

THE PHILOSOPHY OF TIGHTENING PUNISHMENT OF MURDER: COMPARATIVE ANALYSE BETWEEN JORDAN, UNITED ARAB EMIRATES AND FRANCE

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ABSTRACT

This research provides an intensive comparative theoretical examination of the aggravating circumstances of murder in the Federal Penal Codes of the United Arab Emirates (No. 3 of 1987, as modify by Decree No. 7 of 2016), Jordan (No. 16 of 1960, as modify by Decree No. 27 of 2017), and France (March 1, 1994). In doing so, the study identifies required amendments for the Jordanian penal code regarding conditions related to the victim, in terms of both physical and mental elements. The results indicate differences between these laws, and highlight the urgent need to update Jordanian legislation, to remain in step with global legislation, such as the more realistic approach of French legislators concerning aggravating circumstances. The methodology of the study is the comparative analytical method.

Keywords: Murder, Aggravating Circumstance, Public Employee, Ascendant, Interrelated Murder, Toxin.

INTRODUCTION

As one of the most dangerous crimes, murder is held as a serious criminal offence in every modern legislature, in consideration of the fact that the right to life is sacred and requires immense protection. This can be seen through numerous penalties which vary according to the severity and complexity of the crime. According to both Arabic and non-Arabic legislation, the right to live “*droit à la vie*” is prioritised over any rights, including fundamental human rights, since other rights and freedoms depend heavily on it, and are ultimately inferior to this right. Accordingly, various international conventions impose respect for, and serious consideration of, the human right to life, such as Art. 3 of the Universal Declaration of Human Rights, which states that:

“Everyone has the right to life, liberty and security of person”.

Moreover, Art.6/1 of the International Covenant on Civil and Political Rights states that:

“Every human being has the inherent right to life. This right shall be protected by law. No one shall be arbitrarily deprived of his life”.

Constitutions address the right to life as a divine right protected by strict penalties, since the harm in this crime is the irreversible cessation of the victim’s life. Jordanian, UAE, and French penal legislation ensures the right of a person to live by drafting legal provisions which

punish those who violate it. The danger of this crime and its threat to individuals and societies means that formal legal institutions must consider it to be one of the most dangerous crimes, requiring grave punishment against the perpetrator in keeping with the “*ill will*” of the criminal (Hassan, 1982).

In Islamic law, human life is also honoured. The Holy Quran states that, “*We have dignified the sons of Adam*”, and place punishment on those who violate the rights of another to live. This punishment shall be the “*execution of defendants.*” Moreover, in the laws of Moses, the Quran says, about the Torah, that “*We stipulated in the Torah: a life for a life*”. In ancient human legislation, the penalty of execution is closely linked to the criminal outcome of murder, the victim’s death, regardless of whether the criminal intent is personal or an in-kind circumstance. Historically, we can find examples in the laws of Hammurabi (King of Babylon), in which execution was dictated in different cases.¹ For example, the death penalty was carried out for UN intentional killings, such as the death due to beating of a pregnant woman, or death due to building collapse as the result of a defect (George, 1904).

In modern legislation, the application of aggravating circumstances varies according to the severity and complexity of the crime. Therefore, the essential classification of the action of murder was enacted into detailed statute in order to differentiate between the penalties given to the defendant. These vary from life imprisonment to capital punishment or execution. The circumstances stated in the United Arab Emirates (UAE), Jordanian, and French Penal Codes differ in many aspects, according to the nature of every society. Hence, the ultimate goal of this study is to shed light on the amendments required of Jordanian legislation in order for it to remain aligned with the fast moving expansion of societies, and acceleration in methods of crimes.

METHODOLOGY

The study is an in depth examination of the aggravating circumstances of murder and does not take the form of the classic clarification of penalties; nor will it be a mere demonstration of ideas and opinions. Instead, this analytical study takes a scientific approach to extracting scientific findings that may assist with the upgrading of the current Jordanian penal codes. A comparative study of legal systems in various countries is key to a rational evaluation of the current Jordanian legal system and its evaluation against the experience of others. The laws used for the basis of this comparison to Jordanian law are the UAE Federal Penal Code and the French Penal Code. In analysing the aggravating circumstances in the crime of murder, we followed a traditional plan. The study was divided into three sections covering all of the aggravating circumstances in this crime: aggravating circumstances relating to the subject matter and the victim element, those relating to the physical element, and those relating to the mental element.

Aggravating Circumstances Relating to the Subject Matter and Victim Element

Aggravating circumstances relating to the subject element are concerned with how the circumstances are linked to the nature of victim, and their occupation in their country at the time of the crime. Some social categories are protected by law due to the performance of a public job/office. This factor is seriously taken into consideration by the judicial system, since it embraces the notion of attacking state sovereignty. Indeed, Jordanian, UAE, and French legislators have granted special protection to public employees, considering the role they play in

the progress of the State and, more importantly, that the public reflection of such a crime is basically seen as an offence against the State itself.

The Murder of a Public Employee

Art.327/2 of the Jordanian Penal Code states that:

“Hard labour imprisonment for life shall be the penalty of the action of murder in the following case: If an employee is murdered during the practice of his/her job or due to the outcome of his/her job”.

This circumstance is ultimately linked to the victim’s occupation when the crime took place. Moreover, Art.332/2 of the UAE Penal Code states that a:

“Capital penalty shall be executed on the perpetrator if a public or mandated employee is murdered during his/her job or due to his/her job/service”.

As such, Art. 224-4 of the French Penal Code imposes imprisonment for life when murdering a public officer.² Such similarities between the Jordanian legislation and French can be seen. Indeed, provisions were enacted to protect public employees during working hours, and such provisions are stipulated in the following aspects.

Subject Matter of the Crime of Murder-a Public Employee

Determining a clear definition of a public employee requires reference to penal codes to avoid vagueness. Jordanian legislation stipulates in Paragraph 2 of Art. 327 of the Penal Code that:

“A public employee [is one] who is killed in the course of his duties or if he/she is killed as a consequence of such duty”.

From a jurisdiction point of view, the application of aggravating circumstances is essential here since the perpetrator offends the State’s sovereignty-indirectly-by killing its officials. Moreover, the culprit here has committed an act of interruption to the administrative authorities’ work rhythm, and hindered the completion of the job, not to mention the fear created among other employees and the loss of security this may spread. UAE legislation stipulates a clear list of those considered public officers, instead of a clear-cut definition as in Art. 5 of the Penal Code:

1. Officials of public authority, officers of ministries and governmental departments;
2. Officers of the armed forces;
3. Heads of legislative and advisory councils, municipalities, and their members;
4. Delegates of public authorities within the limits of the mandates;
5. Heads, members, directors, and all officials in associations and institutions of public interest.

These persons shall be considered, under this law, as entrusted with public service, (and) whoever is not included in one of the categories mentioned hereinabove and performs work related to public service upon an assignment duly issued thereto by a public servant, having this power under the laws or established rules in relation to the work assigned thereto.

Thus, we consider the concept of a public employee in UAE legislation as extensive and comprehensive. Indeed, this gives better justification during jurisdiction since it includes every person related to the State in any “*functional way*”, regardless of the hierarchy of the job he is entitled to perform, and going beyond this limit to include every person mandated to do a job relevant to a public service. For instance, this would include an expert appointed by a judge or a woman who conducts an inspection of another woman. This code complies with French legislation, but an extended concept of a public officer is added here to include teachers in public and private education and officers in the health sector. Therefore, we can realise from a comparison of the above definitions of a public employee that a new interpretation is needed in the Jordanian definition. Such a definition could take a more comprehensive form in the Jordanian code by including teachers and health care employees in both private and public sectors.

To give rise to the aggravating element relating to murdering a public employee, the element of knowledge should genuinely occur, regardless of the defendant’s subjective culpability. If such an element does not exist, the aggravating element shall not apply (Korari & Ghannam, 2011; Al-Saeed, 2008; Al-Bahr, 2009).

Time and Reasoning of Murder Committed During the Performance of a Public Duty, Service or Office

To apply aggravating circumstances according to the legislative codes in our study (Jordanian, UAE, and the French laws), a public employee must be murdered during his/her performance of their job or service, or due to a job related issue.

For the murder of a public employee during his/her service or job, this means that the crime occurs while he/she is carrying out an official duty. An example of this would be when a person enters a police station and asks an officer for something, and during that time a dispute occurs between them which results in the murder of the officer. Accordingly, aggravating elements shall be applied since the incident took place during working hours, regardless of the person’s presence in their work place. An example of such a case might be when a judge leaves his work-circuit to inspect a place related to his work, and the crime of murder is committed against him (Al-Saeed, 2008).³ However, the only exception to this principle is when the extension of the job is not included in the concept of an employee’s work description, such as being killed somewhere irrelevant to their place of work, for instance a laundry or a grocery shop. Another example might be if a public officer left his work place to return home and, during that time, was murdered. Therefore, the aggravating circumstances do not apply if the purpose of the killing is unrelated to the person’s working role. The reason for this exclusion is that the road is not considered an extension of his work place. A further example might be if a judge or professor in a public institution took work-related papers home to finish them, and while doing this work the accused committed their murder. Here, likewise, home is not considered an extension of his work place and therefore aggravating circumstances shall not be applied.⁴

For murder due to an issue related to the job or service, this circumstance occurs if the reason for killing relates to the job or service under taken by the public employee, regardless of the time of the commission, during or after working hours or the place of commission inside or outside the workplace. The important aspect here is the existence of a connection between the job and the reason for the murder, (Cassation Judgement, 1982)⁵ as when, for example, the accused person kills a judge who rendered a judgment that was not satisfactory to his point of

view. Also, the knowledge element must exist, which means that the accused knows beforehand that he is committing a crime up on a public employee or someone mandated to perform a public service. However, being unaware of the victim's current occupation voids this circumstance.

Murdering Ascendants

All legislation in this study stipulates aggravating circumstances to be those committing “*murder on their ascendants*”. Art.328/3 of the Jordanian Penal Code points out that:

“A person who kills one of his ascendants is penalised by death execution”.

A restrictive penalty of death execution is also enacted in the UAE Federal Penal Code in Art.332/2. However, French legislation considers the killing of ascendants, legitimate or by adoption, as a crime for which the penalty is life imprisonment. Art. 221-4 of the French Penal Code states that imprisonment for life shall apply if a murder is committed against legitimate ascendants, or a father or mother by adoption. As we can see here, a new expansion has been added, which is parents by adoption.⁶

The reason for aggravation in Jordanian and UAE legislation stems from Islamic Law, as follows:

“And Your Lord has ordered you to worship none except Him, and to be good to your parents, if either or both of them attain old age with you, do not say: ‘Fie on you,’ nor rebuke them, but speak to them with words of respect. And lower to them the wing of humbleness out of mercy and say: My Lord, be merciful to them, as they raised me since I was an infant”.

Thus, we can see that Allah gave great status to parents and made it part of worshipping him. This opinion is in accordance with human nature, and is based on family relationships and kinship. Indeed, French legislation considers killing ascendants a crime that “*opposes*” human nature and a terrible action that undermines parental connections, which are naturally based on devotion and kindness.⁷

According to Jordanian and UAE legislation, ascendants are father, grandfather, mother, and grandmother, and the concept also extends to include the father of the grandfather and the mother of the grandmother. For this circumstance to be applicable an intentional murder must take place and a kinship connection between the criminal and the victim should exist. According to Jordanian, UAE, and French legislation, the relationship between the offender and the victim must be one of ascendancy. If the murder occurs of a brother, uncle, or husband, the aggravating circumstance does not apply. The victim must be an ascendant, in compliance with the legitimate meaning of being an heir. In fulfilment of the law from an Islamic perspective, the Jordanian and UAE legislation adoption system is not accepted, and instead such a concept is commonly acknowledged as legitimate. For example, French legislation considers killing a father or mother by adoption an aggravating circumstance, and thus the commission of such a crime receives the penalty of life imprisonment.

Furthermore, the perpetrator must know at the moment of committing the crime that he/she aims to kill their ascendant. Based on this, if a “*faulty shooting or killing*” takes place, aggravating circumstances shall not apply. An example of this might be when a person intends to kill another, and while proceeding in the crime, mistakenly shoots their own father. The perpetrator shall be judged for a simple intentional murder without applying the aggravating circumstance in this case. The court may use all means of evidence to check the accuracy of such

a relationship. However, UAE legislation would refer such a case to regulations of Personal state law and Shari'ah law.

Aggravating Circumstances Relating to Physical Elements

Substance

This is represented by murder accompanied by another crime, or killing by using toxic substances or explosives, which shall be described in greater detail below.

Murder Accompanied by or Relating to another Crime

Jordanian legislation refers to murder accompanied by another crime in Art.327-328 of the Penal Law. Art.327 states that:

“The perpetrator will be penalised by life imprisonment with “hard labour” if an intentional murder is committed as part of a misdemeanour or to facilitate the escape of inciters of such a misdemeanour, perpetrators, or in order to prevent their punishment”.

Thus, Art.328 states that:

“Wilful murder shall be punished by the death penalty if committed with premeditation or as a prelude to the commission of a felony or in order to facilitate the escape of the inciters or perpetrators or abettors of such felony or in order to prevent their punishment”.

When examining the UAE legislation, murdering accompanied by another crime is considered an aggravating circumstance. Art. 332, Paragraph 2 of the Federal Penal Law states that:

“The execution penalty shall apply if there is an intentional murder accompanied by another crime”.

In this regard, French legislation is similar to Jordanian and UAE legislation as it considers murder accompanied by another crime to be an aggravating circumstance, as referenced in Art.222-2 of the Penal Code.⁸

Hence, the aggravating circumstance relies heavily on the existence of multiple crimes. In addition to the crime of murder, the perpetrator commits another crime. In the general rules of the Penal Code, a perpetrator is punished with the “*toughest*” penalty for multiple related crimes (which cannot be segmented).⁹ However, the commission of multiple crimes that are “*not interrelated*” will lead to separate penalties for each crime.¹⁰ However, Jordanian, UAE, and French legislation stipulates severe punishment for intentional murder accompanied by another crime. As such, this circumstance evokes the following three conditions:

Committing an Intentional Murder

This condition is extracted from the nature of the circumstance that indicates a commission of murder besides another crime (Al-Jumaili, 2011). Aggravation here cannot be imagined unless an intentional murder is committed independently. This means that elements of the crime of murder are all achieved and the outcome is successfully attained through the “*death*

of the victim". The main crime that matters for the construction of this circumstance is the "intentional murder" (Al-Saeed, 2008). However, aggravation shall not be applied if the perpetrator committed harm which leads to death, even with the existence of another crime. Moreover, the crime of murder may be accompanied by any reason of "permissibility", such as murder for self-defence (Hosni, 1989). For example, consider a person in their own house being attacked by two burglars at night. If a subsequent fight prompted the owner of the house to kill one offender and injure the other, then he shall not be subject to an aggravating circumstance since he was defending himself, regardless of the existence of the two crimes of murder and bodily harm.

Committing another Crime with Intentional Murder

For the application of such a circumstance, another crime must exist in addition to the crime of murder. Jordanian legislation states that:

"If a crime of murder is accompanied by another "misdemeanour", the punishment shall be imprisonment for life".

However, if the crime of murder was accompanied by a felony, the penalty shall be "execution". On the contrary,¹¹ in UAE legislation aggravated murder relates to another crime, regardless of the degree of severity of the other crime, whether it is a felony or a misdemeanour, or even a contravention. We can easily interpret the reason for this aggravation, which is the "severe ill-will" of the perpetrator, who shows a dangerous carelessness (Al-Saeed, 2008; Al-Fadel, 1959)¹². The question that arises here is whether the second crime provided for such aggravation is attained in a "complete state" or whether it can be granted so if only attempted. For example, consider a burglar who attacked and killed the guard of a house, but the owner woke up and caught him before he completed the burglary. In reference to Jordanian and UAE law, the perpetrator is punished under aggravating circumstances, despite the non-completion of the second crime. The minimum requirement for the application of aggravating circumstances according to the law is "an attempt". Thus, we hope that Jordanian legislator adopts the provision stated in the UAE Penal Code for greater justice. In this manner, aggravation applies even if the other crime was UN intentional. Consider the case of a person who kills someone unintentionally while driving, and kills the witness to escape punishment. The provision shall be applied here even if the crime of murder aligns with another crime that was unintentional.

Thus, we can deduce from the previous explanation that this circumstance does not exist unless the perpetrator conducts two separate criminal actions. However, if an offender commits an intentional independent crime, which accidentally results in two outcomes, aggravation shall not exist. An example of this would be if a person shoots one victim but by mistake kills two persons instead of the one he intends to kill. This condition is merely a "moral multiplicity" and the unity of action hinders the application of the aggravating circumstance.¹³

Aggravation is not based merely on the bad intention of the perpetrator; rather, it rests heavily on the existence of multiple crimes. Also, to employ aggravation, the two crimes do not necessarily require commission by one person, or be at the same time, and can be committed by two or several offenders (Pradel & Danti-Juan, 2013). For example, if the perpetrator is the offender of one crime and his partner was accused of the other, the aggravating factor shall be applied to both. Another example is if two persons conspire to commit a robbery and one of them

kills a guard, while the other enters the house and steals the money; in such a case, the aggravating element will ultimately apply to both persons.

Existence of the Conjunction or Link between the Two Crimes

Jordanian legislation states that when a murder is committed to facilitate a felony or a misdemeanour, the relation between the two crimes appears to be in conjunction. This condition applies likewise in the UAE legislation, stating that:

“Execution shall be employed if a murder is committed in conjunction with another crime.”

The application of the circumstance requires a connection or an interrelationship between the two crimes. To illustrate the differences between each term, the elaboration below gives a clear explanation of each.

First, there is conjunction, which is a time connection between the murder and the other crime, meaning that both crimes were committed within a short period of time. The perpetrator kills a person and then hits another without any predetermined connection between the two crimes. Therefore, he is accused of intentional murder associated with a misdemeanour.¹⁴ In this example, the perpetrator shall be punished for an intentional murder associated with another crime. Moreover, conjunction can also mean that there is a time concurrence between the two crimes, where the timeline is short. Since the legislation does not determine a quantitative factor with this time line, the estimation of concurrence is left to the judge’s discretion. Whenever the judge validates the time simultaneity, the perpetrator shall deserve the aggravating circumstance without the need to prove which crime was committed first (Gehad, 2008).¹⁵

Second, there is the link, which means that an interrelation appears to link both crimes, that is the murder and the other crime, as the murder here facilitates the occurrence of the other crime. Committing murder in this case is unintended but merely there to pave the way for the second crime, and, thus, a murder might intermittently precede the other crime. An example of this is when a person kills a security guard to steal from an apartment, or kills a woman to steal her money. However, the crime of murder might not necessarily happen beforehand, as it could occur after the completion of the other intended crime. UAE legislation does not provide any emphasis on the duration of the timeline connection between the murder and the other crime. Moreover, a logical correlation may exist when investigating the crime, even if the time lapse between the two crimes is quite long. Legislation also does not necessitate a unified place between the two crimes, for instance a robbery might happen at a certain crime scene, while a murder could occur afterwards in another place, but both are correlated.

For the crime of murder by poison or usage of explosive substances, in reference to the Jordanian Penal Code, no indication of such a circumstance is remarked upon, even though this topic is clearly stipulated in both UAE and French legislation. Art. 332/ 2 of the UAE Federal Penal Code stipulate that:

“The penalty is the death sentence if a poisonous or explosive substance is used in the crime”.

The aggravating circumstance in this case is subsequently linked to the means used in committing the murder. Therefore, if the existence of a toxic or explosive substance is proven, the crime of murder shall be coupled with an aggravation factor, as indicated in the Article aforementioned”.¹⁶ Also, French legislation, in Art.221-5 of the Penal Code, states that:

“Murder by poison infringes on a person’s life by using or eating substances that lead to his death, and incurs a punishment of thirty years’ imprisonment.”

This circumstance is applicable with the discovery and linkage of toxic or explosive substances to the committed crime.

A toxic substance is any poisonous substance that causes pain and harm to the victim, resulting in loss of life. The application of such material intensifies the punishment, since the murder here shows premeditation through the preparation of toxic substances, and the cruel provision of it to the victim. This kind of killing indicates manifest treachery, betrayal and a high degree of viciousness in the offender. As noted previously, committing such a crime in this way is difficult to discover, and it is hard to abort the impact of the toxin to rescue the victim. Here, the offender must know about the existence of the toxic substance, and that his will is directed toward using it. However, if the offender is not proven to have known about the toxicity of the substance, and gave it to the victim in good intention, the circumstance shall not be applied. This would be the case with a nurse who gives a patient medication, reckoning the substance to be medicine but discovering later that it is toxic. In this case, the fault lies with the crime of murder, and thus she/he shall not be accused of the crime of murder, coupled with an aggravating factor. From a jurisdictional point of view, it is murder by poison only because of the absence of the element of knowledge. Moreover, a faulty act is an essential factor that can instantly diversify the penalty’s austerity. In reference to the Penal Code, the existence of such an element can place the crime into the unintended/unpremeditated class of murder. In the previous example, the nurse lacks the intention to commit the crime of murder, and therefore the aggravating circumstance is not applicable in her case.

Regarding the method of killing with poison, a clear definition is always given in the penal codes of our on hand legislation. “*Poison*” means all substances that affect the tissues of the human body and react chemically in a way that leads to death. The “*way*” in which the poison is presented or reaches the victim is of no importance, since it contributes to his death. For example, it can be placed in food or the mouth directly, or by intravenous injection or through inhalation. The amount of the substance used by the offender to initiate this offence is again of no importance because the fatal dose varies according to the toxic substance and the degree of concentration when measured against the victim’s health and age. If the offender uses a toxin to kill his victim, but the amount used was insufficient to kill, then the offender is accused of attempted murder using a toxic substance. On the other hand, if the offender begins his crime and then changes his mind, deciding not to complete such a criminal act, his cancellation is not considered attempted murder by poison.¹⁷ However, it is mainly the jurisdiction’s job to consider thoroughly any evidence presented during trial, as they must prove the credibility of evidence. Therefore, the court might seek the help of experts since it is extremely technical and requires in depth knowledge and experience of chemicals. If the accused requested the assignment of an expert in toxic substances, and the court convicts him/her without honouring this request, the verdict is faulty. The request for an expert is to verify the accusation for the purpose of revealing the truth. The absence of such a text in the Jordanian Penal Code means that there is an urgent need to expand the aggravating circumstance by such an addition, in the same manner as French and UAE legislation.

Explosive substances refer to those substances which have chemical blasting properties and can breakdown objects through their explosive impact.¹⁸ “*Blasting*” objects means the act of eliminating or weakening an object’s unity and the compactness that combines its parts. An

example of this could be throwing a grenade at a wedding to kill the largest number of attendees. The aggravating circumstance necessitates that the offender realises at the time of the offence that the explosive used in the crime scene will instantly tear apart human organs. During this criminal act, his will was truly directed toward using it. However, if the offender knows the explosive tendency of the substance but has no intention to use it, but somehow events occur out of his control to cause an explosion, he is not accused of an intentional crime; the proper classification in this case would be an unintentional crime. For instance, if a police officer arranges bombs in a warehouse, but, by mistake, an explosion occurs after he has left because of his faulty arrangement, no aggravating factor shall be pinned to his act.¹⁹ Still, utilising such an explosion at a scene is entirely relevant to the material element of the crime of murder. This indicates the application of the aggravating factor on every contributor, whether he knows or does not know about the usage of the explosive substance in the crime. However, when evidence during trial indicates the usage of explosive matters, a death penalty shall be applied, pursuant to Art. 332/2 of the Federal Penal Code. Therefore, and after the above analysis, we recommend that the Jordanian legislature include murder by explosive matters under its aggravating circumstance, as is the case with the UAE and French penal codes.

Aggravating Circumstances Linked to a Crime's Mental Element

All of three legislations focused on here agree on considering premeditated circumstances as an aggravating circumstance for the crime of murder. Jordanian legislation refers to this circumstance in Art. 238 of the Penal Code:

“Wilful murder shall be punished by the death penalty if committed with premeditation”.

UAE legislation also refers to this in Art. 332, paragraph 1, in the Federal Penal Code as, *“whoever deliberately takes human life shall be sanctioned to a term or life imprisonment”*. The murder here is committed with premeditation or advance determination. The French legislation aligns with the Jordanian and UAE counterparts, pointing out that *“premeditation means planning in advance to commit a crime”*, as stipulated by the text of Art.132-72,222-3, and 8 of the Penal Code. Hence, the UAE legislation raises the penalty in Art.332, paragraph 2, from life imprisonment to the death penalty. Given the previous information, this will now be elaborated on more in more depth.

Premeditated Circumstance

Art.329 of the Jordanian Penal Code states that:

“Premeditation is the insisted act upon intent before the action in order to commit a felony or a misdemeanour and the aim of its perpetrator is to harm a certain person or any person who is not identified and found by him her even if the intent is conditioned on the happening of a certain matter or on a condition”.

As for premeditation, as stated in the definition above, it aims to give importance to time over psychological factor, by stating that it is the pre-intention before the act of committing a crime. Therefore, we realise the importance of the time factor here, without ignoring the psychological factor, since the first is ultimately broader and eases the way for the second to take place in a planned manner. For this reason, jurisprudence has raised this premeditated intent to

comprise the commission of the act. However, to make such a concept applicable, certain elements must be available, such as the existence of determination, planning in advance, and making a decision when in a state of peace of mind and calmness. Notwithstanding the fundamental elements, for premeditated circumstances these are the time element, and the psychological element (Al-Fadel, 1959).

Regarding the time element, the circumstance of premeditation is achieved by the existence of a time factor represented by the presence of a designed scheme that allows the offender to plan his crime ahead and study all the consequences. This indicates the malicious side of the offender, since he has had time to think about ending his victim's life before the act of taking it. Moreover, the existence of calmness, attention, and a pressure-free period of time gives the offender a sufficient timeline to plan precisely for his crime. This puts the time element in a higher rank since it helps a great deal in the creation of the psychological state that enables the execution of the crime. No importance is given to the quantitative manner of time spent in preparation. In practice, the notion of the time element is taken seriously by jurisdiction and embraced thoughtfully during trials, even if it has a non-evaluative measure in penal codes. An example of this is a ruling rendered by the Egyptian judiciary, which confirmed that there is no objection to the availability of premeditated crime, despite the lapse of a short period of time, calculated in hours. However, the longer the period of time taken for planning and executing the crime, the more premeditated the act. A greater duration of time indicates a serious and malicious attitude in the offender towards conducting his plan and ending the victim's life. Moreover, this time factor enables him to proceed fearlessly in his crime, after excluding all the obstacles and considering all the elements that facilitate the crime.

With the psychological element, the culprit still grasps the idea of committing the crime and this is reflected in reality by arranging its means and considering all the consequences. This element is legally defined as self-determination, and is considered a very important element by the Federal Supreme Court which falls under the pre-meditation formula. The lack of such an element places the crime in a different classification, leading to the absence of the aggravating circumstance. Thus, the Court ruled that:

“The focus of the premeditated circumstance is that the offender commits a crime with a peace of mind that evolves into clear thought and deliberate meditation; however, if the crime is committed under the influence of anger and agitation, the premeditated circumstance shall not be applicable out of non-availability”.

In fact, this element serves with the time element to form an aggravating factor, since it depicts the degree of danger that exists in the offender, which ultimately requires a suitable punishment for optimum deterrence. An offender who proceeds to commit murder manifests a serious psychological state that deserves severe punishment, because he/she is more dangerous than an offender who commits murder without premeditated circumstances, under the influence of agitated passion, anger, revolution, or any psychiatric disorder.¹⁹

Although the existence or not of the premeditation factor does not cancel out the intended crime of murder, it does add up to the creation of “*an aggravating intention*”. Jordanian and UAE legislation do not necessitate that a certain target be inflicted upon the victim. A premeditated crime shall apply to any crime of murder, even if it occurred on an unintended person. This ruling is affirmed by Art.333/1 of the UAE Penal Code, in that:

“Premeditation is the prior insistence intended before the act of committing a crime against anyone”.

For example, if one determines to kill a person but makes a mistake in the shooting and afflicts another instead, the element of premeditation is available regardless of the end result of his crime, whether the victim is the targeted one or not.

Thus, premeditation is applicable even if the killing was pending the occurrence of a certain incident, or somehow suspended by an exact condition. For example, if a bank officer intends to kill certain clients in order to access their accounts and belongings illegally, then the offender is here deemed guilty of premeditated murder because he had the opportunity to think quietly about committing his crime, and therefore the element of time is achieved.

A premeditated factor has a personal nature that is relevant to the offender who nurtured the idea and determined to enact it. This is quite different from the circumstance of surveillance, which is a material circumstance linked to the method of committing a murder. Thus, premeditation does not apply here, except in the availability of time in coherence associated with psychological insistency. However, if there were multiple offenders, then each one is penalised according to his intention. Such a ruling is to be inferred from Art. 49, paragraph 2 of the Penal Code, which indicates that:

“If personal aggravating circumstance is available to one offender in order to facilitate the commission of the crime, the penalty shall apply on him but does not apply to a non-perpetrator unless she/he is aware of it”.

The concept is quite similar to the text that states:

“A premeditation circumstance cannot be applied to any participants in the crime under any circumstances, unless they knew that there was some ‘premeditation’ in the criminal act”.

As for proving premeditation, this is subject to the rules of evidence that are close to the rules of procedure and evidence in any criminal act. Therefore, the mental intention that arises in the perpetrator’s mind as an internal unpredictable impulse can lead to the application of a premeditated condition (Esposito & Rintaud, 2018).²⁰ Thus, the judiciary system in this case decides its discernment upon the availability of premeditated elements, disclosed through the material evidence perceived from the facts and circumstances of the crime. In this way, a judge must present these conditions in his final judgment; otherwise the judgment shall be erroneous and revocable.²¹ In application thereof, the accused’s attempts during the trial to prove the absence of premeditated elements after being seen and agreed by the panel of juries are nullified. Given the above elaboration, the Dubai Court of Cassation has ruled that:

“The search for the availability of the circumstance of premeditation is subject to the authority of the trial court, which is deduced from the circumstances of the case and its components, as long as these conditions do not immensely oppose reasonable conclusions” (Khalaf, 2015; Tony, 2014).²²

If the court agrees on the availability of such circumstances in the crime, it shall punish the culprit with death, in accordance with Art.332 of the UAE Penal Code.

Premeditated Lurking Circumstances

Jordanian legislation does not mention circumstances of premeditated lurking as an aggravating circumstance, but the Jordanian judiciary and jurisprudence consider premeditated lurking as a form of premeditated crime. However, UAE penal codes clearly indicate premeditated lurking to be an aggravating circumstance, as does French legislation. This is referred to in Art. 238 and 333/2 of the Penal Code as human lurking which afflicts someone in one or more destinations in a short or long period of time, in order to kill that person or assault them as an act of violence. Likewise, Art. 132-7 of the French Penal Code defines lurking around someone as hiding out and following the victim in order to attack him suddenly for a long or short period of time, to be able to kill or injure that person by beating, or worse (Levasseur, 1989; Esposito & Rintaud, 2018; Kolb & Leturmy, 2019).²³ Therefore, from a legal point of view, it is hoped that the Jordanian legislature will adopt the provisions of premeditated lurking (Al-Bahr, 2009).

Lurking itself does not require waiting in a particular place, as it may be along the way, for a long waiting period, or stealth. Legislation in both the UAE and France agree that premeditated lurking may take a long or short time. Moreover, in application, the Kuwaiti Court of Cassation gave a clear definition of premeditated lurking by ruling that:

“The circumstance of premeditated lurking in crime refers to luring the accused to the victim’s house and surprising him/her by wrapping a rope around her/his neck and severely pulling it until the victim was choked; the availability of this circumstance is not linked to ‘the proven lure’ of the victim in the dwelling-home-of the accused, so that it does not affect premeditated lurking to be in a place owned by the offender himself; then what is raised by the accused on the lack of availability of circumstances of premeditated lurking becomes misplaced and irrelevant”.

The reason behind the aggravating sentence of premeditated lurking falls under two considerations. First, it facilitates the implementation of an offender crime, as the offender surprises the victim abruptly without allowing them to defend themselves, which the victim would do if they had a chance to resist. The second consideration demonstrates the seriousness of the personality of an offender who prepares the circumstance in the best conditions for the implementation of the crime, and places the victim in a far worse condition when they are hit and fails to face their rival (Al-Saeed, 2008).

Premeditated lurking is a material fact on how to commit a crime and is provable by all means of evidence, including the testimony of witnesses.²⁴ Whenever premeditated lurking circumstances are available, the court finds that the existing premeditated lurking element is punishable by the death sentence according to the provisions of Art.332, paragraph 2. The Dubai Court of Cassation has ruled the availability of premeditated lurking circumstances as follows: the premeditated lurking circumstance is available against the accused who knew that the victim attended work in the evening. He stayed behind on that day, and waited for the victim to leave the other workers who were in the room and waited for the victim, who came out for Al-Fajr Prayer and lurked inside the room. The victim was hit by quick multiple stabs in the lethal parts of his body with a knife prepared for this purpose, and the stabbing continued until the victim was killed (Dubai Court of Cassation, 2010).

CONCLUSION AND RESULT

It is possible, after reviewing these aggravating factors and assessing the differences that distinguish the selected legislation, to address a set of results and recommendations which might eliminate future crimes by reducing the ability of criminals to escape justice (Table 1).

Table 1 ELIMINATION OF FUTURE CRIMES OF SELECTED LEGISLATION		
The Emirati Legislation	The Jordanian Legislation	The French Legislation
The Emirati legislator restricts the penal protection only for the public employee.	The Jordanian legislator restricts the penal protection only for the public employee.	The concept of public officer in French legislation is including teachers in both public and private education sectors, as well as public health and private sector employees.
The concept of one of the Ascendants in Emirati legislation came only to the legal father and the legitimate mother, even if high. The father and the adopted mother were not recognized.	The concept of one of the Ascendants in Jordanian legislation came only to the legal father and the legitimate mother, even if high. The father and the adopted mother were not recognized.	The French legislator considered the adoptive father and the adoptive mother an Ascendants and assaulting one of them constituted an aggravating circumstance.
The Emirati legislator indicated by the text that the killing was associated with or linked to another crime, and the legislator did not specify the type of the other crime, as this text can be applied in the event that the crime of intentional killing occurred in connection with or linked to a crime of the type of felony or misdemeanor or even contravention.	The Jordanian legislator specifies the connection or association with a crime of felony or misdemeanor.	The French legislator did not specify the type of the other crime, so could be applied in the event that the crime of intentional murder occurred in connection with or linked to a crime of felony, misdemeanor or even contravention.
The Emirati legislator considered killing by poison or a cracker to be an aggravating circumstance.	The Jordanian legislator did not refer to the circumstance of killing with poison or with a cracker as an aggravating circumstance.	The French legislator considered killing by poison or a cracker to be an aggravating circumstance.
The Emirati legislator mentioned the premeditated lurking as an aggravating circumstance in the crime of murder.	The Jordanian legislator did not mention the circumstance of premeditated lurking as an aggravating circumstance, as stated in the French and Emirati legislation. However, the Jordanian judiciary and jurisprudence consider premeditated lurking to be a form of premeditated murder which does not require a specific mention.	The French legislator mentioned the premeditated lurking as an aggravating circumstance in the crime of murder.

RECOMMENDATIONS

We recommend the Jordanian legislator to add the following paragraph to Article 327 (Life imprisonment with hard labour if the crime of murder is committed in the following cases: 2-An employee during the exercise of his job or for what he conducted ex officio, as well as if it falls on teachers or health sector employees Public and private). And also the Emirati legislator in article 332 of penal code.

We recommend the Jordanian legislator to amend the text of Article 327, paragraph 1 of the Penal Code to become (punished with hard labour for life if intentionally committed if he prepares for misdemeanour, contravention, facilitation, or implementation thereof, or to facilitate the flight of inciters to that misdemeanour or violation, its perpetrators, its interferers, or to prevent them from between and between them Punishment).

We recommend the Jordanian legislator to add the following paragraph to Article 328 of the Penal Code (and if the murder occurs by poison or by cracking substance, it is punishable by death).

ENDNOTE

1. See <https://deathpenaltyinfo.org/part-i-history-death-penalty>, accessed 12 February 2018.
2. The French legislation has extended the aggravating circumstances related to the capacity of the victim pertaining to the public servant to include many servants, whether they are public servants or servants of some private sectors, such as education and medical according the Article 224-4 of the penal code.
3. It is established that wherever the public servant was located, as required by his job, and was assaulted, the murder shall be deemed accompanied by an aggravating circumstance. It is not necessary for the public servant to wear a uniform or label, if the job so requires, provided the general prosecution proves that the offender was aware of the victim's capacity when committing the crime of murder. In this regard, Syrian laws consider every military officer to be in his job role, as long as the soldier is wearing a uniform.
4. In addition, when an employee comes to a work department during the holidays to finish accumulated work and the law does not require the employee to do so, the employee's presence is not considered an extension of the job and the aggravating circumstance does not apply.
5. The Jordanian Court of Cassation has established that *"assaulting an employee for actions taken as required by the employee's job is the assault that comes as a result of one of the job's actions"*.
6. Most legislation indicates that murdering an ancestor is an aggravating murder crime. The Jordanian legislation states in Art. 328 of the Penal Code that *"if the offender commits murder against one of his ancestors, he shall be punished for premeditated murder"*. In addition, the French legislation considers murdering an ancestor as an aggravated murder crime, punishable by life imprisonment according L'article 221-4 du Code pénal Français.
7. This murder also includes a breach of the offender's commitment to maintain the origin that was the reason for his existence, which makes him deserve a strict penalty for what he committed against the dearest and closest persons to him.
8. The French legislation refers to such circumstances and considers them aggravating circumstances punishable by life imprisonment: En Ce concerne l'accompagne ou suit UN autre crime avec le meurtre voir l' Article 221-2 du Code pénal français.
9. Art. 88 of the Federal Penal Code has stated that *"if many crimes were committed for one purpose and they were interrelated in an inseparable way, they shall be considered as one crime, punishable by the penalty prescribed for the gravest of the crimes"*.
10. Art. 91 of the Federal Penal Code indicates that *"if someone commits several crimes before issuing a sentence against him for one of them and these crimes did not meet the conditions stipulated in Articles 87 and 88, the perpetrator shall be sentenced to the penalty prescribed for each of them and all of the penalties imposed shall be executed consecutively, provided the total periods of the detention alone or the*

total periods of the imprisonment and detention together do not exceed twenty years, and the period of detention alone does not exceed ten years and if the penalties were varied, the imprisonment penalty shall be applied first, then the detention penalty”

11. Art. 327 of the Jordanian Penal Code states that the offender shall be punished by hard labour imprisonment for life for intentional murder, if committed: 1. In preparation for a misdemeanour or as a facilitation or execution thereof or in facilitation of the escape of the instigators of the misdemeanour, the perpetrators, or the intruders therein, or to prevent their punishment. 2. Against an employee during the employee’s work or for an action taken by an ex-officio. 3. Against more than one person. 4. By viciously torturing the murdered person before killing the victim. However, Art. 328 of the same law stipulate the death penalty for intentional murder: 1. if it was committed with premeditated intention, and it is called (premeditated murder). 2. If it was committed in preparation for a felony or in facilitation or execution thereof or as a facilitation for the escape of the instigators of the misdemeanour, the perpetrators or the intruders therein, or to prevent their punishment. 3. If the offender committed the act against one of his ancestors. Egyptian legislation has also limited severe penalties to felonies and misdemeanours and excluded violations.
12. Regarding this opinion, Dr. K. Al-Saeed has noted that if the perpetrator committed intentional murder to achieve a violation or to evade responsibility arising from it, no room exists for anything other than a severe penalty, as this is very strange. This is because a person who does not abstain from killing a human being to allow himself to breach one of the regulations and municipal or health regulations, or to be able to escape responsibility or the simple punishment thereof, in fact disregards the values that the legislation made compulsory and deserves the severest punishment, more severe than the one who commits murder to commit a felony or a misdemeanour, or to get rid of the penalty imposed for the crimes thereof. K. AlSaeed.
13. The Egyptian Court of Cassation has ruled, but to describe this crime as another felony, the action consisting of it must be independent of the act of killing, so that if there was only one act rightfully described in the law in two different descriptions, or if there were two actions or several actions that cannot be considered in law but one crime, the stipulation does not apply. Appeal, November 2, 1942, part 6 No. 6. p. 4 legal rules group.
14. The Dubai Court of Cassation applied the idea of a murder accompanied by another crime. The court ruled that, *“during his stay with him, his devilish thinking led him to kill the victim and seize his possessions. On 02/26/2005, he took the opportunity and took out a knife and showered the victim with stabs. The victim tried to defend himself but this was in vain until he lost energy. The accused person was able to kill him following the last numerous minor and incised injuries in the neck, chest, and other places, disclosed in the forensic medical report, which caused multiple exit wounds accompanied by bleeding that led to death. After he had made sure the victim had died, he sought the theft he targeted. He found the victim’s bag and inside it was mobile phones, cash, and other portable items, and he seized them. When he was shocked by the enormity of his crime and feared being discovered, Satan whispered to him to commit a more heinous crime, so he put a bed cover over the body of the victim and lit a fire and directed it to him to hide his crime and carried the loot and left the place, leaving his prey dead and closed the door of the room and threw the keys to make it difficult to open it and reveal his heinous crime”*. The Ruling of the Dubai Court of Cassation, 26/11/2005, Appeal No. 2005/405 penalty.
15. Applying Appeal No. 1723 of 32 Technical Office 13 p.570. On 26/06/1962 [subject: premeditated murder] intentional murder associated with another crime) the court noted that it is sufficient to make the punishment more severe in accordance with the second paragraph of Art.234 penalties to prove in the verdict the independence of the associated crime from the murder felony and the time connection between them so that to prove that the two crimes were committed in the same time or in a short period of time, and estimate this in a way sufficient for the trial judge to render a judgment. When the judgment determines such time connection, it is not permissible to raise controversy before the Court of Cassation regarding this point. It is established by the facts of the case that the appellant attempted to kill, as he shot two bullets intending to kill her and when her mother ran to rescue her and her sister, he shot several bullets intending to kill them and they died. Then he killed all that was in one scene, and each crime was committed by an independent action. Thus, each crime formed an independent murder felony. And whereas the felony of attempting murder preceded them and all the crimes were associated with one another by the time connection in a way that achieved the correlation, provided for in the second paragraph of Art.234 of the

Penal Code, and therefore, the sentence has duly applied the law to the fact of the lawsuit. See Dar Alqanoun website. <http://www.dar-alqanoun.net>

16. UAE legislation has identified the toxins in Table 1 attached to Federal Law No. 4 of 1983 concerning the profession of pharmacy and pharmaceutical institutions.
17. It is established that the opinion of French legislation regarding this case is that if under any circumstances the offender tried to commit murder by poison and the victim ate the poison but the perpetrator chose to prevent the outcome (the death), he/she shall be exempted from punishment pursuant to the provisions of Art.221-5-3 of the French Penal Code.
18. The UAE legislature has defined explosives in Law No. 3 of 2009 regarding weapons, ammunition, and explosives, as a chemical compound or a mixture of different chemical compounds that interact with each other when exposed to factors considered stimulants in the production of pressure and heat and at a certain speed that leads to an affect or causes damage to the surrounding area, including fireworks and all the materials in which it is a component, as well as the equipment, machinery, and tools involved in the manufacture, detonation, detection, and defusing thereof, each considered explosive substances according to the executive regulations and decisions issued pursuant to this Act. Pursuant to Art.49 of the Federal Penal Code, *“if material circumstances were available in the crime, adhesive to it, or consisting one of its actions in a way that would entail a more severe penalty, its effects shall apply to whoever participated in it, whether by active participation or by causing it, whether or not she/he was aware of it”*.
19. It was established in the decision of the Jordanian Court of Cassation that twenty four hours is not sufficient to prove premeditated circumstances when deciding an offender attempted to kill his sister the next day after he became sure of the rumour that his sister was pregnant by adultery. His act was not done in conjunction with the element of will fullness (premeditation), as such a period of time is insufficient to end the state of anger that grasped him because of his sister’s offence, violating honour and allowing the offender to think of what he intended and arranged for, and to ponder its consequences and commit the crime in a state of calmness. See Cassation Penalty 177/2000, general entity, date 22/05/2000 Adalah Centre.
20. It is established in the jurisdiction of this court-that the trial court has full authority in understanding the reality of the lawsuit and determining its evidence, including the testimony of witnesses, and there is no controlling authority over it in this regard as long as it did not rely on an unsupported fact and as it established its judgment on acceptable reasons sufficient to render it. It may accept the statements of the victim at any stage of the proceedings and count on them in proving discretionary crimes when the court is satisfied with these statements and when they are associated with strong circumstantial evidence that confirms them. Ruling No. 82 of the year 26. The website of Emirates lawyers. <http://www.mohamoon-uae.com>
21. The judgment has mentioned the premeditated circumstance and proved it in saying: *“It is proven on the defendants’ part, as per the prosecution witnesses’ testimony that the defendants have agreed to steal a motorcycle randomly and to kill the driver of the tuk-tuk if he resisted them and if the situation required so. The accused persons had already done what they had previously intended as they caught their victim and when he tried to resist them, they strangled him with the rope of the curtain of the tuk-tuk and threw his body in the sea. They did not leave the place until after the implementation of their crime and they were calm and away from anger and did that after quiet reflection and unhurried premeditation to implement so; what proves with a signifying certainty, the availability of the premeditation circumstance on the defendants’ part as known in the law and is indicated by the circumstances of the incident and the actions of the accused persons after murdering the victim and stealing the tuk-tuk in a way that proves the premeditated murder crime against them”*. Therefore, and whereas the judgment has stated the availability of the premeditated circumstance in the aforementioned facts and despite the seemingly available elements of this circumstance as defined in the law, the loose phrasing mentioned in the judgment in this regard is naught but a repetition of the facts of the case, as cited in the introduction thereof and is an explanation of the meaning of premeditation and its conditions and is merely an expression of that case by the same offender, which the court should prove by the evidence thereof and indicate the facts and the external appearances it reveal. Thus, the court should have explained how it concluded proof of the availability of the premeditated circumstance against the appellants, as the evidence of the lawsuit did not contain proof. The foregoing cannot be said to be a fault because of what the judgment has embraced and proved regarding the two defendants’ thinking in stealing a motorcycle randomly and their insistence to do so,

because the availability of the intention of theft and insistence on it on their part does not necessarily apply to the premeditation of murder by reason of the different circumstances in the two crimes. In this regard, the proven premeditated circumstance on which the judgment was based is not sufficient, because—as set out in its notes—the judgment was made on the statements of the two prosecution witnesses after their investigation on the basis of conviction in this regard, without first mentioning the evidence accepted in the law to prove this. However, it is established by the appeal jurisdiction that, although the court has the right to form its belief based on the investigation supporting the evidence it has stated, they cannot stand alone as supportive presumptions or main evidence to prove the elements of the charge. Therefore, the judgment evidencing the premeditated circumstance in the intentional murder is defective and not acceptable. Egyptian appeal, the Criminal Circuit. No. 3585 dated 7/11/2012.

22. Dubai Court of Cassation ruling on the appeal No. 296 of 2004. Penalty—the session of Saturday, January 2005 available on the website <http://www.dubaicourts.gov.ae>
23. Egyptian legislation, like its UAE counterpart, defined premeditated lurking in Art.232 of the Penal Code. French legislation also referred to premeditated lurking in Art. 132-71-1 of the Penal Code. More information.
24. The Egyptian Court of Cassation has defined premeditated lurking as “*The lurking of the offender on the victim for a long or short period in a place where he was expected to arrive to surprise him by assaulting him*”.

REFERENCES

- Al-Bahr, M.K. (2009). *Crimes against persons in the federal penal code*. University Library for Publication and Distribution, Amman.
- Al-Jumaili, L. (2011). *Explanation of the UAE penal code*. Bright Horizons.
- Al-Saeed, K. (2008). *Explanation of the penal code-crimes against persons*. House of Culture.
- Cassation Judgement. (1982). *Number 86/82 Journal of the Syndicate*.
- Dubai Court of Cassation. (2010). *Ruling of the court of cassation on the appeal No. 483/2009*. Retrieved from <http://www.dubaicourts.gov.ae>
- Esposito**, F., & Rintaud, S. (2018). *The clefs of criminal justice*. Edisens. Paris.
- Al-Fadel**, M. (1959). *Crimes against persons, special section*. Damascus University.
- Gehad**, J.H. (2008). *The federal penal code-crimes against persons*. Dubai police academy.
- George** E. (1904). Vincent the laws of Hammurabi. *American Journal of Sociology*, 9(6), 737-754.
- Hassan**, Y.A.M. (1982). *The material pillars and legitimacy of premeditated murder and its punishment as prescribed in Islamic jurisprudence*. Amman, Dar Al-Fikr Publishing and Distribution.
- Hosni**, M.N. (1989). *Explanation of the penal code*. Arab Dar-Al-Nahdah, Cairo.
- Khalaf**, A.M. (2015). *Briefly explain the federal penal code*. University library.
- Korari**, F., & Ghanam, M.G. (2011). *Federal penal code explanation in the United Arab Emirates according to the latest legislative amendments and provisions of jurisprudence*. Al-falah Publishing and Distribution Library.
- Levasseur**, G. (1989). Observations under cases crime. *Science Journal Criminal*, 737(2), 1-11.
- Pradel**, J., & Danti-Juan, M. (2013). *Special criminal law*. CUJAS.
- Tony, K.H.M. (2014). *Federal penal code explanation in the United Arab Emirates-crimes against persons*. Dubai Police Academy.
- Dreyer**, E. (2012). *Special criminal law*. Coll. Course magistral, Paris, Ellipses.
- Kolb**, P., & Leturmy, L. (2019). *General criminal law course*. Gualino. Paris.
- Lepage, A., & Mastopoulou, H. (2015). *Droit pénal spécial*. Coll. Thémis, Paris, PUF.
- Rassat, M. L. (2011). *Droit pénal spécial*. 6e édition, Paris, Dalloz.
- Veron, M. (2015). *Droit pénal spécial*. 15e édition, Paris, SIREY.