



## CRIME PREVENTION AND CONTROL POLICY

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### Abstract:

*Anyone who contemplates the number of crimes committed at the present time will ask about the reasons and motives that led to this happening, and whether all lines of defense have been crossed to confront the crime? As is known, criminal policy revolves in part around the policy of prevention and deterrence as the first line of defense, in order to prevent the occurrence of the criminal act. The research comes to address the issue of; to what extent does the policy of prevention and deterrence contribute to confronting crime? And what are its mechanisms in the Islamic Sharia and the Law?*

*The research has reached the effectiveness and feasibility of the prevention and deterrence policy prepared by Islamic Sharia to reduce crime in all its political, economic and social forms. This is evidenced by statistics in countries that apply it. At the end of the research, we conclude the necessity of activating and applying the prevention and deterrence policy in the Islamic Sharia with all its components and considering it in contemporary criminal policy if we aim to limit and reduce the number of crimes that are eating away at the entity of Algerian Society in particular and the World in general.*

**Keywords:** Prevention and Deterrence Policy - Reducing Crime - Objectives of the Islamic Sharia.

### INTRODUCTION

Allah the Almighty has honored His believing servants with a clear-cut Sharia, a sound approach that keeps the individual and the group away from danger and error and allows them to live in security and peace, if the controls that God Almighty has commanded are adhered to. Allah the Almighty said: (Does He who created not know, While He is the Subtle, the Aware?). And the Almighty Allah said: (Allāh intends for you ease and does not intend for you hardship). And Allah the Blessed and Exalted said: (Allāh wants to lighten for you [your difficulties]; and mankind was created weak). From the above, the path to salvation and living in peace becomes clear, which is to follow the approach of God Almighty.

Criminal policy is divided into three policies: the policy of prevention and deterrence, which is the subject of the study, the policy of criminalization, and then the policy of punishment. The first policy is essentially represented in preventing the criminal act from occurring in the first place, and it includes proper social upbringing based on educational curricula and syllabuses, and relying on warning and intimidation so that the individual becomes afraid just by looking at the severity of the punishment; and this is what is intended.

The prevention and deterrence policy plays an important role in reducing crime, and it is the first line of defense against crime in general. Therefore, this policy must be taken care of and given attention. Hence, the research paper came to address the following objectives:

### THE STUDY OBJECTIVES:

The study aims to identify the following:

- Clarifying the nature of the prevention and deterrence policy.
- Clarifying the importance of the prevention and deterrence policy to combat crime.
- Educational and advocacy strategies for crime prevention.



### THE STUDY IMPORTANCE:

Most countries in the world today are witnessing an unprecedented rise in crime rates in various fields; which requires standing on this situation in a diligent attempt to address the current prevention and deterrence policy and benefit from the Islamic Sharia policy, which was known when applied to reduce crime rates, due to what it contained and included in terms of an effective preventive policy. It can be said that the importance of this research is evident in the following points:

- An unprecedented rise in crime rates worldwide in various fields.
- Highlighting and evaluating the preventive policy followed in Algeria.
- Benefiting from the Islamic jurisprudential heritage in the field of prevention and deterrence policy and its role in reducing crime.
- Identifying modern and contemporary trends in prevention and deterrence policy.

### THE RESEARCH ISSUE:

Through the above, the research issue can be formulated as follows: To what extent does the prevention and deterrence policy contribute to reducing crimes? And in what ways are the preventive mechanisms of Islamic Sharia manifested to reduce the commission of crime?

### THE RESEARCH PLAN:

To answer the research issue, we divided the research into Three Chapters. The Chapter I came to define the nature of the policy of prevention and deterrence in the Islamic Sharia and the Law, then to compare the policy of prevention and deterrence and the advantages of each one over the other. While the Chapter II came to explain the mechanisms of the Islamic Sharia and the Law in the policy of prevention and deterrence. The Chapter III mentioned how the Positive Law benefits from the provisions of the Islamic Sharia and codifies them, mentioning contemporary trends in the policy of prevention and deterrence.

### THE METHODOLOGY FOLLOWED IN THE STUDY:

Given the specificity and nature of the study, I relied on the inductive approach to trace the details contained in the books of Islamic Sharia politics, in addition to the analytical approach through which we analyze the mechanism followed in both systems and its role in preventing and reducing crime.

### CHAPTER I DEFINITION OF THE PREVENTION AND DETERRENCE POLICY IN THE ISLAMIC SHARIA AND THE LAW

In this Chapter, we try to define the nature of the policy of crime prevention and deterrence in Islamic Sharia and Law, and then give a perception of this policy, which is considered the first and most important stage in criminal policy.

#### Theme I: Definition of the Prevention and Deterrence Policy in the Islamic Sharia

The Islamic Sharia approach is an integrated and balanced approach that aims to prepare the righteous individual who is entrusted with the responsibility of being Allah's successor on earth. From this basis, Islamic Sharia came with mechanisms that prevent the individual from committing crimes or deviations and blocking the path to that, and even just thinking about crime thanks to these mechanisms. In contemporary terminology, it is called the policy of prevention and deterrence. In this theme, we will try to define the policy of prevention and deterrence in Islamic Sharia.

#### Section I: Definition of Prevention in the Language:

Prevention means preserving and protecting something from anything that may harm or hurt it. It is said that God protected him, meaning He preserved him, just as it is what something is protected with, or it is protection or safeguarding from harm, and prevention is what something is protected with.

The prevention policy is technically defined as relying on all methods and means that would prevent the commission of a criminal act, by removing its causes and factors. All methods are relied upon regardless of whether these factors are social or at the individual level. This removal includes the physical or mental

characteristics of the individual, regardless of whether the individual is an adult or a juvenile. (*Aishawi, 2023, p. 39*).

Among the definitions included in the definition of prevention policy is the control and domination of the causes that may lead to the emergence of criminal will in the midst of society. In order to reach this level, efforts must be combined between all bodies “whether customary or charitable associations” and state institutions that are related to social upbringing and social work, in addition to activities and initiatives that are related to preserving society and protecting it from crime and the prevention process. (*Eid, Undated Edition, p. 116*).

## **Section II: Definition of the Prevention Policy:**

Prevention in the language: (Meem, Noon, and Ain) -Arabic Letters- (P, r, e, v, e, n, and t) -English Letters- are the root letters, and it is the opposite of giving. It is a preventer, a shield, and a place of protection, and it is in glory and protection. And to restrict something means to prevent it, to prevent it, to prevent it, and from it, so it was prevented from it and it was prevented. It was also mentioned that it cuts off the path that leads to the desires of the soul.

While the prevention policy is technically defined as determining the mechanisms and means that lead to achieving crime prevention while ensuring that the security dimension is given to the development process in all its forms, meaning ensuring social and cultural development and adopting crime prevention plans. (*Faisal, 2018, p. 237*).

Among the definitions of prevention policy are: a set of measures, rules and procedures that must be available to reduce the criminal danger in an individual in order to prevent him from committing the criminal and prohibited act for the first time, or to confront the danger that may come from someone who imagines that he will commit the criminal act in order to prevent him from re-committing the crime in the future. (*Aishawi, 2023, p. 41*).

## **Theme II: Definition of the Crime Prevention and Deterrence Policy in Positive Law**

Preventive policy means a comprehensive vision of the goals that are in the mind of the person who plans it in order to achieve security, safety and stability for the citizen within the society. The preventive process against crime is carried out on the basis that it is part of the general social policy and not isolated from it, meaning that development of all kinds must be given the appropriate security dimension.

The basis of the policy of prevention and deterrence is that it adopts development in all its forms, including its economic aspect. Many deviants have taken the path of deviance due to economic circumstances, so the economic aspect must be taken into account. The same applies to the social aspect, as social crises, psychological pressures, and problems of divorce and separation “Khula” were factors and motives for the deviance of many. Add to that the cultural aspect, such as extremist thought and terrorist crimes due to differences in thought and belief, and many of the causes of deviance were due to the cultural aspect, and this is clearly observed in the contemporary world. All of this is called general social policy. Studies have also confirmed that formulating and adopting the prevention and deterrence policy is not an easy matter, as it requires the combined efforts of all sectors. Each sector is responsible for preparing a comprehensive vision to prevent crime. For example, the Family Law is concerned with studying the provisions of separation “Khula” and divorce and legalization them in a strict codification. The same applies to the trade sector to prevent speculation and illicit enrichment. The same applies to the education sector to eliminate school dropouts. Each sector is responsible for legalization general social development until we establish a general social policy that complements each other in an integrated system. (*Faisal, 2018, p. 237*). It is no less correct that the crux of the matter in crime and deviance lies in the prevention and deterrence policy. The more the links of the prevention and deterrence policy are tightened, the narrower the path to crime and deviance will be. (*Shallal, 2005, p. 137*).

### Theme III: The Difference Between Prevention Policy and Crime Deterrence Policy

There is often confusion and impreciseness between the policy of prevention and the policy of deterrence, as each precedes criminalization. However, we will try to identify the most important differences between the two policies in the following:

- The prevention policy is one of the axes of the criminal policy that consists of the prevention policy initially, then the criminalization policy, and finally the punishment policy, and each policy has its own specific stage. While the deterrence policy is part of the social policy that takes its features from criminology and other sciences. (*Aishawi, 2023, p. 42*).
- The prevention policy is based on the individual level, through every individual who has a criminal risk. While the deterrence policy is at the community level through the social policy followed in that community.
- The prevention policy deals with all the reasons that lead to crime. While the deterrence policy is concerned with the social policy that studies and cares about the social reasons that may lead to committing the crime.
- Regarding punishment, in the prevention policy, punishment and precautionary measures may be combined, as the individual deserves punishment or is found to be a criminal danger. (*Saadawi, 2009/2010, p. 265*). While in the deterrence policy, only precautionary measures and precautions are taken without punishment, because the crime was not committed in the first place, contrary to the prevention policy. (*Aishawi, 2023, p. 42*).

In conclusion, it is clear that both policies have a significant impact in curbing and reducing the causes of crime and preventing the spread of criminal acts. The precautionary measures and procedures undertaken by these two policies result in the individual and the group avoiding criminal acts through what these two policies include. (*Faisal, 2018, p. 238*).

## CHAPTER II MECHANISMS OF PREVENTION AND DETERRENCE POLICY IN THE ISLAMIC SHARIA AND THE POSITIVE LAW

### Theme I: Means of Activating the Prevention and Deterrence Policy in the Islamic Sharia

Anyone who contemplates Islamic Sharia will notice at first glance that it aims to achieve safety, spread the causes of happiness, goodness, and righteousness, and close the means and factors of evil, in addition to building the foundations of justice, mercy, goodness, and every virtuous and upright moral. In contrast, it hates and rejects corruption in all its forms, rejects disobedience, injustice, and taking others' money unjustly, and rejects oppression in all its forms, until we ultimately arrive at the formation of a virtuous Muslim person who contributes to building a society in which its members feel tranquility and reassurance. (*Bousaq, 2002, p. 97*).

The comprehensive Islamic approach aims to achieve the highest standards of prevention and deterrence. No one has any doubts or suspicions about this because its source is the Truth, the Blessed and Exalted, who says: (Does He who created not know, While He is the Subtle, the Aware?). When examining the approach of prevention and deterrence, we find that it did not leave the slightest means that could contribute to prevention without mentioning it and urging it. We will note this in the following sections of this research. The Islamic approach does not wait for a crime to occur before it rises up to fight and confront it. Rather, while legislating its rulings in various fields, it seeks to create an integrated society dominated by love and based on ideological loyalty, while at the same time avoiding the motives for crime and plagues, starting with the individual, then the family, and finally society. Examples of this include legislating contracts and making them permissible in principle, so as to open the way for everyone to earn, create wealth, and circulate it without it being the monopoly of anyone, thus closing the motives for theft and embezzlement. There are countless examples of this. This legislation passes through the individual, the family, and finally society. This approach outlined by Islam, if it is adhered to and implemented with sincerity, accuracy, and honesty, and is carried out by qualified, trustworthy men, will inevitably lead to achieving the highest and most sublime levels of security, safety, reassurance, and

tranquility. Statistics in this regard attest to this, even if they have been applied in simple details. (Bousaq, 2002, p. 97).

### Section I: The Self-Reform:

Islam aimed to change souls and make them comply and submit by means of argument and evidence. Thus, souls became upright and began to do good deeds voluntarily and out of desire for what is with God, and they also voluntarily avoid sins and crimes out of fear of God. (Rahmani, 2006, p. 200). The first generation committed few crimes. If they did, the criminal alone would be brought before the Messenger of Allah (peace be upon him) so that he could purify him from the filth of the crime. So, what upbringing and what purification did the Messenger of Allah (peace be upon him) purify them with? What makes the limbs comply is the heart, by connecting it to faith in Allah Almighty, because faith is a necessary connection that makes a person commit. Someone might say that this purification and upbringing occurred while the Messenger of Allah was among the Companions (may Allah be pleased with them), so how can we make people comply and focus on this characteristic that makes people refrain from committing crimes when he has passed away? If he mentioned that, then he is right, but the legacy that the Messenger of Allah (peace be upon him) left of guidance, knowledge, and the Qur'an will remain as long as the heavens and the earth remain. This is the same thing that the Chosen One, the Messenger of Allah (peace and blessings of Allah be upon him) mentioned when he said: "I have left among you two things, after which you will never go astray: the Book of Allah and my Sunnah". From this, it is obligatory upon those whom Allah has chosen with knowledge, jurisprudence, and a method of calling to Allah to never stop preaching and calling to Allah and warning people against violating the law of Allah and what Allah has prepared of punishments and painful torment for sinners and perpetrators of crimes through lessons and sermons given in mosques, universities, and gatherings. All of this is at the core of the prevention policy, which is the first line of defense to confront crimes. Rather, he mentioned after them that the individual's self-reform and purification is considered the most important element in the prevention policy, as it does not require much equipment, guards, police, or security. Among the unique examples mentioned in this regard is that of a woman during the era of Omar ibn Al-Khattab (may God be pleased with him), whom he heard say one day when her husband was away fighting in jihad:

This night has become long and its sides are dark

It has kept me awake, for I have no friend to play with

By God, if it were not for God, nothing but Him

Would have moved the sides of this bed

The Commander of the Faithful, Omar ibn Al-Khattab (may God be pleased with him) asked his daughter Hafsa about the period during which a woman needs her husband. She said six months. So, he (may God be pleased with him) would not send an army or a military expedition for more than six months. (Al-Faraj, 1990, p. 78).

If we seek to rely on self-reform, the Algerian legislator must provide care and training to those working in this field, including imams and members of the Ministry of Religious Affairs and Endowments, so that the outcome, God willing, will be as intended.

### Section II: The Worship Acts Role in Preventing Crime:

Worship Acts plays an important role in not thinking about crime in the first place. You find that all worship cuts the servant off from all distractions and preoccupations and draws him closer to Allah Almighty. This feeling prompts the individual to do good deeds and righteous deeds, and his main concern is to please his Lord and stay away from what angers Him. For example, in prayer, after the spiritual purification of the heart, a physical purification is achieved, including cleanliness of clothing and place. The servant stands before his Creator five times a day. And from Allah's honoring of His servant is that He left him the time of night for sleep so that he can rest and settle down. And during the period of earning and work, there is no obligatory prayer so that he can be busy with work and toil. As for free time, He has arranged prayers for him, in that there is an indication of cutting off thinking about crime and deviation.

Likewise, in fasting, the servant leaves his food and drink and closeness to his desires seeking the face of Allah Almighty, in that there is a habit of leaving desires and refraining from them, so how can someone who leaves food and drink with his intense desire engage in deviant behavior? Another example is in Zakat, a person works hard until he collects money and then gives this money to those who need it from the poor and needy, voluntarily, willingly, and hoping for the pleasure of Allah Almighty and what He has, the Highest. Likewise, in Hajj, one endures hardship and fatigue, spends money, and leaves his family and relatives, hoping for what is with Allah. This trains one to give, sacrifice, and endure hardships. So, how can someone who is in this state and condition commit crimes? Acts of worship play a major role in preventing crime and even thinking about it. Glory be to Allah, who created and legislated.

Dr. Mansour Rahmani compared crime rates in the countries of (America, Egypt, Saudi Arabia, and Russia). He found that the lowest rate was in Saudi Arabia, then Egypt, then America, while the highest rate was in Russia. These rates are linked to religious commitment, not the abundance of laws. Despite the importance of this aspect, it does not exist in contemporary positive legislation. (*Rahmani, 2006, p. 203*).

Crimes are committed today in our society by people with weak faith, who are far removed from worship or do not perform it as required. We are in dire need of relying on strengthening the spiritual side because crimes are committed when a person's faith drops to its lowest levels. The evidence for this is the hadith of the Chosen One, the Messenger of God, who does not speak from his own desires, when he said (peace and blessings of God be upon him): "The adulterer does not commit adultery while he is a believer, and the thief does not steal while he is a believer". (*Bukhari, Undated Edition, p. 34*).

One of the most beautiful things that can be said when acts of worship are absent is their saying: "Acts of worship are habits for the heedless, and habits are acts of worship for the knowledgeable ...".

### **Section III: The Family Role in Reducing Crime:**

Allah Almighty has endowed the family with many pillars and duties so that it is built on a solid foundation. This foundation consists of an adult, rational male guardian who is familiar with the nature of masculinity and guarantees the rights of his ward and prevents aggression against her. Likewise, there are two witnesses who witness the conclusion of the contract; thus, lineages are known, rights are guaranteed and doubts are removed. As for the nature of marriage, the Sharia has encouraged choosing the appropriate partner in terms of righteousness and religiosity, so that he can raise the young in the best way. The Sharia has also encouraged choosing a suitable, beautiful name and teaching some of the Qur'an, and this, as Sharia scholars state, is one of the rights of children over guardians. Children who are raised with virtuous morals under the protection of a family in which rights are guaranteed and duties are carried out, keep its members away from crime and aggression.

### **Section IV: Fighting Poverty:**

Islamic teachings are full of qualifications that block the path to crime and protect society from its dangers, foremost among which is confronting the phenomenon of poverty. Because of poverty and need, people resort to committing crimes to satisfy their hunger or to escape the circumstances in which they live. The Messenger of Allah (peace and blessings of Allah be upon him) said: "Poverty almost leads to disbelief". (*Al-Suyuti, 1350 AH, p. 309*). It is attributed to our master Ali bin Abi Talib (may Allah be pleased with him and honour his face) that he said: "If poverty were to appear to a man, I would kill him". This shows that poverty is a frightening and terrifying phenomenon with profound effects that must be confronted by all means and methods in order to prevent crimes committed under the motives of poverty, need and want.

Among the means to eliminate poverty are fighting unemployment and spreading the culture of work, whatever it may be, as it guarantees a decent life. This can be done by allocating qualified and organized sites that spread the culture of work and entrepreneurship, and assigning imams to give lessons about professionalism, explaining the virtue of work, and denouncing begging. God Almighty said: (And when the prayer has been concluded, disperse within the land and seek from the bounty of Allāh). The Messenger of God (may God bless him and grant him peace) said: "God loves the faithful professional", and he also said: "The upper hand is better than the lower hand", and the Messenger of God (may God bless him and grant

him peace) praised that hand that was affected by toil and work, saying about it: “This is a hand that God and His Messenger love”.

In contrast, the Messenger of Allah (peace be upon him) warned against begging and asking, saying: “It is better for one of you to take his rope and collect firewood than to ask people, whether they give him or refuse him”. Several sermons can be learned from this hadith, including that a Muslim should practice and work without being arrogant about his work. This is according to the saying of the Messenger of Allah (peace be upon him): “To collect firewood” meaning to sell firewood and be self-sufficient with its price is better than begging and asking. The master of creation (peace be upon him) worked as a shepherd of sheep for a small sum of a few carats, and he was from Banu Hashim and the son of the master of Quraysh, Abdul Muttalib. He (peace be upon him) said: “Allah never sent a prophet who did not herd sheep, and you, O Messenger of Allah? He said: Yes, I used to herd them for a few carats for the people of Mecca”. How great you are, O Messenger of Allah, and what a beautiful example you are, until he finds work that suits his abilities and qualifications.

Most of the motives for crime in our contemporary time are limited to poverty and need, with arrogance and contempt for jobs, which has caused an increase in crimes of all kinds. Therefore, it is necessary to work to eliminate the phenomenon of poverty by spreading the culture of work and production. The state must also allocate sufficient positions for work in its policy, because a person’s commitment to a job and work prevents him from extending his hand in forbidden ways to the money of others, such as theft, embezzlement and fraud. On the other hand, when a person gets tired in his work and job and returns exhausted, he does not think about deviance and crime in the first place.

#### **Section V: Adherence to the Respectable Islamic Dress Code:**

It is no secret to us that a significant percentage of crimes are caused by lust and disrespect for the dress that God Almighty has made obligatory. Its absence is a reason for committing crimes of fornication, lesbianism, sodomy and the spread of indecencies, which requires shedding light on the reasons. Among these reasons are: when the dress is indecent and attracts attention, and even innate and not hidden, and some may claim that it is personal freedom, but the truth is that we are in the process of a prevention policy, the matter necessitates that we impose this, even if it is not a religious duty, it is to ward off the corruption caused by immodesty in spreading diseases, effeminacy and the perversion of nature. Although the religious matter does not require justification, God Almighty does not leave the believer with the choice of his matter, and the believer may realize the wisdom and purpose or he may not. The wisdom behind adhering to the Islamic dress code is clear and obvious. Our scholars have stated that it is forbidden for a person to deliberately look at a woman who is not related to him, even if that is without pleasure or desire, because God Almighty says: (Tell the believing men to reduce [some] of their vision and guard their private parts. That is purer for them. Indeed, Allāh is [fully] Aware of what they do).

As for deliberately with a foreign woman deliberately and lustfully, it is a lesser form of adultery. Each of the limbs has a share of adultery. Whoever looks has committed adultery with his eyes, whoever shakes hands with a woman lustfully has committed adultery with his hand, and whoever listens to a woman lustfully has committed adultery with his ears. (*Bali, 2013, p. 147*).

#### **Section VI: Filling and Investing Free Time:**

Emptiness and not filling time with something is a silent and deadly disease that drags the person who lives in emptiness to undesirable outcomes. Filling emptiness must be exploited and invested in, whether it is related to a religious or worldly matter, because the soul must move and work. God created it for that and it was created for it, and the mind and thought must work and exercise so that they do not become dull and coagulate. I say frankly when I interact with many young people who have fallen into deviations and crimes, their reason is emptiness and not working and filling time with something useful, due to weak capabilities and incentives or bad company, and research into that is long and broad. Talking and dedicating research to crime prevention policy is important if we aim and intend to reduce crimes on the one hand, and on the other hand to get our youth out of states of deviation, because their condition is

such that the heart bleeds. Is it conceivable that a healthy young man in his thirties has ended up behind bars with idle abilities?

Emptiness and weakness of the soul and mind make a person imprisoned, obsessed and depressed. He sees salvation in intoxicants, alcohol and hallucinogens, which then leads him to professional crime. Islam came calling for work, activity and practicing various sports such as swimming and horse riding, because of their effect on filling free time after completing the great tasks of worship and worldly needs.

It was found nice in dividing the times of the five prayers. In the free time after a person returns from work, four prayers were arranged: Dhuhr, Asr, Maghrib, and Isha, to stop thinking about deviation. While the time of slumber, sleep, and rest is long, from Isha to Fajr, due to the need of human to rest and sleep. God Almighty made the night for sleep and the day for livelihood, and in between, the prayers were arranged.

Based on the above, those in charge of this field, from the Ministry of Youth and Sports, Education, Higher Education and Vocational Training, and all those involved, must take a firm and serious stance, by arranging for the youth activities and work full of motivation to cut off emptiness and fill time with what is useful and beneficial, so that it will bring them goodness, benefit and happiness in this world and in the hereafter.

## **Theme II: Preventive Policy Mechanisms in the Positive Law**

### **Section I: The School Role in Preventing Criminality:**

School is considered the first long basic stage in which the learner spends most of his time, through which he acquires the educational and scientific values stipulated in the school curricula. Given this specificity that includes the length of time on the one hand, and on the other hand the first outside world that the student goes to where he is raised and learns. It must be given more care and continuous follow-up. Students learn upright and correct behaviors and are warned against deviation and the punishment set for it. Then, he learns about the dangers of deviation and receives a distinguished education, graduating from it as a good and effective citizen, not a deviant criminal. This is the fact that should not be overlooked in any way, as the child is a blank sheet of paper that is filled with what is stipulated for him in the educational curricula, in addition to the educational and cultural programs. It has become imperative for those in charge of this field to evaluate the outcomes of each class and at each level, so that we provide a suitable environment for education and upbringing. This is done by relying on auxiliary sciences from educational and school psychology, sociological theories, and specialists in every art and science. We all hope to graduate a pioneering generation that will also contribute to reducing crime rates. (*Hijazi, 1981, p. 361*).

### **Section II: The Citizen Role in Achieving the Prevention and Deterrence Policy:**

The advancement, development, and enjoyment of security and tranquility of society depend largely on the good citizen who enjoys his belonging to the country in which he lives and contributes to the establishment of security in it. This matter has been called for in the pure Sharia, and jurists have addressed it under the topic of enjoining good and forbidding evil. We will mention points that are attributed to the citizen and it is hoped that he will do them and teach them in schools, because it is first and last a culture that he is raised on from a young age. We draw attention to the need to adopt them more effectively in the curricula, hold ongoing seminars, and address them by the honorable imams in their sermons and lessons. These points are:

- ❖ Respect and comply with the laws and regulations issued by the competent authorities, and work as much as possible to avoid violating them.
- ❖ Be sure to take the necessary precautions to prevent the occurrence of the crime, such as caution, care and vigilance, so that the perpetrators are not left with room to think, whether the criminal act affects themselves or their property.
- ❖ Reporting perpetrators, suspected individuals, or anyone planning to commit crimes or inciting them to commit them in order to cut off their way. This is an individual obligation if we want to establish security in our societies, and because recently a thought has emerged that prompts individuals not to

report suspects or even criminals under the pretext of revenge. This must be accompanied by guarantees for the safety of the informant in himself, his family, and his property, otherwise everyone will refrain from reporting for these reasons. This is clearly evident in popular societies with high population densities. (*Faisal, 2018, p. 244*).

❖ Cooperate extensively and intensively with security agencies to uncover the crimes that surround them, whether they are real or potential, especially during the investigation. And provide the competent authorities with information that would be useful in the investigation so that the features of the crime are known and its perpetrators are punished. (*Faisal, 2018, p. 244*).

❖ Urge the submission of necessary testimonies and cooperation with judicial authorities. (*Faisal, 2018, p. 244*).

❖ Provide necessary assistance to victims of the crime and pay attention to its features to assist in the investigation, such as the timing of the crime, the features of the criminal, or equipment, or the escape route, or the registration of the car number or any important information.

❖ Work to rehabilitate and reform the perpetrators after the end of the sentence, and not to look at them as if they are exiles, and work to integrate them into society again, by giving them opportunities for employment, work and social relations, so that they can integrate into society in the shortest possible time, and rehabilitate them to become good citizens. (*Al-Hassania, 2006, p. 24*).

### **Section III: Encouraging the Solidarity and Mutual Support Culture in Society:**

Islam has called for solidarity, cooperation and mutual assistance among Muslims, so that brotherhood and love prevail and the causes of discord and evil are buried. This distinction is enjoyed at its highest levels in the Islamic world, unlike any other, in the hope of pleasing Allah Almighty. Wherever there is solidarity, compassion and mutual support, crime and deviation are reduced. It is inconceivable that the people of one town would cooperate in every calamity, participate in charitable works and cooperate with each other in the simplest matters, without issuing enmity and disagreement that lead to crime. Souls are naturally inclined to love those who do good to them, and this is what the history and state of the Messenger of Allah (peace and blessings of Allah be upon him) and the history and state of the Rightly-Guided Caliphs after him bear witness to. Therefore, one of the reasons for crime prevention is the prevalence of mutual support and solidarity. Islam has urged cooperation and solidarity, as God Almighty said: (And cooperate in righteousness and piety, but do not cooperate in sin and aggression). The Messenger of God (may God bless him and grant him peace) said: “The example of the believers in their mutual love, mercy and compassion is that of a single body. If one part of it is ill, the rest of the body responds to it with sleeplessness and fever”.

From this; it is necessary to work on instilling the love of teamwork and volunteering in charitable work within the framework of associations, organizations, clubs, Islamic scouts, and others. This is done by including them in educational curricula at all levels. Likewise, urging imams to address the topics of cooperation and solidarity, as this is what distinguishes the Islamic world and through which it is happy, develops, and survives calamities. The time of the Corona pandemic is not far from us. Algerian civil society and other peoples of the Islamic world have proven their ability to emerge from hardships and grudges in record time. Praise and gratitude be to God for honoring us with these religious values and teachings that guarantee happiness for the individual and the group in this world and in the hereafter alike.

### **Section IV: The Penal Institutions Role in Preventing Recidivism:**

The principle is that penal institutions are entrusted, in addition to inflicting pain and restricting the freedom of the individual offender, with the reformatory role that aims to reform, rehabilitate and reintegrate convicts into social life after serving the prescribed sentence, through the penal institutions system and adopting specialized methods and approaches in treatment. Today, we find that many studies focus on the aftercare stage after release, by helping those released to integrate them into social life as quickly as possible, through work, housing, etc., which helps them not to adopt deviant behavior. (*Faisal, 2018, p. 243*).

It is worth noting that the topic of penal institutions is very important. Today, we find that many convicts return to committing crimes, which puts the role of penal institutions in particular and criminal policy in general in question and accountability and is worthy of research and change. The principle is that the convict does not return to deviance if he receives adequate care, otherwise the burden and danger of the crime will increase through the victim on the one hand, and on the other hand, the disabling of the perpetrator, and also on the other hand, the burdens of penal institutions. Here I draw attention to the focus on the role of penal institutions due to their impact in reducing crime.

#### **Section V: Monitoring the Media and Communication:**

Given the amazing progress in media and communication devices in our contemporary era, there is hardly a home that does not contain some type of them, such as smartphones and computers. Therefore, many have taken advantage of this spread in communication media to share and broadcast vice and deviation and present criminal characters and make them into victims or heroes, or show how the crime was committed. This has inspired many to think about committing crimes, imitating what they have seen. Some communicate with young people to facilitate illegal immigration and spread its culture. Not to mention obscene and indecent images, which have caused many crimes of adultery and rape. We also mention that in light of the spread of the “Tik Tok Application”, its users have deliberately published what brings them abundant profit according to the number of views and followers, appealing to the feelings and emotions of teenagers, which has led many of them to deviance and crimes. These shameful sites have included all aspects and fields, such as political aspects such as publishing inciting posts. As well as the economic aspects such as impersonating accounts to take money and defraud people. Add to that the social aspects such as inciting separation “Khula” and divorce under the pretext of liberation and the absence of male control in married life. And even the commercial and agricultural aspects and so on. Many studies have proven that the reason criminals commit their crimes is these sites and accounts, inspired by the lesson and the idea.

From the above, it is necessary to monitor these means and hold accountable those responsible for spreading deviation and crime, whether through video, magazine, newspaper, advertisement or fashion. This is done by developing monitoring and information techniques and means, and imposing the maximum penalties in this regard in order to block pretexts. In return, these destructive trends must be confronted and replaced by spreading the teachings of Sharia and correct religious culture, enlightening them with the news of the glorious history of our scholars and thinkers, and celebrating virtuous manners and beneficial knowledge. In return, the state of Western societies must be criticized and the dark side must be highlighted, such as suicide, loss, physical and psychological illnesses and depression, which has resulted in an increase in crime rates caused by violating religion and straying from the divine approach. (Habreeh, 2010, p. 294).

### **CHAPTER III BENEFITING FROM THE SHARIA PROVISIONS WHEN LEGALIZATION THE LEGAL PROVISIONS**

#### **Theme I: Activating the Blocking Pretexts Rule**

Anyone who ponders the rulings of the Islamic Sharia through induction and tracing details will notice the existence of a firm rule that accompanies the rulings of the entire law, which is considered by scholars of Usul Al-Fiqh (Jurisprudence Principles) as one of the legislative generalities, namely blocking the pretexts. When this rule is applied, all paths and causes that lead or may lead to deviations and violations are closed, were it not for blocking their pretexts. A valuable and precious matter has been mentioned in this regard, namely: “When Allah the Almighty forbids something, He forbids the causes and motives that lead to it, blocking the pretexts and preventing falling into Allah’s protection and prohibitions”. (Abu Zayd, 1415 AH, p. 106). We conclude from this chapter that before criminalizing criminal acts and violations, it is necessary to precede criminalizing the acts that lead or are likely to lead to violations, and that they be realistic and appropriate to encourage the public to comply and not violate. For example, increasing the penalty for speeding while driving to prevent traffic accidents. Likewise, punishing immodesty, unveiling, and spreading indecency to prevent the crimes of adultery and forbidden relationships.

Once this is done and the pretexts are blocked, a second matter follows, which is alerting people and informing them of the severity of the punishment and its effects. It carries a lot of approaching even

suspicious sites, as there is a type of that in the Islamic Sharia, which is for example the punishments of the boundaries -Hudud-, as they all represent intimidation and warning, such as cutting off the hand of a thief in the crime of theft or stoning to death in the crime of fornication. When people see the seriousness of the punishment, this will deter them and prevent them from approaching. It is inconceivable that the offender would reach out for forbidden money of limited value and then have his hand cut off because of it. When comparing the hand to the stolen dirhams, he would not go ahead and would not think about stealing in the first place. The same applies to the crime of adultery in exchange for short-term pleasure and lust that would take his life, so he would immediately refrain and would not think about engaging in forbidden relationships in the first place. This is what we call criminalization policies and their impact on reducing violations and deviations. When legislating and codifying laws, it is necessary to benefit from the approach of Islamic Sharia, as we find in our contemporary time young people who do not fear punishment, because most of it is imprisonment with the provision of all possibilities, which has led to the spread of crimes and their inclusion in all aspects of life due to the lack of proportionality between crime and punishment. On the other hand, if there were deterrent and prohibitive punishments that would prevent them from committing the crime in the first place, and if it was committed under any pretext and upon achieving the appropriate punishment, the principle is that they should refrain from returning.

The increasing rates of crimes in our society and their comprehensiveness in all areas; puts the applied criminal policy in a position of accountability and questioning. Crimes are supposed to decrease, otherwise we would judge them ineffective and they would become necessary to amend and change in line with the huge rates in the number of crimes that we witness today. We have supported our research with the approach of the Islamic Sharia in the chapter on blocking the pretexts to reduce crimes, since the one who established the rulings of the true Sharia is God Almighty. He, the Almighty, said: (Does He who created not know, While He is the Subtle, the Aware?). Based on that, it has become obligatory for us to adopt the approach of the Islamic Sharia as a path and a beacon when legislating, otherwise our attempts will be in vain.

### **Theme II: Staying Away from the Crime-Motivating Environment**

This part means staying away from everything that leads to sin, deviation, and evil tendencies, and from everything that stirs up lust and incites instincts. There are many people who are moved by ugly behaviors as soon as they approach hotbeds of temptation and their desires are stirred. On the other hand, if a person stays away from that and visits places of righteousness such as mosques, institutes, charitable societies, and Islamic scouts, he will not proceed or even think about deviating, and this is evidenced by the number of criminals. Most of these people are not mosque-goers or involved in charitable organizations. The only factor between them is that they lived in and fell into an environment of corruption. Whoever watches licentious films or obscene magazines has committed or come close to committing adultery. Whoever lives in the company of corrupt money is exposed to financial crimes and embezzlement. Whoever watches websites that adorn the lands of exile and their temptations for young people is exposed to illegal immigration, and so on. A person must stay away from temptations so that he can avoid their filth and harm, and in this way, he will be saved and protect himself from falling into hotbeds of corruption.

### **Theme III: Contemporary Methods in Prevention and Deterrence Policy**

Anyone who contemplates advanced research in the field of prevention and deterrence policy will find that it focuses on a set of recommendations that would limit and reduce crime rates. These guidelines can be summarized in the following points:

- Establishing new specializations related to criminal policy and criminal sciences, through the establishment of institutes and centers specialized in criminal and preventive sciences and disseminating the strategy of field and applied work.
- Developing model preventive programs that are periodically updated in educational institutions and in workplaces and jobs, based on the findings of scientific research techniques and evaluation and measurement methods. This is because scientific research has today become one of the components of

modern criminal policy, and following up on the outputs until reaching satisfactory rates and results that prevent the exacerbation of crime rates. (*Faisal, 2018, p. 14*).

- Forming an effective human apparatus in the field of prevention and deterrence policy. This is because the prevention and deterrence policy require a specialized and integrated human apparatus in several fields of Islamic Sharia sciences, jurisprudence, principles of jurisprudence, psychology, educational sciences, sociology of crime, and all auxiliary sciences that would form workers in the field of prevention and deterrence policy, so that they become qualified to draw the features of an effective prevention policy. In addition to benefiting from the experiences and policies of countries that witness a noticeable decrease in crime and delinquency rates. (*Faisal, 2018, p. 14*).
- Allocating a special budget for prevention; A sufficient financial envelope must be allocated to enable scientific research to be carried out and applied on the ground. This is much better than crimes occurring, incurring losses, and disrupting qualified capabilities in prisons and arranging their needs, so the loss is then doubled, in addition to the lack of a sense of security. The sense of security is the goal of every society and system.
- Relying on modern technology; in light of the development of modern digital technologies, it must be adopted in the field of prevention and deterrence policy. This is done through digital chips and surveillance cameras in potential crime locations, warning people of their presence and that they accurately identify the perpetrators. This will stop or reducing the commission of crimes. Because it is observed that perpetrators commit their crimes when they know that their identity will not be revealed. This can also be used to suppress fraud and monitor the movement of money and others by creating information systems and digitizing operations, thus making things difficult for many perpetrators of crimes. Technology is also used to determine crime rates, their hotbeds, the possibility of recurrence, clarifying their causes and perpetrators, determining the ages of perpetrators, and other modern digital mechanisms that help provide comprehensive, real pictures to draw up an effective, exemplary prevention policy.

### CONCLUSION

- ✓ The policy of prevention and deterrence is defined as determining the mechanisms and means that lead to achieving crime prevention while ensuring that the security dimension is given to the development process in all its forms, meaning ensuring social and cultural development and adopting preventive plans against crime.
- ✓ The preventive policy in the Islamic Sharia contains a set of mechanisms capable of preventing crime. The most prominent of these are: self-reform, sensing divine supervision, and performing the obligatory acts of worship due to their role in stopping thinking about deviation in the first place, in addition to enjoining good and forbidding evil as a mechanism for involving civil society to reduce the spread of crime.
- ✓ The preventive policy in the Positive Law also has several mechanisms; such as activating the role of the citizen, monitoring the means of communication and media, and the role of penal institutions to rehabilitate and reintegrate inmates so that they do not re-commit crimes. However, these mechanisms are not sufficient to prevent crime, and there is no better evidence of this than the increase in crime rates, although they are applied and activated.
- ✓ The Islamic Sharia provides mechanisms for the Positive Law, the most prominent of which is the rule of blocking pretexts to prevent the commission of crimes, and this remains a feature and a specificity of the Islamic Sharia.
- ✓ The basis of deviation is the availability of an environment that motivates crime in the Law. While the Islamic Sharia seeks to suppress it in its infancy by prohibiting and punishing those affiliated with it in this world and in the hereafter. In this world, such as: the displacement of Nasr bin Hajjaj, burning books, and burning shops where alcohol was sold.
- ✓ The necessity of using modern methods in the preventive policy from technological means and allocating budgets for the preventive policy apparatus, in addition to the continuous training of the human apparatus entrusted with preparing preventive programs capable of reducing the commission of crime.



## Results and Recommendations

What the study recommends is a set of recommendations that I see as very important and that will reduce the commission of crimes. I mention them below:

1. Establishing an integrated specialized apparatus (human, financial, means, programs) in the preventive policy aimed at preparing modern preventive mechanisms that prevent the commission of crime.
2. Benefiting from the Islamic jurisprudential heritage through training judges, security forces, imams and professors in the legal field.
3. Benefiting from the preventive policies of the countries that record the lowest levels of crime.
4. Establishing new specializations related to criminal policy and criminal sciences and specialized institutes, such as the Naif Arab Academy for Security Sciences in the Kingdom of Saudi Arabia.
5. Re-legalization the laws of the penal institutions, so that they are firmer and more effective in rehabilitating inmates to not re-commit crimes.
6. Intensifying international and national forums to exchange experiences in the field of the preventive policy.
7. Assigning researchers and students to prepare research and studies in the field of the preventive policy.

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