

LEGISLATIVE AND INTELLECTUAL APPROACHES TO COMBATTING CRIMES OF TERRORISM: A COMPARATIVE ANALYTICAL STUDY

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ABSTRACT

Crimes of Terrorism are of vital concern to many countries. Due to its severity; many states devoted a significant effort to restrain the crime before happening. This study examines the legislative and intellectual approaches in combating crimes of terrorism. It clarifies in details the concept and characteristics of the crime. Taking into consideration, the Emirati and Jordanian legislator's definition and tools to fight it. Therefore, it outlined in a comparative methodology; the legislative means applied in both countries. Whether by aggravating the penalty or imposing an exemption from punishment. Moreover it emphasized the urgent need for endorsing a new approach to combat the crime and protect societies from its danger. In this regard, the suggested "intellectual means" provided in this research shall effectively help to reduce the potential of crime occurrence. Which are immensely focused on reforming education in a better form or considering a massive yet improved curriculum? Likewise, inviting intellectuals to spread the spirit of tolerance, acceptance of others and rejecting extremism in all spectrums. Finally, the list of suggestions was finished up with a highlight on the role of family in fighting the crime at early stage.

Keywords: Crimes of Terrorism, Terrorist Criminal, Legislative Means, Intellectual Means, Family, School, Tolerance.

INTRODUCTION

Crimes of Terrorism are serious crimes that have increased in frequency in recent times. It is a formidable threat to societies and humanity in its truest sense. It also threatens security and stability, destroys property, violates sanctities, desecrates sacred sites, kills and kidnaps civilians, and threatens the lives of many (David, 1974). In our contemporary world, terrorism has become a global phenomenon affecting all aspects of life of all peoples of various races. Terrorism no longer belongs to a party of people, or certain country, but is a global threat with varied causes, forms, goals, and perpetrators. The international community realised this danger, since the beginning of the twentieth century. As it sought to fight and limit its devastating effects on human life, civilisation, economy and politics, among others. By introducing legal means and measures aimed at eliminating it in all its manifestations.

However, a challenge has been evolved from such crimes which are the act of terrorism hiding behind organised crimes. As it is also characterised by the notion; organisation, planning and structure which formulates the definition of "organised crime". Still, it can transpire individually without being linked to an organised crime. But, not every organised crime can be

considered crime of terrorism, and vice versa. The international community was quick to combat it, in the form of national legislation and international agreements (Qadir, 2008)¹. From a national and regional perspective and due to the magnitude of this crime, the United Arab Emirates and Jordan, both, have issued various legislations to restrain this act of terrorism. In implementation of this, the UAE legislator has issued Law No. (7) of 2014 to combat it and eliminate the initiative towards committing or planning it. For that purpose, the legislation has included a list of crimes that are considered to be crimes of terrorism. Moreover the legislation raised the penalty bar for other crimes committed in a criminal framework and is associated with terrorism. This initiative was also preceded by the Jordanian legislator in issuing the Law No. 55 of 2006 amended by Law No. 18 of 2014 as a special law to prevent crimes of terrorism.

The importance of this topic is highlighted by the fact that it is a crime of great gravity which impact is no longer limited to the internal framework of the state, but exceeds it, far away. It is commonly known that crimes of terrorism have no religion or identity and know no limitation. This act has recorded a notable increase across the globe in the nineties of the last century and the beginning of this millennium. Therefore, the primary contention in this research is to explore the adequacy of the legislative texts in both countries, the Emirates and Jordan. In order to ascertain whether punishment alone is sufficient in combating the phenomenon of terrorism or other measures shall be introduced.

This research has adopted a comparative analytical methodology. This is based on studying legal texts in the Emirati legislation and comparing them with the Jordanian legislation. And at times with the French legislator given the historical role of this legislator in influencing the legal system of this region of the world. It also investigates the modern methods to be employed to combat the phenomenon of terrorism. Aiming at delivering the best results and recommendations which might serve the goal of this analysis. For a better exhibition of information, the research is divided into two main sections. The first part relates to explanation of crimes of terrorism, while the second one refers to methods of combatting the crime.

What Are Crimes of Terrorism?

Terrorism is a dangerous phenomenon that threatens society. It is a crime that jeopardizes the whole society. Given its severity and treacherous magnitude, this section endeavours to explain the scope and characteristics of the act of terrorism.

Definition of Crimes of Terrorism

Terrorism is defined as violence perpetrated by a person or organisation against a government, or individuals or even children (Hamid, 2015; Henry, 2004)². The French legislator did not define the terrorist act, nor did enact a special law for such crime. Rather, it is included in the penal code. In this manner, this law referred to several crimes that shall be classified and considered as terrorist acts. Providing that, they relate to an organised or individual criminal project with the aim of severely disturbing public order by intimidation and terror (Wahab, 2007 & 1985; Pradel, 1986)³. In relation to the French legislation, considering acts of violence under “terrorism” necessitate a “*material element*”. This is represented in the requirement of committing one of the crimes mentioned exclusively in the penal code. Given that it relates to an individual or collective criminal project. It does not regard crimes as terrorism crimes if they are committed impulsively; out of one’s own accord.

The French legislator also considered crimes of terrorism subject to the same provisions and rules established for standard crimes. In terms of police and preliminary investigation and all related actions, such as investigation of arrest, search, custody and jurisdiction. In order to avoid the issuance of contradictory judgments in related Incidents (Fatiha & Ghanem, 2010)⁴.

As for the “*moral element*”, the French legislator added the terrorist nature to the aforementioned crimes. As long as those acts were related to an individual or collective project aimed at seriously disrupting public order through intimidation and terror. To define the concept of intimidation or terror, as stated in the French Criminal Procedure Code, the French dictionary *Petit Robert* defines “*terror*” as having the two meanings of La Terreur. The first one indicates severe fear which shakes a person’s core and paralyzes his ability to respond. The second meaning suggests a collective fear that is spread among people to destroy their resistance (Petit, 2001).

Both definitions emphasize that “*fear*” is a core element in terror and intimidation which shakes the soul of an individual vigorously. It entails a psychological meaning too. As for intimidation, it is a “*concept that is less intense than the concept of terror*”. The French legislator added the word “*intimidation*” to the word “*terror*” and equated them in intensity to give crimes of terrorism a broader scope and meaning.

As for the Jordanian legislator, it differs significantly from the French legislator. It issued a special law to combat terrorism. It was dictated in the Prevention of Terrorism Law No. 55 of 2006 amended by Law No. 18 of 2014. It includes every intended action or threat regardless to its motives, purposes or means. It would take place, in the form of implementation of an individual or collective criminal project that shall endanger the safety and security of society. Besides creating sedition, violating public order, terrorising people, intimidating them, endangering their lives, or endangering the environment, public facilities, public property, private property, or international facilities, or diplomatic missions or their occupation. Likewise capturing them, or endangering national resources, economic threat, or forcing a legitimate authority or international or regional organisation to carry out any act to disrupt the application of Constitution, laws or regulations.

Moreover crimes of terrorism differ considerably from political crime, organised crime or international crime. For political crimes they are committed for political motives and aim at changing, altering or overthrowing the political system (Safwat, 1928; Stephen, 1972). While organised crime is relatively a large grouping of criminals and derivative entities subject to certain pressure. Such crimes are committed for the purpose of profit and seek to create a “*system*” to prevent social controls, by means of violence, corruption, and theft (Sami, 2003). As for international crime, it is the crime of transgression by violating an interest protected by the international legal system, or of concern to the international community. That is particularly mandated to protect the peaceful coexistence between various people of several races while paying respect to the global ethic (Fattouh, 2001; Cassese & Delmas-Marty, 2002).

As indicated above, crimes of terrorism are perpetrated for several reasons while often intersect “*apparently*” with political crimes in its objectives which might serve political purposes. However, they are often committed for motives that are exclusively linked to obtain money or provoke terror among people or trying to disturb public order, especially public security (Nasser, 1996; Issam, 1986). For example, attacking touristic destination, which usually extend its impact to include a broader segment of victims such as residents of the place? Despite the fact that tourists were their main target.

Pillars of Crimes of Terrorism

It incorporates two important elements which are material and moral elements. The material element is represented in the terrorist's intended criminal behaviour in the implementation of an individual or collective criminal operation. This consequently endangers the safety and security of society or creates sedition and chaos. This behaviour was not addressed specifically by the Jordanian legislator, but linked to achieving the result behind the terrorist act, which is the "*creation of fear and chaos*". As such, this crime can fall under the category of "*a crime of free form*". This can occur by any means alongside any behaviour that shall endanger lives and security of individuals while generating panic and terror. It shall employ force, violence, threats, or intimidation for the purpose of achieving the criminal project⁵. Accordingly, terrorists mainly utilize killing and assassination that are directed at political persons, representatives of the authority or public security personnel. Motivated by the aim of spreading a state of terror, more than intending to remove a specific political person or opponent from his/her position. This can be evidenced by the latest event that Jordan witnessed in the second half of 2018. During which a terrorist operation was carried out against members of General Security while serving their duty in one of the areas of Fuheis (west of the capital, Amman). The use of violence by means of "*explosive devices*" caused severe injuries and terror among citizens. As indicated for the incident, the criminal in such crime generally uses threats and physical attack, to spread fear among peoples. This will consequently agitate the whole society and cause state of disorder. The perpetrators usually reckon that victims will comply with their demand to ensure safety of themselves and their beloved ones (Issam & Samie, 2005). In Article 3 of Prevention of Terrorism Law No. 55 of 2006 amended by Law No. 18 of 2014, the Jordanian legislator referred to a number of actions that are considered in the ruling as "*terrorist acts*", which, if realised, regard the perpetrator and his action as a crime of terrorism⁶.

The moral element refers to the perpetrator possessing a complete will power and knowledge of his/her criminal act. Which is aimed at spreading terror and chaos among members of the society? The crime of terrorism, as mentioned above, is unlike other crimes. It is not simply a general intent of enmity. But a criminal containing the intent of disturbing public order or endangering the safety and security of society, or creating sedition and spreading terror among members of the society. This is reflected in the Jordan's Article No. (1) of the Prevention of Terrorism Law No. 55 of 2006 amended by Law No. 18 of 2014.

However, there is a debate provoked about the nature of criminal's intent in these types of crimes. Some agreed on the existing "*general intent*" as in the UAE legislation. It relies on the tendency of perpetrator to commit an act causing direct or indirect terrorist consequence. Irrespective to the perpetrator's intention to pursue this terrorist action, as long as he is aware of the outcome of the attack. On the other hand, the Jordanian legislation added a specific intent to the general one. This is deduced as that not every murder committed against a public employee is considered a crime of terrorism. Thus, if Public Prosecution finds that the intention behind killing a person is a personal disagreement, it shall be treated as a "*standard murder*". Therefore, in reference to provisions of the Jordanian law of penal code, it shall not be regarded as a crime of terrorism. On the contrary, if it becomes clear to the Public Prosecution that the aim of killing public employee is to instil fear among public employees and cause them to be confused in carrying out their duty and provoke terror among society members. Then it is deemed to be treated as a crime of terrorism⁷. This is what the Jordanian State Security Prosecution argued when deciding the case of a defendant assaulted a public security patrol which led to death of an officer and his colleague in the patrol. They were charged with executing a terrorist act by using

automatic weapons that led to the death of public officers as well as damage to a public transport vehicle. In association and execution a terrorist acts using automatic weapons that resulted in damage of a transport vehicle⁸.

Characteristics of Crimes of Terrorism

This crime is mainly distinguished from other criminal act, by its “*unrestricted use*” of violence. With a primarily an aim of spreading fear and terror among members of the society. It targets victims indiscriminately to achieve political objectives by using modern technology and innovative methods. The below section explores the most important characteristics of the crime.

First-Use of violence and spontaneity

Crimes of terrorism resort to the use of violence to achieve its criminal goal. This can happen by placing explosives or using bullets or hijacking aircrafts, to name a few. It can be said that “*violence*” is the main characteristic of criminal behaviour in crimes of terrorism. It uses random yet immense violence and threats to spread terror and fear. Likewise, the terrorist act contains an element of spontaneity making it difficult to predict or track. Therefore, any act of terrorism cannot take place without prior planning and examining security loopholes to achieve abrupt act of terrorism. Moreover, the terrorist in such crime generally considered an “*extremist*” who is usually engaged in an organized extremist group.

Second-Instilling fear and terror among individuals

Unlike other crimes, this act of terrorism does not seek to kill certain individuals per se, or obtain money or enjoy sexual favours. Rather, it seeks to spread fear and chaos among members of the society (Mustafa, 1990). Terrorist action extends killing individuals and encroaching their property, to exert moral and psychological control of public attention and control. As a mean to force them to submit the terrorist’s demands. The criminal in this act of violence, uses lethal and destructive weapons and selects targets accurately to ensure that the event captures public’s attention. Such was the case in the 2005 hotel bombings in Jordan⁹ and the World Trade Towers in America and the newspaper Charles Hebdo in France¹⁰.

Third-Terrorists care not about victims

Terrorists do not care about children, women, elderlies or civilians in general. When he/she puts an explosive device in a train station, for example, he/she does not care about the victim’s as much as raising public opinion in the society and embarrassing the political system. They seek to ensure that their operations are established in the public conscience and cannot be forgotten. As in the case of September 11 bombings, the Charles Hebdo newspaper bombings in Paris, the Amman bombings, the London bombings etc¹¹.

Fourth–Resorting to complete secrecy in the management of terrorist operation

Crimes of terrorism are characterised as being executed and managed in complete secrecy and with great accuracy. Many terrorist operations are recognized by its sophisticated organisation and structure. It is perceived as a group of people who are united by a consolidated organisational structure. Mainly characterised by stability and permanence. While being led by a

senior management. Basically, this senior management is the mastermind and prime initiator of the organisation. Decisions regarding any crime are taken by mastermind. Later on, it shall passed instruction to middle tier of the organization, for the implementation and execution of orders. The latter tier constitutes the executive base of this organisation¹². Those “executors” might be permanently affiliated with this organisation or have temporary affiliation to carry out specific work and within the mechanisms imposed by the middle tier. Such is the case in carrying out a specific mission sufficient to mislead justice and security agencies from capturing those who commit crimes of terrorism (Sultan, 2018). Total secrecy in managing terrorist operations makes it difficult to identify and arrest its perpetrators. Also, terrorists engage in detailed planning to develop accurate plans to ensure efficient execution of the criminal activity. For example, they would use the latest encrypted communication and mobile devices. Usually the execution of the operation will be conducted with the latest tools operated on regional or global scale. Moreover they would exploit stolen devices as well as GPS devices, and most importantly, use the services available on the Internet very skilfully.

Approaches to Combat Crimes of Terrorism

In order to combat such crime, it is necessary to improve the existing traditional framework of fighting it. Which mainly focuses on imposing deterrent sanctions on the perpetrators, to a modern theme of framework of confronting terrorism? A large mass of terrorist acts are “*product*” of extremist thought that does not accept the idea of diversity and dissimilarity. Therefore, the existing sanctions imposed by both the Emirati and Jordanian legislators on the perpetrator of crime, can be considered as legislative means to combat it. Though does not rise to match the optimum goal of extracting the crime. Therefore, other approaches shall be suggested which might help in combating the terrorist act that is detailed below:

Legislative Approaches to Combat the Crime

Legislative approaches to combat crimes of terrorism often manifest in the form of increased punishment on perpetrators of the attack. Accompanied with clauses that “*exempt*” the potential perpetrator from undergoing the full force of punishment. With the aim of encouraging offenders to “*abstain*” from completing the intended terrorist crime and inform judicial authorities of the terrorist act and those involved.

Aggravating punishments

The Jordanian legislation includes in the “*Prevention*” of Terrorism Law No. 55 of 2006 amended by Law No. 18 of 2014 definition of terrorism and the applicable “*Penalties*”. Therein, it is worth noting, that the Jordanian legislator, like any other legislation, has increased the penalty for terrorist action. This is all, due to its grave danger and threat on both society and properties. Thereby, the punishment spectrum varied from death penalty to life imprisonment or temporary hard labour. In Article 7, paragraph “*B*” of the same law, the perpetrator of the crime is punished with death in any of the following cases: 1-If the terrorist act led to death of a person. 2-If the terrorist act resulted in a total or partial demolition of a building in which one or more persons were present. 3-If the terrorist act was committed with the use of explosive or inflammatory materials or toxic, incendiary, epidemic, bacterial, chemical or radiological

products or by means of weapons or ammunition or the equivalent of these materials. In paragraph D of the same article, the legislator referred to the same punishment (death) in the case of attacking the life or freedom of the king, the queen, the crown prince, or one of the guardians of the throne. In view of the previous texts, it should be noted that the Jordanian legislator has increased the punishment by looking at the result of the terrorist attack. Therefore, the legislator aggravated the punishment based on the outcome or the weapons used. As a result it is suggested to raise the punishment in this circumstance, whether it led to death or massive destruction of public and private property. With regard to the means used in the terrorist act (such as weapons and toxic materials.). Moreover, in view of the victim in the terrorist crime (such as attacking the life of the king, the queen, the crown prince, or one of the guardians of the throne). If the attack does not threaten their lives, perpetrator shall be punished with temporary hard labour.

The Jordanian legislator also referred to the punishment of hard labour for life in paragraph “A” of Article 7 of the Prevention of Terrorism Law No. 55 of 2006 amended by Law No. 18 of 2014. It is indicated that perpetrator would be penalized with “*hard labour for life*” if the terrorist action resulted in the followings: 1-Append damage, even partially, in a public or private building, industrial establishment, ship, aircraft, or any other means of transport or facility. 2-Disrupting means of communication and computer systems, or penetrating networks illegally. Comparing between the two paragraphs A &B, a finding shall be concluded, and help to determine some differences. The Jordanian legislator used the term “*demolition*” in a public or private building in paragraph “B”, while using the term “*damage*” in a public or private building in paragraph “A”. Here, demolition means complete destruction of a property. While damage suggests the survival of a property but with significant destruction, such as setting fire to a building. Thereof, it is highly recommended to include the damage incurred on the above list of properties, under the death penalty. If that damage was of an immense and destructive volume, which can be assessed and decided by the judicial authorities. Moreover, the Jordanian legislator also imposed a sentence of “*hard labour for life*” for every act committed with the intention of provoking an armed insurrection against the formal authorities existing under the constitution. Or preventing them from exercising their job which is derived from the constitution. Or changing the constitution of the country illegally, in accordance with the provisions of paragraph 7 of Article 7 of the same law.

Likewise, the Jordanian legislator imposed temporary hard labour penalties on many terrorist acts. As is the case in paragraph 7 of Article 7 of the same law relating to any direct or indirect methods of providing, collecting, or managing funds with the intent to use them to commit a terrorist attack or financing terrorism. This includes activities that occurred or did not occur inside or outside the Kingdom but related to its citizens or interests. Or to carry out actions that would expose the Kingdom to hostile acts or disturb its political connections with a foreign country. Or exposing Jordanians to the risk of reprisals that attack them personally or their wealth. Or joining or trying to join any armed groups or terrorist organisation, or recruiting, or trying to recruit people to join. Or training them for that criminal purpose, whether it takes place inside or outside the Kingdom. Or establishing an association, affiliation with it, or any group, organisation, association, or practice any action with the intent to commit terrorist acts in the Kingdom or against its citizens or interests abroad. Or the use of information systems, information networks, or any means of publishing, informing, or creating a website to facilitate the carrying out of terrorist acts. Or showing support for a group, organisation, or association carrying out terrorist acts. And even promoting their ideas or financing them by any means, or undertaking any action that exposes Jordanians or their property to the risk of hostilities or

reprisals. Or the possession, manufacture, import, export, transfer, sale or delivery of explosive, toxic, chemical, bacterial, radiant, inflammatory, or incendiary material, or the equivalent of these materials, weapons, or ammunition, or dealing in any way with the intent to use them to carry out terrorist or unlawful acts. Or forming a gang with the intention of stealing passers-by, assaulting people or committing robbery, or committing any other act of banditry.

In comparison with the UAE legislation, it's quite noted that anti-terrorism laws here, are more detailed than the Jordanian law. It defined the terrorist organisation, terrorist act, terrorist associations, terrorist financing and proceeds, as well as detailed and aggravated penalties on crimes of terrorism. Article 3 of the Anti-terrorism Law stipulates that any person who establishes, organises, or directs an association, body, organisation, centre, group, or gang, or who assumes leadership in it for the purpose of committing any of the terrorist acts stipulated, shall be punished by death penalty or life imprisonment. In this law, the court decided to dissolve the aforementioned associations, bodies, organisations or centres and end their capabilities and existence. In all cases, it shall be permissible to confiscate the funds, possessions, weapons, tools, documents, papers, and all things used in committing the crime or have been prepared for its use, or that is present in places designated for the meeting of members of these societies, bodies, organisations, centres, groups, or mentioned gangs. The court shall also order the confiscation of all money derived from the crime or included in the property of the convicted person if it is established that this money is a resource designated for disbursement to the said societies, bodies, organizations, centres, groups or gangs.

Article 4 of the same law stipulates that life or temporary imprisonment shall be inflicted on whoever provides aids to the above list entities. Such as associations, bodies, organisations, centres, groups, or gangs through assisting them with traditional or unconventional money or weapons or other materials. Which all destined to threaten the life or wealth of people? It includes documents, means of communication, information, or advice that would enable the achievement of the terrorist act due to the received knowledge of its intended use.

The same penalty shall be imposed on anyone who provides the masterminds, directors, or members of an association, organisation, centre, group, or gang with a residence, shelter, or place to meet, or any other facility. Taking into consideration his knowledge of the purpose for which it is intended. In all cases, they are subject to the confiscation of funds and objects employed in the crime. The court shall also order the confiscation of all income and revenue generated from the crime or property equivalent to its value if the proceeds were transferred or partially or completely replaced or mixed with other property acquired from legitimate sources. Article 5 of the same law also stipulated that life or temporary imprisonment shall be imposed on anyone who joins any of the before mentioned associations, bodies, organisations, centres, groups or gangs stipulated earlier in Article (3) of this decree by law. Or participates in executing it, by any mean, bearing the knowledge of its objectives. Therefore, the penalty shall be life or temporary imprisonment of no less than ten years. Considering that the perpetrator receives military or security training with any of the aforementioned bodies, organizations, centres, groups, or gangs, or he is a member of the armed forces, police, or security, or he is a customs member. Moreover, whoever encourages or induces a person to participate or join any of the associations, bodies, organisations, centres, groups, or gangs mentioned in Article (3) of this decree by law, shall be punished with life or temporary imprisonment for a period of no less than ten years. The penalty shall be death if the offender's act results in the death of a person.

The striking feature about crimes of terrorism is that "*mitigating circumstances*" cannot be applied on perpetrator. Therefore a judge shall not impose a mitigated sentence. Even if the

punishment was alleviated one degree less. On the contrary, the Emirati legislator considered the age of a criminal (i.e. the age of the criminal reached 18-21 years) a legal mitigating excuse in accordance with the provisions of Article 96 of the Penal Code. Therefore the judge of the matter must reduce the sentence. Given that, the judge when applying the text of the law, he implements the criminal law rule in its “*content*”, and it aims at. Accordingly, it is noted that the legislator, when stipulating the “*age*” of the criminal as a “*general mitigating excuse*”, shall not include crimes of terrorism perpetrator. Due to the gravity of the crime and his association with terrorist acts that caused terror, fear and dismay for all society members. Therefore, it shall be ideally taken into consideration that the perpetrator of this type of crimes, does not benefit from the youth of his age to receive a mitigated punishment

Exemption from punishment

The goal of imposing punishment on a person who violates the law is not the core punishment in itself. However, the wisdom that relies behind is much deeper in the essence that it serves the interest of both the society and the offender too. By imposing both psychological and physical punishment on the perpetrator, along with the rehabilitation he receives within the penal and correctional institutions which would transform him into a better and adjusted person. Therefore, when re-entering the society, he would be given up his criminal past and tendencies and no longer presents danger to his surroundings. The principle is that a person who violates laws and regulations must undergo punishment. Leaving out that there are exceptional cases that exempt the perpetrator from punishment. This is called cases of exemption from punishment. Such cases precluded the perpetrator from being subject to penalties. Only that the legislator considers exempting the offender from the criminal penalty achieves greater benefit for society than that achieved by inflicting punishment on him.

One of the things that must be recognized is that the legislator limited those exceptions to a handful of very special cases. It means that the judge has no authority to exempt any person from punishment beyond the stipulated ones in legal text. Exemption from punishment is exclusive to certain crimes and under particular conditions. Most cases of exemption from punishment arise from the perpetrator helping the authorities bring to justice others involved in the crime, or helping to prevent a crime (Said, 2018). It also constitutes an incentive to refrain from committing the intended crime and save himself from the subsequent punishment and penalty.

Upon contemplation, this matter clause benefits the society and the perpetrator as well. Since he can save himself from undergoing the required punishment. This shall be applied once he reported the crime, and assisted the competent authorities in detaining other perpetrators. Article No. 28, Paragraph 5 of the UAE Anti-Terrorism Crime Law stipulates that he is exempted from penalties prescribed for crimes stipulated in the three clauses of Article 28, whoever notifies the competent authorities of those who participate in the crime before committing it. Whereas, if examining the Jordanian anti-terrorism law, a clear finding is noted this is the lack of exemptions in this legislation by referral to the Emirati counterpart. For this reason, it is highly recommended for the Jordanian legislator to take into account the “exemption cases” mentioned in the UAE legislation. So as to encourage criminals to refrain from crime and help Criminal justice authorities to arrest other perpetrators.

Intellectual Approaches to Combat Terrorism

These approaches are embodied in the “*reformist ideas*” published by intellectuals to reduce the phenomenon of extremism and consequently terrorism. It includes the “*media*” that contributes significantly and directly to eliminate it. Furthermore “*educational institutions and teaching curriculum*” that work together to refine and develop young generations’ mind. Also it included the role of the “*family*” in reducing extremism and terrorism at early stage.

Reformist ideas

Military power and punishment alone cannot confront extremist ideology and terrorism. Rather, they must be confronted through consideration, actions of reason, thinking, dialogue and rejecting false extremist ideas. For that, educational, religious and intellectual institutions should ensure that their work is consistent with the actions of the state, and take on positive participation in state policy. This reform is not only the responsibility of religious institutions, but all efforts must be joined together to strengthen the system of human thought. In order to move away from extremism and exclusion, and to approach the language of dialogue, tolerance and acceptance of others. This role must be supported by religious leaders and intellectuals in all countries and societies developed or developing.

Recently, a conscious movement has begun between intellectuals in the United Arab Emirates, and the Hashemite Kingdom of Jordan and the region in general. For the purpose of pushing forward human thought, to correct misconceptions and combat extremism through tolerance and peace consideration. The United Arab Emirates held a world conference under the slogan “*Tolerance in light of multiple cultures: achieving social, economic and human benefits for a tolerant world*”, under the patronage of Sheikh Mohammed bin Rashid Al Maktoum, ruler of Dubai. The conference was convened to raise human dignity and called for constructive approaches to bring people closer via dialogue and understanding for the good of humanity. More than 3,000 high-ranking personalities from local and international officials, experts, academics, researchers, specialists, and clerics participated in the summit. It was hosted by the International Institute for Tolerance, one of the initiatives of Mohammed bin Rashid Al Maktoum Initiatives Foundation. In the presence of responsible leaders of local, regional and global bodies. The participants stressed the necessity of building the idea of tolerance and combating fanatic thought. As it’s the leading factor undermining peace and order. By reviewing the role of the United Arab Emirates and its efforts through presenting examples and live experiences. As well as stressing on the importance “*positive speech*”. It was all targeting youth in attractive ways and via technology. Along with spreading principles of tolerance between youth groups in particular. In order to make them aware of the importance of tolerance and peace and protect themselves from misleading ideas.

Role of schools in countering terrorism

The role of schools in reforming thinking of youth requires a review of educational curriculum and teaching methods. By moving away from the idea of indoctrination, memorisation, and remembering, while advocating sound independent reasoning to better distinguish between adversaries, truth and false, intransigence and tolerance. Educational institutions must move away from “*extremist ideas*” and not cultivate partisan ideas and extremist ideologies in the mind of their students (Naguib, 1988; Fouzia, 1985; Fattouh, 2009).

School nowadays is considered the second home who influences a child after his family. It is the place where a child spends much of his day, associates with others, and undergoes a good part of his maturation and learns to be civilised. The more a child achieves in the field of cognitive success concerning his relations with peers and understanding of educational curriculum, the greater his ability to succeed in the future. Schools build students' intellect and moral. Moreover it is the place where teachers and students interact in the delivery and receipt of the educational curriculum. It should offer comprehensive education that integrated between professors, students and educational curriculum. All of the above elements must be in tuned to perpetuate and maintain the concept of respect, consideration, dialogue, tolerance. As well as rejecting violence, hatred and extremism. For that reason, the below list, depicts practical methods for better application of the suggested recommendations:

1. Maximising the value of a person: The Holy Qur'an affirms that the value of a person is merely his humanity. Neither race of his ethnic group nor his religious devotion can establish his humanity. It is advocated clearly by God Almighty's words: "*We have honoured the sons of Adam; provided them with transport on land and sea; given them for sustenance things good and pure; and conferred on them special favours, above a great part of our creation*".
2. Maintaining psychological balance among students: It is quite known that the feeling of injustice and iniquity can generate extremist personality. Therefore, if proper education was delivered efficiently by school teachers, psychological balance can be retained successfully. Otherwise, not fulfilling this "gap" would risk those people's life and spread the desire of revenge and destruction among them. States and legal systems seek to achieve justice by eliminating the rights of perpetrators and establishing the rights of victims. Students must also be taught that "*state*" is the appropriate venue for achieving justice.
3. Focusing on objective thinking: The role of school teachers is not limited to the ethical and behavioural aspects of students. However, it extends to intellectual aspects. The student learns from his teacher's methods of thinking in addition to learning the forms of behaviour. Whether consciously or unconsciously, directly or indirectly. The forms of objective thinking may include, among others: **A.** Not to make judgments on the general public, whether in religious, moral or political issues. **B.** Combating unseen interpretations of social events and phenomena through teaching students scientific explanation. Acknowledging them that behind these phenomena certain reasons. In which human mind can understand and comprehend. Likewise this reason is not contrary to faith in God, but is purely a religious duty and human necessity that shall elevates human societies and dignify human mind.
4. Building accurate and conscious concepts: Misconceptions are considered one of the most important causes of extremism. Especially in what relates to the concepts of loyalty and governance, heresy and others. This factor develops a level of discretion reflected in misunderstanding the difference between what is attributed to Islam from practices that violate the values of Islam and what are morals in Islam. Clearing these misconceptions would definitely help youth to reject extremist practices attributed to Islam. Also it shall prevent them from being drawn into extremist movements. Islam's human aspect is greatly understood when consideration and tolerance are the foundation and goal of education. These values will also be reflected on methods of education that are contrary to extremism.
- a. Strengthening & broadening the minds' of youth: Through Educational curriculum. It shall be empowered with information and morality that protects them from deceit and directs them towards truth. It cultivates a sense of justice and equality. Education formulates the collective mind of youth and fortifies them with civilized yet open mindedness. To do so, it requires an integrated educational project to sustain robust thinking that distinguished between right and wrong. It enables youth to perceive the extremes of extremism and avoid intellectual deviation. Educational curriculum qualifies them to use educational sources and the Internet for exploring the world and broadening their knowledge. It instils powerful thinking processes, sensitises them to the surrounding risks, and encourages being productive and effective. Finally, it cultivates positive thinking and constructive purposeful dialogue.

Role of family in facing terrorism and extremism

Family is the most important factor that contributes to the formation of any individual's personality. It is the place that and influences his behaviour and attitude towards other. It is a person's first environment that shapes his moral and intellectual. Moreover, it is the ground where a child begins his life before school years, and learns all the necessary morals and receives his first life tactics. Family is regarded as the institution that shapes a person's opinion and way of thinking. It's the environment that comprises all the forms of tenderness, cruelty, violence and compassion, love and hate (Abdullah, 2012). As well as the first bulwark or "*front-line*" that prevents children from becoming victims of extremism and delinquency. It teaches them to evaluate their behaviour, adopt values and morals, direct their thoughts and ideas, and teach children the meaning of right, wrong, permitted and forbidden matters. Therefore, the role of family is extremely vital in creating intellectual and psychological balance among children. So they can be protected against all forms of discrimination and extremism. Families play a crucial role in decreasing the risk of engaging their children in extremist activities, if they were raised properly.

In other words, family shares a great portion of responsibility in preventing their children from slipping towards crime. It works to raise children based on love, affection, and kindness, and avoiding all forms of violence and cruelty when dealing with the society. It invests in that which benefits them, instils good guidance, train them to respect others. For the family to fulfil its educational role, parents must play a major part in the intellectual upbringing of their children by inculcating in them concepts of love, brotherhood, tolerance, rejection of hatred and extremism. Therefore, parents must work thoughtfully on maintaining healthy unified bonds among members of the family. When all these meanings are cultivated, they will extend beyond the confines of family to affect society as a whole. Likewise, creating a stable and calm family environment for its members must be based on love, brotherhood, kindness and mercy, and free from favouritism, discrimination, prejudice, bullying, cruelty and violence. Family alienation generates an intellectual alienation that is subject to external control. By external control, we mean the control of people with extremist passions and thoughts, who might be living miles away from those children, but can easily manage to penetrate fragile members and victimize them. Furthermore, the lack of genuine passionate parenthood for children may lead them to deviate and commit crime. Hence, family should be close to its children to monitor their actions, relations, and concerns and means of communication. This will help distance children from consequences of extremism, crime, or committing terrorist acts against their society or humanity in general.

CONCLUSION

After studying crimes of terrorism and the suggested approaches in combatting it, it's quite noticeable that the number of crimes has increased rapidly and globally. Despite the effort and collaboration of work among states of international community, crimes of terrorism still exist. So far the study investigated legal approaches addressed by the UAE and Jordanian legislators. Which both have issued special laws to combat crimes of terrorism? For that reason, legislators defined terrorist action and increased penalties on offenders of the crime. However, the laws that were passed are insufficient to curb this criminal phenomenon. Therefore, other means shall be addressed to combat terrorism. By means of reforming thoughts, calling for tolerance and activating the role of family and school in spreading liberal thinking. As well as

terminating the spread of non-extremism, while emphasizing acceptance of other and encouraging tolerance. Therefore, this study concludes with several points, as follows:

1. Terrorism represents a dangerous global phenomenon that threatens the very roots of society. It is a serious, influential and deadly crime. The United Arab Emirates and the Hashemite Kingdom of Jordan have issued special laws to combat it.
2. Crimes of terrorism are distinguished from other crimes by its unrestricted use of violence to generate fear and terror among all ranks of society. It is typically accomplished by full secrecy in its implementation.
3. In order to combat the terrorist act, at early stage, it is necessary to move from imposing deterrent penalties on the perpetrator of the crime, to modern framework. Through the use of education, tolerance, moderation, and counselling.
4. Legislative means for combating crimes of terrorism emphasizes the punishment imposed on perpetrators of the attack. But with the possibility of claiming “exemption” from punishment. This is all for the purpose of encouraging the offender to refrain from completing his crime. This can be applied if the offender informs judicial authorities of the terrorist act and related participants.
5. By comparing the Jordanian legislation with the UAE legislation, the study noted that the UAE anti-terrorist crime law is more detailed. In the manner that it defined the terrorist organisation, terrorist act, terrorist associations, terrorist financing and proceeds. As well as detailed and aggravated penalties on the offender of the crime.
6. The Emirati legislator considered the case of the criminal’s age (aged between 18-21 years) as a legal excuse in accordance with the provisions of Article 96 of the Penal Code. Therefore, the judge of the matter shall employ the law and reduce the penalty. This is in contrast to the Jordanian legislator. Here, as noted before, the Emirati legislator, by stipulating the age of the criminal as a general excuse for the crime, was not supposed to include it in the exemption. This is due to the gravity of his crime and his association with terrorist acts that caused massive terror, fear and dismay for all members of the society. Therefore, it is greatly recommend that the UAE legislator explicitly stipulate in the Law that the perpetrator of the crime “*does not benefit*” from any of certain excuses. Or by simply adding a new clause to the text of Article 102 related to the commission of crimes of terrorism, given the intensity and specificity of this crime.
7. The Emirati legislator referred to the state of exemption from punishment with the aim of encouraging the terrorist criminal to refrain from completing his terrorist crime. In addition to assisting the judicial authorities in identifying the rest of the offenders. The Jordanian legislator did not mention such details. It is advisable that the Jordanian legislator take into account the provisions of the UAE legislation. By adding cases of “*exemption from punishment*” in order to encourage criminals to desist from crime. As well as assisting criminal justice organs to apprehend other perpetrators of the crime.
8. Military power and punishment alone cannot confront extremism and terrorism. Rather, they must back up with sound thought, actions of reason, wise thinking, and dialogue with the other. This is for the purpose of diverting the “*would-be perpetrators*” from committing the crime or adopting extremist ideas. Therefore, work should be done to reform educational, religious and intellectual institutions. So that their work is consistent with the work of the collective system (the state). The latter must make the relationship a reciprocal partnership with these institutions. All these collective actions are aimed at combating this dangerous phenomenon for everyone. Likewise, it is necessary to activate the role of schools in upgrading youth thinking by reviewing educational curriculum and teaching methods. As well as by moving away from the idea of indoctrination, memorisation and remembrance, while cultivating sound critical thinking in the mind of students. Therefore students can easily distinguish between truth and falsehood. Moreover, school teachers must teach and guide students to avoid extremism, hate and hatred which all pools down into terrorism. Likewise, they should deliver the message of great values such as tolerance, understanding, and open dialogue to reduce extremism. Also, educational institutions must designate educational curriculum that nurtures sound thinking among youth. In order to make them aware of the dangers surrounding them, and alerted about the bad consequences of differences and divisions among nations.
9. Family plays an important role in confronting extremism and slipping into crime. By raising children properly on valuable morals such as understanding, humanity, consideration, it guarantees mental stability and protection from extremist ideas. It shall ensure that free time is usefully invested in what benefits them. Families provide good guidance, getting their children used to respect others, accept them, tolerate their opinions and discuss them in a productive dialogue that is void of inflexibility. Finally, family instils the commitment to good faith and better social values, and great future participation in the society.

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