جامعة نايف العربية للعلوم الأمنية
Naif Arab University For Security Sciences

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جامعة نايف العربية للعلوم الأمنية
Naif Arab University For Security Sciences
College of Graduate Studies

Department : Criminal Justice
Specialization: Criminal Policy

THESIS ABSTRACT ☐ MA ☐ PH.D

Title of the thesis:

The affect of the family's relationship on the punishment in the legislation and the law "application study"

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Date of discussion: ٦/٥/١٤٢٦- H correspond with ١٣ / ٦ / ٢٠٠٥ G

Problem of the research:
The problem of the research is represented that recently there is a huge developments and civilization, a lot of criminal cases related to the family's relationship such as killing, menace, ravishments, slender, insulting and the robbery.

With increasing these cases, which were above mentioned in the Muslim societies, there are needs to explain the judgments, are associated with it and making it ready for execution

There is also needs to explain and compare it with other applied lows applied in one of Arab country which is Arab republic of Egypt.

The research study required investigating the judgments and its adjustments.

As long as the family's relationship can affect on the punishment either coarsely, slightly, or declining, so the method of handling it must be studied seriously to collect what were scattered from this matter and showing what were hidden and to underline its affects as much as we can.

The importance of the research:
The importance of the research is focused on collecting the scattered data and information regarding the affect of the family's relationship on the punishments by referring to the scientists' books, and makes it simple and easy to be understood by the students.

The importance of this study shows the superiority of the Islamic legislation in the subjects, which are related to the affect of the family's relationship on the punishment and its precedence when comparing it with the laws.

The importance of this study is increased due to the fact of the societies, which are having a lot of criminal cases among the family's relatives, which force us to give more explanation about the position of the Islamic legislation and the Egyptian law towards these crimes.

Purpose of the research: This study aims to the followings:

١. Showing the fact of the family's relationship, which affects on the punishments and its types.
٢. Showing the affect of the family's relationship which affects on the punitive and wergild
٣. Showing the affect of the family's relationship, which affects on chopping off punishment.
٤. Showing the affect of the family's relationship which affects on the coarsen punishments
٥. Showing the differences between the affect of the family's relationship on the punishment in both of legislation and Egyptian law
٦. Giving examples for showing the affect of the family's relationship on the punishment in the judgments in Riyadh city courts.

Suggestions and questions of the research:

١. What is the fact of the family's relationship, which affects on the punishments and its types?
٢. What is the affect of the family's relationship which affects on the punitive and wergild?
٣. What is the affect of the family's relationship, which affects on chopping off punishment?
٤. What the affect of the family's relationship which affects on the coarsen punishments?
٥. What are the differences between the affect of the family's relationship on the punishment in both of legislation and Egyptian law?
٦. What is the affect of the family's relationship on the punishment in the judgments in the Kingdom of Saudi Arabia?

Method of the research:

Theoretically, I will use the analytical method, which is related to the application study for the purpose of conclusions.

The most important results of the study:

١- The concept of the relationship in the Islamic legislation has more wide range than the Egyptian law.
٢- Parents and grand parents relationship can affect on declining the execution punishment.
٣- There is an affect of the destitution on executing slight punishment in deliberated and accidental crimes.
٤- The punitive must be applied on the one whom got married to one of his prohibited in spite of that he had knowledge regarding that matter beforehand.
٥- For the one who ravishes with one of his prohibited, he will be killed anyhow.
٦- The punitive could not be executed on the father if he insults his son rather than killing.
٧- Parents will not punitive because of stealing money from their son, as what the jurists agreed.
٨- The one who steal from his relatives, but not vertical relatives such as brothers, sisters, and cousins will be punitive.
٩- There is no effect of the family's relationship on the forecasted punishment from God, if the crime is associated with God's right.
١٠- The relationship of the parents can affect on the coarsen punishment, because of no one is existed to take care of the children either father or mother if the damage may be happened because of that punishment mentioned.
١١- The relationship of the sons can't affect on declining the execution punishment, because it is related to killing someone with no right, which is God, prohibits. In addition, there is also the undutiful for the parents, which is considered as the greatest type of undutiful.
١٢- The Islamic legislation is useful all the times, but, the human laws, if it will be useful sometimes, it does not mean that it will be useful in all the times.

(أثر القرابة على العقوبة في الشريعة :

والقانون "دراسة تطبيقية")

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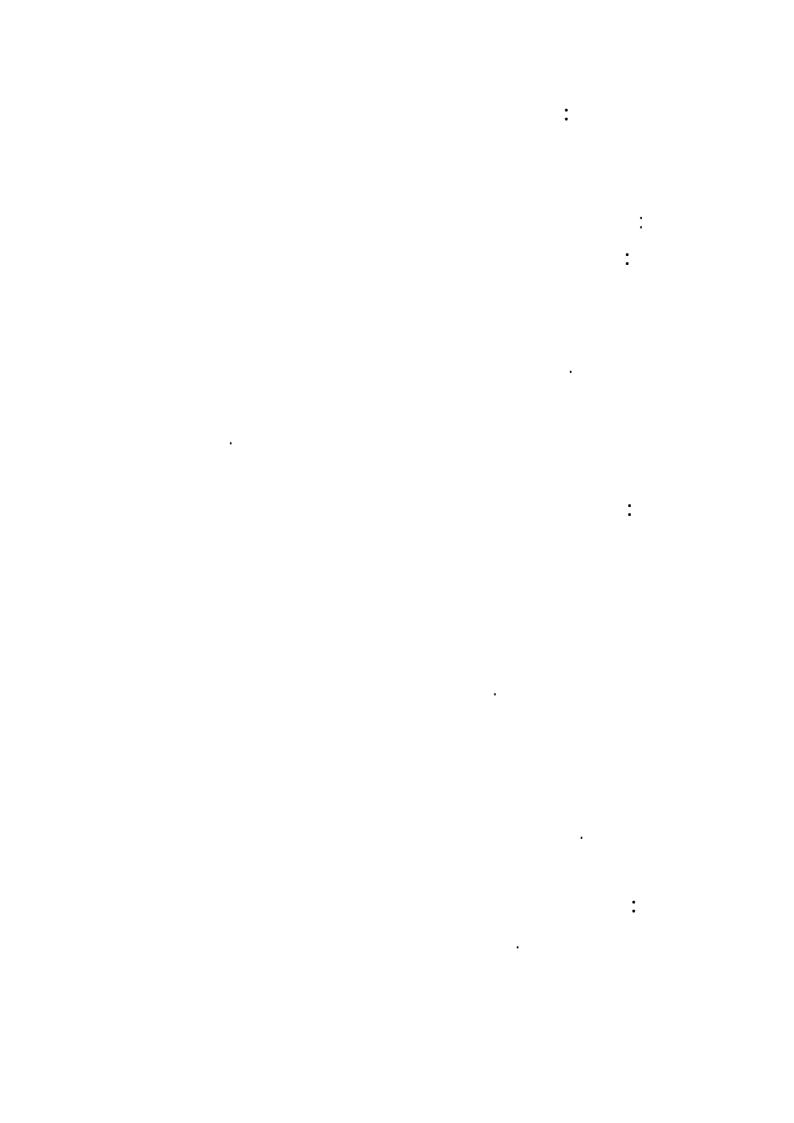
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