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## *Alcohol-Drinking Offence Punishment according to the Egyptian and Algerian Penal Law, an Evaluative Study from an Islamic viewpoint*

By

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### *abstract*

*study aimed at evaluating the penalty of alcohol-drinking offence according to Egyptian and Algerian Criminal law in the light of Islamic Law (Shari'a). The study used the descriptive methodology to reach the targets in question. To gather the required data, a review of literature was administered. The study came to the conclusions that: first. Islamic Law (Shari'a) imposes the whipping penalty for alcohol-drinking crime; second, the Egyptian and Algerian Criminal law impose imprisonment and fine penalty for the convicted of alcohol-drinking offence and this contradicts with what Islamic Law (Shari'a) necessitates. The study recommended that the Egyptian and the Algerian Criminal law ought to adopt the whipping penalty for alcohol-drinking crime in response to what Islamic Law (Shari'a) requires.*

*Keywords: penalty of alcohol-drinking offence, Islamic Law (Shari'a), penal law.*

*ملخص: استهدفت الدراسة الحالية تقييم عقوبة جريمة سُرب الخمر في قانون العقوبات المصري والجزائري في ضوء ما قرره الشريعة الإسلامية في هذا الخصوص. واستندت الدراسة إلى المنهج الوصفي. واعتمدت في إطار ذلك على الأسلوب التقويمي. وتمثلت أداة الدراسة في مسح الأدبيات المتعلقة بموضوع الدراسة. وأسفرت الدراسة عن العديد من النتائج أهمها: أنّ الشريعة الإسلامية أوجبت عقوبة الجلد على من ارتكب جريمة الشرب واستوفى شروطها الحدية- أنّ العقوبة المقررة - لجريمة الشرب - في قانون العقوبات المصري هي عقوبتي الحبس والغرامة المالية، وهذه العقوبات تخالف ما تقرره الشريعة الإسلامية فيمن ارتكب جريمة الشرب واستوفى شروط إقامتها الحدية- أن العقوبة المقررة - لجريمة الشرب - في قانون العقوبات الجزائري هي عقوبتي الحبس والغرامة المالية، وهذه العقوبات تخالف أيضا ما تقره الشريعة الإسلامية فيمن ارتكب جريمة الشرب واستوفى شروط إقامتها الحدية. وأوصت الدراسة المقيّمين الجنائي المصري والجزائري إلى ضرورة التدخل لرفع العقوبة المقررة لجريمة الشرب إلى عقوبة الجلد فيمن ثبتت بحقه جريمة الشرب واستوفى شروط إقامتها الحدية وذلك بما يتفق مع ما أوجبه الشريعة الإسلامية في هذا الخصوص.*

*الكلمات المفتاحية: عقوبة جريمة سُرب الخمر، الشريعة الإسلامية، قانون العقوبات.*

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### Introduction

*Praise be to Allah and Peace and Blessings of Allah upon our Prophet Muhammad, his family, his companions and all who follow his guidance to the Day of Judgment .*

*(O, believers, be pious to Allah and care nothing but to die on Islam) <sup>(1)</sup>.*

*(O, people, be pious to Allah Who created all of you from a male and a female and who created the female from the male and created all humans from both of them. O, people, be pious to Allah Who you will stand before for Judgment and He will question you about what you have done with your relatives. Remember that Allah observes you all) <sup>(2)</sup>.*

*(O, believers, fear Allah and say what is right in order that Allah mend your deeds and forgive your sins. Whosoever obeys Allah and His Messenger shall win a great victory) <sup>(3)</sup>.*

*To proceed <sup>(4)</sup>:*

*Islam accentuates safeguarding Man's intellectual abilities. That's why Islam forbids alcohol drinking and all the ways that lead to. Allah, exalted be He, says, (Believers, wine and gambling, idols and divining arrows are abominations from the work of satan. Avoid them, in order that you prosper. Satan seeks to stir up enmity and hatred among you by means of wine and gambling, and to bar you from the remembrance of Allah and from praying. Will you not abstain from them?) <sup>(5)</sup>. Al-Qurtobi, may Allah be merciful to him, said, " In this verse, Allah, exalted be He, orders the believers to avoid the aforementioned abominations including wine. This means that wine, as well as the aforementioned abominations, are forbidden" <sup>(6)</sup>. Imam Muslim narrated that Abdullah Ibn Umar, may Allah please him, reported that the Prophet, peace and blessing of Allah upon him, says, " Every intoxicant is wine and every intoxicant is forbidden" <sup>(7)</sup>.*

*Not only Islam bans alcohol drinking but it also imposes prescribed punishment for those who commit this offence. However, with a quick look at the penal legislations of the Muslim countries, one notices that they ignore what Islam decides concerning the punishment of alcohol drinking and follow suit of the secular legislations relating this question in the name of modernity and mercy which turn out to be false.*

*It is noted that both Egyptian and Algerian legislature follow in the footsteps of this convention. That is why the question has been raised about how the Egyptian and the Algerian Legislations deal with alcohol drinking and to what extent they conform with the teachings of Islam. This is the core of the current study.*

### *The Problem of the Study*

*The study problem is put in the following main question;*

*How do the Egyptian and Algerian Legislations punish for alcohol drinking offence and to what extent do both of them conform with Islam teachings?*

*This main question can be divided into the following subcategories;*

*1- What is Islam's viewpoint of the penalty of alcohol drinking offence?*

*2- How does the Egyptian Legislation punishes for alcohol drinking and to what extent does it conform with Islam teachings?*

*3- How does the Algerian Legislation punishes for alcohol drinking and to what extent does it conform with Islam teachings?*

### *The Objectives of the Study*

*Based on the pre-raised questions, the study objectives are as follows;*

*1- Investigating Islam viewpoint of penalty of alcohol drinking offence.*

*2- Investigating how the Egyptian Legislation punishes for alcohol drinking and to what extent it conforms with Islam teachings.*

*3- Investigating how the Algerian Legislation punishes alcohol drinking and to what extent it conforms with Islam teachings.*

### *The importance of the Study*

*The study importance is shown in two aspects;*

#### *First: Theoretically;*

*The study seeks to bridge the gap in this area to develop what previous studies have come to.*

#### *Second: Practically;*

*The study draws the attention of legislators to adopt the Islamic viewpoint concerning the penalty of theft offence. .*

### *The Methodology of the Study*

*The study has used the descriptive methodology to reach the targets in question. To gather the required data, a review of literature has been administered.*

## *The Scheme of the Study*

*The study has been planned as follows;*

- Introduction.*
- Chapter I.*
- Chapter II.*
- Chapter III.*
- Conclusion.*
- Bibliography.*

*The introduction has been given. So, the coming lines will tackle the other points in further detail.*

## *Chapter I*

### *The Penalty of Alcohol Drinking from the Viewpoint of Islam*

*Islam bans alcohol drinking. It prescribes particular penalty for alcohol drinking which is called Hadd A-Shurb (The Prescribed Penalty of Alcohol Drinking). Any adult person who is proved guilty of willingly drink shall receive eighty lashes<sup>(8)</sup>. There is abundant evidence of the penalty of a alcohol drinking as follows;*

#### *I. Evidence from Sunna:*

*-First Evidence: Abu-Hureirah, may Allah please him, reported that the Prophet, peace and blessings of Allah upon him, said; " This who drinks alcohol shall receive whipping and they shall be killed if they are proved guilty in the fourth time"<sup>(9)</sup>. Al-Merghanani, may Allah have mercy on him, says: " This tradition shows that any adult person proved guilty of willingly drinking shall receive whipping"<sup>(10)</sup>. Ibn Qudamah, may Allah be merciful to him, says: " This prophetic say indicates that any adult willingly drinks more or little must receive the penalty prescribed for this offence"<sup>(11)</sup>.*

*-Second Evidence: Anas Ibn Malik, may Allah please him, reported that a man who was proved to be guilty of alcohol drinking was taken to the Prophet, peace and blessings of Allah upon him. The Prophet, peace and blessings of Allah upon him, whipped him forty lashes. And so did Abu-Baqr may Allah please him. In the time of Umar Ibn Al-Kattab, he, may Allah please him, had consultation with men of jurisprudence. Abd Al-Rahman Ibn Ouf, may Allah please him, said, " The lightest prescribed penalties is whipping the perpetrator eighty lashes"<sup>(12)</sup>. A-Shawkani, may Allah be merciful to him, says, " This Prophetic Say and other Prophetic Says mentioned in the Chapter of Alcohol Drinking are obvious evidence that the guilty of alcohol drinking must receive the prescribed penalty for alcohol drinking"<sup>(13)</sup>. Al-Harawi, may*

*Allah have mercy on him, said, " All the Companions unanimously consented that the guilty of alcohol drinking shall receive eighty lashes. Nobody can break the Companions unanimity" (14).*

## *II. Evidence from the Consensus of Scholars:*

*There is complete unanimity that the punishment of alcohol drinking is prescribed. There is complete unanimity that The punishment for alcohol drinking is whipping. These unanimities were reported by many Scholars.*

*Ibn Battal, may Allah have mercy on him, said, " It is proven that the penalty of alcohol drinking is flogging the guilty eighty lashes. All Companions unanimously agreed upon this and this an authoritative source" (15).*

*Ibn Abd Al-Barr, may Allah have mercy on him, said, " All Scholars unanimously agree that the guilty of alcohol drinking shall receive the prescribed penalty whether he drinks more or little or whether he is intoxicated or not" (16).*

*Al-Qadi Iad, may Allah be merciful to him, said, " All Muslims unanimously agree that the offender of alcohol drinking shall receive the prescribed penalty whether he drinks more or little or whether he is intoxicated or not" (17).*

*Al-Merghenani, may Allah have mercy on him, said, " All the Companions, may Allah please them, unanimously agree that the guilty of alcohol drinking shall receive eighty lashes" (18).*

*Ibn Qudamah, may Allah be merciful to him, said, " Every spirituous liquor, more or little, is not permissible. There is no disagreement that those who are proven guilty of drinking must receive the penalty whether they drink more or little" (19).*

*A-Nawawi, may Allah have mercy on him, said, " All Scholars unanimously agree that drinking is forbidden and the prescribed penalty must be passed on those who are proven to drink more or little, intoxicated or not" (20).*

*Ibn Hajjar, may Allah have mercy on him, said, " There is complete unanimity that the punishment of alcohol drinking is prescribed " (21).*

*Al-Harawi, may Allah have mercy on him, said, " All the Companions, may Allah please them, unanimously agree that the prescribed penalty of drinking and intoxication is eighty lashes" (22).*

*A-Siddiqi, may Allah have mercy on him, mentioned that " All the Scholars unanimously agree that the penalty of drinking is prescribed" (23).*

*It is obvious that Islam prescribes the penalty of whipping to safeguard the individual and the society as a whole from the destructive effects of alcohol drinking. No doubt that this particular penalty is the best punishment for this offence since it is prescribed by Allah, the All-Knowing and the All-Wise who determines what is and what is not right for humanity. Ibn Al-Qaiem,*

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may Allah have mercy on him, points out to the reason for which the penalty of alcohol drinking is prescribed saying, " Islam prescribes the penalty of flogging on the part of the drunk person whichever the amount drunk more or little since it impairs the most important function that distinguishes Man from other species which is reason" <sup>(24)</sup>.

## *Chapter II*

### *The Penalty of Alcohol Drinking from the Viewpoint of the Egyptian Penal Law*

The Egyptian penal law does not criminalize alcohol drinking whether it is more or little or whether it causes intoxication or not. What it criminalizes is drinking in public places and public intoxication.

Rule (2) of Act no. (63) for the year (1976) relating banning drinking in public places prescribes that: " It is forbidden to serve or drink alcohol in public places except hotels and touristic places".

Rule (5) of the previous Act prescribes a penalty for this offence saying, " Those who break Rule (2) of this Act shall receive imprisonment <sup>(25)</sup> for a period not more than six months and a fine <sup>(26)</sup> of no more than two hundred Egyptian pounds or shall receive only one penalty of each".

Rule (7) of Act (63) for the year (1976) decides the penalty of public intoxication saying, " Any person proved guilty of intoxication in public places shall receive imprisonment for a period not less than two weeks and not more six months and a fine not less than twenty Egyptian pounds and not more than one hundred Egyptian pounds and imprisonment must be passed in the case of recurrence".

In the light of those rules, it is clear that the penalty of alcohol drinking, as it is prescribed by the Egyptian penal law, ranges between imprisonment and fine.

It is noted that the Egyptian penal law neither criminalizes nor penalizes alcohol drinking altogether. It only criminalizes and penalizes this act only if it is committed in public places except for touristic ones. This means that alcohol drinking in private places is permitted. This breaches what Islam goes to. Islam bans alcohol drinking on any account; whether it is served or taken in public places or otherwise. Whenever a person is proven guilty of drinking, in a public place or not, he shall receive punishment as long as they meet the stipulations of the penalty <sup>(27)</sup>.

It is also noticed that the Egyptian penal law breaks Islam as it ignores the penalty prescribed by Islam for this offence. Islam dictates that the guilty of drinking alcohol shall receive eighty lashes not to be imprisoned or fined as the Egyptian Penal Law goes.

It is also noticed that the previous Acts are unconstitutional as they breach the codes of punishment the Egyptian constitution adopts. Act Two of the 2014 Egyptian constitution prescribes that: " Islam is the established religion of the country ... and the principles of Islam are the main source of legislation". According to this Act, Islam is the main source of the codes

*of punishment the Egyptian constitution embraces. In the light of this, the Egyptian Penal Law, including the before-mentioned Acts - must abide by what Islam states. Since these Acts impose the penalties of imprisonment and fine on the drunken's part, not flogging as it is decided by Islam, they break the constitution and thus they are unconstitutional.*

*Furthermore, the penalties of imprisonment and fine are not as effective, repressive and deterrent<sup>(28)</sup> as the penalty of having the drunk flogged.*

### *Chapter III*

#### *The Penalty of Alcohol Drinking from the Viewpoint of the Algerian Penal Law*

*The Algerian penal law follows in the footsteps of its Egyptian equivalent. It does not criminalize alcohol drinking either. But it criminalizes public intoxication, driving in a state of intoxication and parent's habitual intoxication in front of children.*

*Rule (1) of the presidential decree no 75-26 issued on 29<sup>th</sup> of April 1975 points out to the penalty of public intoxication saying, " Any person proved guilty of public intoxication shall receive a fine from 40 Algerian dinars to 80 Algerian dinars". Rule (2) of this presidential decree states that " If the person recurs this offence, they shall receive detention<sup>(29)</sup> from five to ten days and fined from 160 Algerian dinars to 500 Algerian dinars".*

*Rule (67) of the Algerian Traffic Act for the year (2017) dictates the penalty of driving in a state of intoxication saying, " Any person gets intoxicated during driving or during accompanying a driver doing a formal job with or without pay shall receive imprisonment for a period from two months to eighteen months, a fine from 50000 Algerian dinars to 150000 Algerian dinars or one of these two penalties".*

*Clause (3) of Rule (330) amended by Rule no. (82-04) dated (13) February (1982) states the penalty of being a habitually intoxicated parent in front of the children saying, " Any parent sets a bad example for children by being habitually intoxicated shall receive imprisonment for a period from two months to a year and a fine from 500 Algerian dinars to 5000 Algerian dinars".*

*From the aforementioned rules, it is evident that the Algerian penal law prescribes two penalties for the offence of alcohol drinking. They are imprisonment and fine.*

*It is apparent that the Algerian penal follows suit of its Egyptian counterpart. Like the Egyptian law, it does only criminalize public intoxication and prescribes imprisonment and fine on the part of the intoxicated person.*

*In spite of this, the Algerian penal law is not as inclusive as its Egyptian equivalent. It does not criminalize taking or serving alcohol in public places as the case of the Egyptian penal law. It only penalizes intoxication in public places. This means that it is permissible, according to the Algerian law, to take or serve alcohol in public places provided not reaching the state of intoxication. By this, the Algerian penal law, as its Egyptian counterpart, breaches the principles of Islam. Islam forbids alcohol drinking on any account, whether it is taken or just*

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served, whether it is more or little, whether it leads to intoxication or not or whether it is committed in public places or not.

It is also noticed that the Algerian penal law breaks Islam since it ignores the penalty Islam prescribes for the alcohol drinking offence. Islam dictates that the guilty of drinking shall receive eighty lashes not imprisonment or fine as it is the case of the Algerian law.

It is also noticed that the previous rules are unconstitutional as they breach the codes of punishment the Algerian constitution adopts. The Preamble of the 1989 Algerian constitution and the 1996 Algerian constitution and its 2016 amendments states that: "Algeria is the homeland of Islam". Rule (10) in the 1996 Algerian constitution and its 2016 amendments says: "It is not permissible for the authorities ... to break the codes of Islam". According to these rules, Islam is the main source of the codes of punishment the Egyptian constitution embraces. In the light of this, the Algerian Penal Law, including the before-mentioned rules - must abide by what Islam states. Since these rules impose the penalties of detention and imprisonment on the drunk's part, not flogging as it is decided by Islam, they break the constitution and thus they are unconstitutional.

No doubt that the punishment Islam imposes for this crime is the best way to guard the society from the dangers of crime because of the following;

First: it has the ability to restrain the wrongdoer from returning to the world of crime <sup>(30)</sup> whereas the punishment imposed by the secular law proved to be ineffective to realize this target<sup>(31)</sup>.

Second: it rehabilitates the wrongdoer and strengthens his weaknesses to be a good citizen <sup>(32)</sup> whereas the punishment imposed by the secular law is likely to increase the tendency to delinquency especially when the offender is mixed with other criminals in prison <sup>(33)</sup>.

Third: it deters others from entering the world of crime <sup>(34)</sup> whereas the secular penal legislations fail to accomplish this purpose <sup>(35)</sup>.

### Conclusion

The study came to two the following findings:

First: Islam imposes the whipping penalty for those who are proved guilty of alcohol drinking provided meeting the stipulations of the penalty and the punishment must be witnessed by a party of believers.

Second: the Egyptian penal law imposes an alternative penalty.

It prescribes the penalty of imprisonment and fine on the part of the perpetrator. This breaks the punishment codes of Islam.

*Third; the Algerian penal law also imposes an alternative penalty. It prescribes the penalty of imprisonment and fine on the person who is proved guilty of alcohol drinking. This breaks the punishment codes of Islam as well.*

*In the light of these findings. The study recommends that the Egyptian and Algerian legislator should make a law that bans drinking alcohol, whether the drunk amount is more or little, whether the drunk is intoxicated or not or whether the act of drinking takes place in a public place or not.*

*It also recommends that the Egyptian and Algerian legislator should make a law that prescribes the penalty of whipping on those who are proved guilty of alcohol drinking. This comes in agreement with what Islam dictates in this question and goes line in line with the 2014 Egyptian Constitution Second Act states saying: "Islam is the established religion of the state ... and Islam teachings are the main source of legislation".*

*In the light of these principles, the study suggests that Rule (7) of 1976 Act (63) of the Egyptian penal law and Rule (1) of the presidential decree no. (75-26) that was issued on 29 April 1975 should be modified as follows:*

*-Any person proved guilty of alcohol drinking shall receive whipping penalty and their punishment must be witnessed by a party of believers.*

*Note: It should be taken into consideration having the other Acts relating to the Chapter of Alcohol Drinking in the Egyptian and the Algerian Penal Laws amended in the light of what suggested in this research.*

#### Notes

- 1) Surat Al-Imran (The Family of Imran) III, verse: 102.
- 2) Surat An-Nisaa (The Women) IV, verse: 1.
- 3) Surat Al-Ahzab (The Confederates) XXXIII, verse: 70.
- 4) Al-Albany, Sahih Al-Targheeb wa Tarheeb, edit. 1, p.3.
- 5) Surat Al-Ma'idah (The Table Spread with Food) V, verses: 90-91.
- 6) Al-Qurtobi, Al-Game' Lahkam Al-Qura'n, edit. 2, vol. 6, p. 288.
- 7) Muslim, Sahih Muslim, no edition, Book of Drinks, Chapter of Every Intoxicant is Wine and Every wine is forbidden, Hadith no. (2003), p. 1587.
- 8) Ibn Battal, Sharh Sahih Al-Bukhari, edit. 2, vol. 8, p. 396.
- 9) Abu-Dawoud narrated this Prophetic Say in his Book of Sunan. Al-Albani says, " This tradition is authentic. Refer to: Abu-Dawoud, Sunan Abi-Dawoud, no edition, vol. 4, Book of Prescribed

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*Penalties, Chapter of Recurrence of drinking, Hadith no. (4484), p. 164 and Al-Albani, Sahih wa Da'eef Sunan Abi-Dawoud, no edition, vol. 1, p. 440.*

10) *Al-Merghanani, Al-Hidiah, no edition, vol. 2, p. 354.*

11) *Ibn Qudamah, Al-Moghni, edit. 3, vol 9, p. 160.*

12) *Narrated by Al-Bukhari and Muslim. . Refer to, Al-Bukhari, Sahih Al-Bukhari, edit. 1, Book of Hudud, Chapter of Whipping the Drunk by Palm Branches and Footwear, Hadith no. (6779), p. 158 and Muslim, Sahih Muslim, no edition, Book of Hudud, Chapter: The Penalty of Drinking, Hadith no (1606), p. 1330.*

13) *A-Shawkani, Neil Al-Awtar, edit. 1, vol. 7, p. 169.*

14) *Al-Harawi, Merqat Al-Mafateeh, edit. 1, vol. 6, p. 2371.*

15) *Ibn Battal, Sharh Sahih Al-Bukhari, edit. 2, vol. 8, p. 396.*

16) *Ibn Abd Al-Barr, Al-Istezkar, edit. 1, vol. 8, p. 3.*

17) *Al-Kady Iad, Ikmal Al-Mo'llem be Fawaed Muslim, edit. 1, vol. 5, pp. 540-542.*

18) *Al-Merghanani, Al-Hidiah, no edition, vol. 2, p. 355.*

19) *Ibn Qudamah, Al-Moghni, edit. 3, vol 9, p. 159-160.*

20) *A-Nawawi, Al-Menhaj Sharh Sahih Muslim Ibn Al-Hajjaj, edit. 2, vol. 11, pp. 217-218.*

21) *Ibn Hajjar, Fath Al-Bari, no edition, vol. 12, p.75.*

22) *Al-Harawi, Merqat Al-Mafateeh, edit. 1, vol. 6, p. 2371.*

23) *A-Siddeqi Al-Azeem Abadi, Oun Al-Ma'aboud, edit. 2, vol. 12, p. 124.*

24) *Ibn Al-Qaiem, l'Iam Al-Mowaqee'n an Rabb Al-Alamin, edit. 1, vol. 2, p. 64.*

25) *The penalty of imprisonment has two types;*

*a- life imprisonment: in which the sentenced spends all his life in prison , but if he or she is on good behavior, they are set free as long as they spend twenty years at least.*

*b- Rigorous Imprisonment: in which the sentenced spends a period not less than three years and no more than fifteen years in prison. For further detail, refer to; Mohamed Zakki Abu-Amer, Qanon Al-Okobat; Al-Qesm Al-Aam, no edition, pp. 505-508.*

26) *The fine penalty means that the sentenced has to pay a particular sum of money through administrative ways. For further detail, refer to: Mamoun Salamah, Qanon Al-Okobat; Al-Qesm Al-Aam, edition 3, p. 663 and Mohamed Zakki Abu-Amer, Qanon Al-Okobat; Al-Qesm Al-Aam, no edition, p. 521.*

27) *There particular stipulations that should be met to carry out the penalty of flgging. Of which; the drunk must be a sane, mature, free-willed Muslim. For further detail refer to; Al-Kasani, Badae'h A-Sanaeh, edit. 2, vol. 7, pp. 39-40.*

28) *Mamoun Salamah, Qanon Al-Okobat; Al-Qesm Al-Khas, edition 3, pp. 622-630 and Mahmoud Najjuib Hosni, Elm Al-Eqab, edit. 3, pp. 94-97.*

29) *The penalty of detention is the slightest custodial sentence. The sentenced is detained in one of the central prisons. There are two types of detention; the first type is detention without labor. The other type is detention with labor. Detention with labor is permissive in the case of misdemeanors and mandatory in the case of theft offences. For further detail refer to; Mamoun Salamah, Qanon Al-Okobat; Al-Qesm Al-Khas, edition 3, p. 648 and Mohamed Zakki Abu-Amer, Qanon Al-Okobat; Al-Qesm Al-Aam, no edition, pp. 510-511.*

30) *Mohamed Saleem Al-Awwa, Fe Usul A-Nezam Al-Jinaei Al-Islami, A Comparative Study, no edit., p. 253.*

31) *Hani Al-Manaeli, Al-Okoba fe A-Tashrieh Al-Islami, no edit., p. 51.*

32) *Mohamed Saleem Al-Awwa, Fe Usul A-Nezam Al-Jinaei Al-Islami, A Comparative Study, no edit., p. 253.*

33) *Hani Al-Manaeli, Al-Okoba fe A-Tashrieh Al-Islami, no edit., p. 53.*

34) *Mohamed Saleem Al-Awwa, Fe Usul A-Nezam Al-Jinaei Al-Islami, A Comparative Study, no edit., p. 253.*

35) *Hani Al-Manaeli, Al-Okoba fe A-Tashrieh Al-Islami, no edit., p. 53.*

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