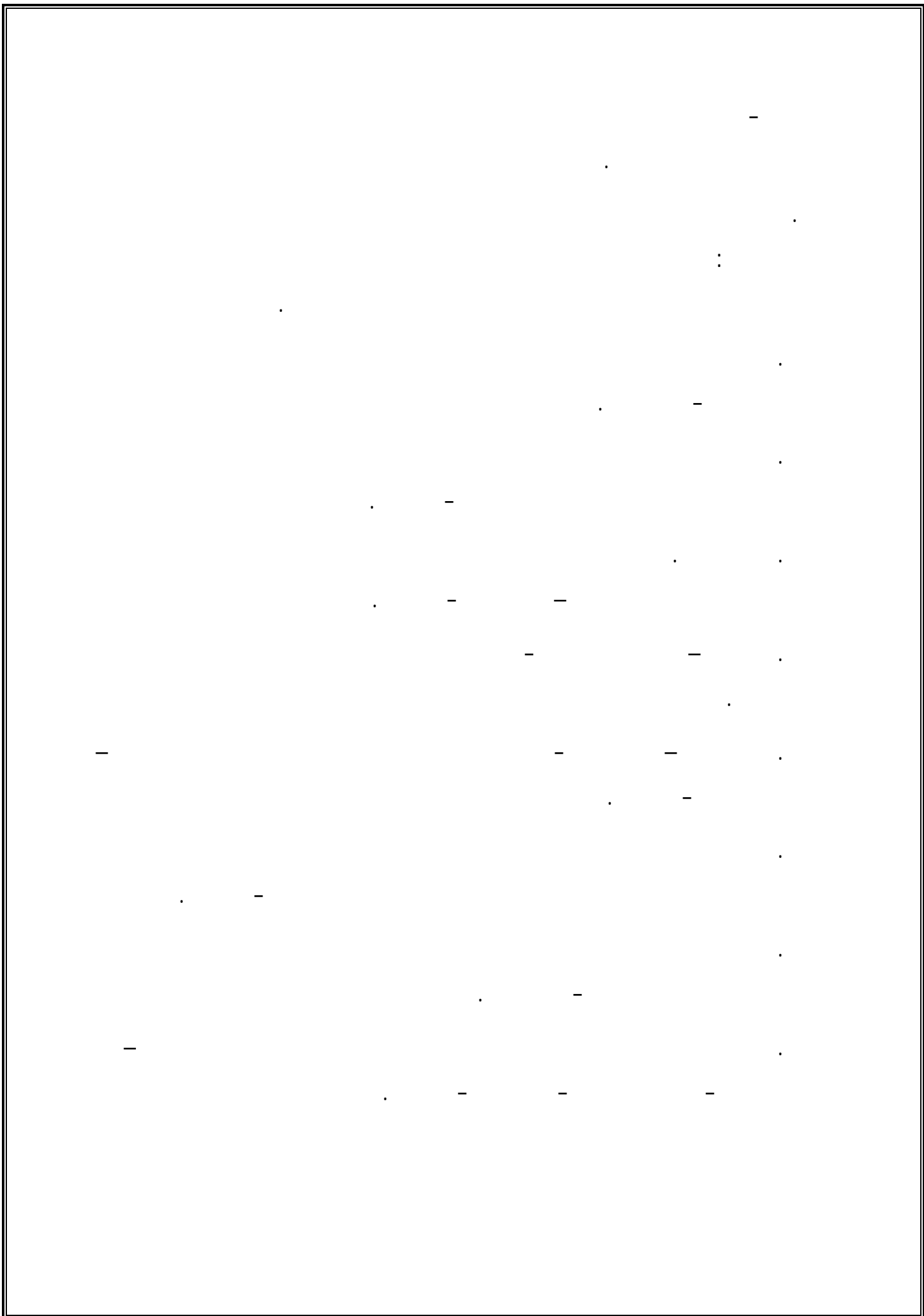
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1. The first part of the document discusses the importance of maintaining accurate records of all transactions and activities. It emphasizes that proper record-keeping is essential for transparency and accountability, particularly in the context of public administration and government operations. This section also highlights the role of technology in streamlining record management processes and reducing the risk of data loss or corruption.

2. The second part of the document focuses on the implementation of robust internal controls and risk management frameworks. It outlines the key components of an effective control system, including the establishment of clear policies and procedures, the assignment of responsibilities, and the regular monitoring and evaluation of control effectiveness. The text also addresses the importance of fostering a culture of integrity and ethical behavior among all employees.

3. The third part of the document discusses the need for continuous improvement and innovation in public service delivery. It encourages organizations to regularly assess their performance, identify areas for improvement, and implement innovative solutions to enhance efficiency and effectiveness. This section also emphasizes the importance of stakeholder engagement and collaboration in the development and implementation of new initiatives.

4. The fourth part of the document addresses the challenges of budgeting and financial management in the public sector. It discusses the importance of developing realistic and sustainable budgets, ensuring the efficient use of resources, and maintaining accurate financial records. The text also highlights the need for transparency in financial reporting and the importance of regular audits to ensure the integrity of the financial system.

5. The fifth and final part of the document discusses the importance of human resource management in the public sector. It emphasizes the need for attracting, developing, and retaining a high-quality workforce. This section also discusses the importance of providing ongoing training and development opportunities for employees, as well as the need for fair and equitable compensation and benefits structures.

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