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# Criminal Contribution In Iraqi And Egyptian Law

Ahmed Latif Jubeir Al-Muthanna University.

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## Abstract

Criminal contribution involves a great diversity of roles and contributions that individuals can make in the course of committing a crime. This diversity of roles can lead to differences in how important the contribution is and how much impact it can have on the crime. In many legal systems, criminal contributors are treated based on the degree of their contribution to the crime. Therefore, this disparity in the level of contribution could have an echo in the provisions of the law. Criminal contribution is included in the material acts constituting the crime that occurred if several people contributed an original role in the crime. This form is called the original criminal contribution. Criminal contribution may also be achieved by the person's contribution to the crime. He plays the crime in a secondary role, making him merely an accomplice in committing it.

**Keywords:** Criminal Contribution, Participation, Causal Relationship.

## Introduction:

1- Research problem: If there is criminal participation in a crime, does this participation enter into the acts constituting the crime and is the contributor punished like the original perpetrator?

2- Research questions: This study seeks to answer the following questions:

Original question

- What is criminal participation and what could be its consequences if it occurs in Iraqi and Egyptian criminal law?

Sub-questions

- What is the concept of criminal contribution in Iraqi law and Egyptian law?
- What is criminal contribution and its impact?

- 3- Research objectives: The aim of the study is to explore and analyze the challenges and legal controversy surrounding the concept of participation in crime. The research aims to establish standards and mechanisms for distinguishing between the various forms of participation and the activity of the original perpetrator in the crime, with a focus on examining the interaction between the participants and determining the responsibility of each of them in the context of specific crime. The research will delve into the role of criminal contribution as a special form of crime, focusing on cases in which more than one actor is involved, and how criminal responsibility is divided between them. Thus, the study aims to shed light on specific aspects of criminal interaction, develop a deeper understanding of how liability is determined in cases of complicity in crimes, and make valuable contributions to the field of criminal law.
- 4- Research methodology: The researcher used the analytical, descriptive, and comparative method in the study, as well as the descriptive method.
- 5- Research structure:

## Chapter One: The concept of criminal contribution

The concept of criminal contribution is an important concept in criminal law and regardless of the type of crime committed, criminal contribution represents an important part of it. Criminal contribution includes a variety of acts, including instigation, aiding, complicity, organizing, harboring, preparing, preparing, Collaboration, alliance, framing, signaling, and much more. The severity of the criminal responsibility of the participants in the crime depends on the degree of actual and moral contribution of each of them. The laws of countries differ with regard to determining the severity of the criminal liability of contributors to the crime, and the criteria that are applied to determine this liability. Sometimes, criminal contribution can be considered as an independent crime, while other times it can be considered as mitigating circumstances or participation in a larger crime. For the purpose of clarifying the concept of criminal participation, we will divide this chapter into two sections. We will devote the first to the definition of criminal participation, while in the second section we will discuss the historical development of criminal participation.

The first section: Definition of criminal contribution linguistically and terminologically

The term “criminal contribution” is used in criminal law, and it is composed of two words: “contribution” and “criminal.” In order for us to be able to understand it in language and terminology, we must know the meaning of each of the two words separately, and then learn the meaning of criminal contribution as a compound word.

The first requirement: definition of contribution

First: Definition of contribution in language

Contribution has several meanings, as follows:

Participation: It is said: He contributed to something, meaning he participated in it.

The share: It is said that shares were given to him: he gave him one or more shares, and the share is the share or share, and it is combined into two shares and a share, and his shares are a contribution, he took a share for him, that is, a share with him.

Lottery: It is said: “share among them” in the sense of “lotter”, and “share” in the meaning of “lottery”.

Kinship: Ubaid’s saying: The displaced person may connect the remote, and the one with the arrow may cut off the relative. It is said that the meaning of kinship is the “share” mentioned above, because the relative has a share and a share in the family connection.

Sharing: It is said that the two men share: they share, and they share the thing: they share it, and Al-Saheem: the one who shares something with someone else by share.

The relationship of contribution to participation: There is a strong connection between the word contribution and the word subscription, as each of them refers to contributing to a work or event. Although there is a great similarity in meanings between the two words, there is a difference between them, which is that contribution refers to the contribution of one or several people to a work or event, while participation refers to the participation of several people in doing the same work or event. It is important to maintain the distinction between the meanings between the two words in linguistic and legal use in order to maintain accuracy in expression and avoid confusion between them.

Second: Definition of contribution technically

The discussion in Articles 47 to 54 of the amended Iraqi Penal Code No. 111 of 1969 is devoted to talking about criminal contribution, yet there is no specific definition of this contribution. To clarify its concept, one must refer to the definitions of jurists found in Sharia law. Whereas the concept of criminal contribution in Sharia law includes reference to a single crime committed by multiple offenders. Through this general reference, the concept of criminal contribution can be defined in Iraqi law. The previous definition does not accommodate all the facts of criminal contribution, as more than one person can commit a single crime without criminal contribution, and one person can commit a crime without a mental connection with other perpetrators. The previous definition is considered not specific enough and does not include all forms of criminal participation, as it is suspected that there

are other forms of crimes that are suspected of criminal participation, and the multiplicity of perpetrators in these crimes is not adhered to.

It is noted that all individuals involved in a particular crime are considered equally responsible for the crime, as each person must bear his responsibility for a single crime and be held accountable for it, regardless of the motive for committing the crime or his mental connection to other perpetrators. Finally, the text indicates that crimes in which criminal participation is suspected must include the necessary multiplicity of perpetrators, otherwise they are not subject to the provisions of criminal participation, as multiplicity is an essential element in these crimes.

Another definition of criminal contribution was found after studying and reviewing the criticisms directed at the previous definition. Dr. Abdel Fattah Al-Saifi defined it as “the intentional intervention of more than one perpetrator in committing the same crime, when their intervention is not required by law to materialize the legal model of the crime.”

These new definitions of criminal contribution represent progress in understanding this concept. All aspects of criminal contribution have been included in these definitions, and any precautions that do not apply to this concept have been excluded, even if there is suspicion of them. This definition also states that a crime committed by several perpetrators will not be considered a criminal contribution unless these perpetrators are linked by a unified mental bond and speak with will, which could turn to intentional or unintentional crimes. It is also clear from the new definitions that the presence of multiple perpetrators in the crime of contribution is not necessary, but rather this crime can be committed by one person as well.

The second requirement: the concept of crime

To explain the concept of felony, we will define it linguistically and idiomatically as follows:

First: Definition of felony in language:

Linguistic definition: The origin of the crime is from reaping fruit, which is taking what is on top of trees.

The crime comes with several concepts depending on the context, and among the most prominent of these concepts are:

1- Criminal commission: It refers to the commission of a sin. The term “felony” is used to refer to a person who commits a sin. The plural “perpetrators” and “perpetrators” are used to refer to several people who commit a sin. “Perpetrators” is rarely used to refer to the plural “perpetrators.”

2- Collecting something: It is said to collect gold, meaning to collect it from its metal, and to collect honey, meaning to collect it. Felony, then, is a name for what a person reaps from something, whether good or evil, except that the predominance of use in matters of evil makes it specific to it.

Some derivatives of the word "felony" can be used in transportation as follows:

1- God Almighty says: (And shake the trunk of the palm tree to you, and it will cause fresh dates to fall upon you.)

The meaning is that it comes to you, Mary, moist and fresh, and is ready to eat, that is, it has not dried out, not spoiled, and not out of your reach.

2- The Messenger (may God's prayers and peace be upon him and his family) said:

(Does not a jinn commit harm except against himself?)

Felony is an expression of sin and transgression, and any act committed by a person requires punishment or retribution, whether in this life or in the afterlife.

The general meaning is that a person is not responsible for the crime of his relatives or family members. If one of them commits a crime, the others in the family will not be punished for it. ) According to the Almighty's saying: (And no bearer of burdens shall bear the burden of another.)

Second: Definition of the crime in terms

The Iraqi criminal legislature clarifies felony as one of the types of crimes. Based on the severity of the punishment imposed on the perpetrator, criminal legislation is divided into three categories: felonies, misdemeanors, and infractions. This is stated in Article 23 of the Iraqi Penal Code. It is defined in Article 25 of the same law: "A felony is a crime punishable by law with one of the following penalties: 1- Death 2-

Life imprisonment - Imprisonment for more than five years." In Egyptian law, the term "felony" is defined as a type of crime. Crimes are classified into main categories based on their seriousness and the penalties imposed. These categories are divided into: felonies, misdemeanors, and violations. Felonies are defined in Article 10 of the Egyptian Penal Code as "crimes punishable by the following penalties: death, life imprisonment, temporary hard labor, imprisonment."

Felony is mentioned by jurists, and what is meant by it is every forbidden act that befalls money or a soul, such as if he ignites a fire and it travels to a place where there are lives and money, then he is a guarantor of the souls and money. It may be mentioned that it means what animals do, and it is called animal crime or crime against animals. Some jurists have applied it to what a muhrim commits while in ihram or in the sanctuary, as they said: A

muhrim has two types of crimes: hunting and non-hunting. However, what is known - or rather well-known - is that felony is used to cause harm to humans or animals, and as for felony against property, it is called usurpation and destruction.

It also means guilt and crime. (c) Felonies (which are few) and felonies. - Sharia: a name for a forbidden act that is permissible with money. Or the same. The jurists singled out usurpation, theft as what happened to property, and felony as what happened to a soul, and limbs (Al-Hasakfi). According to the Malikis: It is the act of the offender that necessitates retaliation: In the words of Ibn al-Atheer: What a person does that necessitates punishment or retaliation in this world and the hereafter.

In Sharia jurisprudential terminology, the term “felony” refers to forbidden Sharia acts that are punishable by Sharia law, regardless of whether they relate to life, money, or otherwise. This concept is used in Islamic jurisprudence to talk about criminal and prohibited actions that expose a person to legal punishment.

The second topic: the historical development of criminal contribution

Criminal contribution is not the result of an era, but has existed since ancient times, and that is why we will discuss it in a set of laws:

The first requirement: in the old systems

First: In Roman law

The criminal law of the Romans was based on personal revenge, and then this idea began to develop over time, so the Romans knew multiple terms to denote the different forms of participation in crime using (such) to denote offenders because they resume committing a crime in one period of time and using the expression

(SONCIUS) that It indicates someone who intends to commit a crime, and his sentence is a punishment for him, unless the law requires him to report About crime. As for the instigator, he is entitled (AUCTOR). The instigator must have initiated and had a decisive influence in shaping the criminal decision of the offender, and the expression (MINISTER) was applied to someone who helps the offender in committing the crime.

The thing to note from the above is that although these disparate terms existed, Roman jurists would in many cases confuse them. They did not follow a single plan in determining the provisions for these cases separately, and in addition, the Law of the Twelve Tablets did not create special provisions for the development of melanin contribution.

Second: In German law

In ancient times, German law knew some different criminal forms, and the punishment varied according to the role played by the offender, as the punishment of the offender was determined for the instigator, and sometimes it was more severe. (REC HTER VOLLETSI), known to be the assistant who pledged to help him as much as possible to commit the crime. As for the rest of the assistants, his punishment was less than the punishment for the crime.

The second requirement: in modern legal systems

First: In Iraqi law

It is difficult to provide a comprehensive overview of the historical development of criminal contribution in Iraqi law in detail due to the complexities of the different historical stages. However, some important points can be highlighted.

- 1- Old Iraqi law: In ancient historical periods, punishments were characterized by strictness and cruelty, and were vindictive in nature. Historically, the focus has been on punishment for the main actor without differentiating between contributors.
- 2- Contemporary Iraqi law: With the development of the law in the modern period, legislation in Iraq began to take individual circumstances and effective contribution to committing the crime into account. The degree of contribution and the role played by the person in carrying out the crime is considered.
- 3- Criminal law and reforms: Modern criminal laws tend to focus specifically on the concept of contribution and participation in crime. The role of criminal contributors is determined based on the degree of their contribution, which is reflected in criminal legislation and judicial rulings.
- 4- Keeping pace with international developments: Iraqi law is also compatible with international developments in the field of criminal justice and human rights. The importance of determining liability accurately and appropriately according to the circumstances of the crime and its contributors is recognized. As society and legislation evolve, Iraqi law's understanding of criminal contribution to poison homicide becomes part of broader developments in the criminal justice system.

Second: In Egyptian law

In its historical development in Egyptian law, the concept of criminal contribution has witnessed accelerating development with the changes of the times. In older legal systems, the focus was more on the main actor in the crime, while modern legislation has begun to recognize the importance of defining the roles of participants and the extent of their influence. The laws have changed to include greater detail on the concept and types of contribution, with an emphasis on the criteria of intent and knowledge. This historical

transformation shows a response to developments in society and the need for legal systems consistent with modern concepts of justice and human rights. Legislative concepts have witnessed remarkable development to enhance the concept of contribution and determine criminal responsibilities. Article 36 of the Egyptian Penal Code No. 58 of 1937 shows examples of this contribution.

The article states that “if the crime was committed by two or more people together with a common intention, each of them shall be punished with the felony penalty stipulated by law for that crime even if not each of them participated in carrying out each of the physical acts necessary for its completion.”

Third: In French law

As it is known, the majority of the rules of French law are derived from Roman law, and therefore this law determines the forms of participation in crime. This is clear in the approval of the principle of unity despite the multiplicity of participants in the punishment between the original contributors and subordinates. This was embodied in the French Penal Code issued in 1972 for felonies. Just. These principles were transferred to French law in 1940, extending to conquest, where Article 59 stipulates that the partner be defined by the means of participation without specifying the actor. Liability is based solely on the investigation of the crime of the original offender because he is considered a secondary criminal, and the absence of a text in the French Penal Code defining the original contributor has led to a major disagreement between jurists about this definition and about determining the criterion for distinguishing between them.

Fourth: In Algerian law

The most important thing that distinguishes the Algerian Penal Code issued by Order No. 66/156 dated 8/6/1966 from the French Penal Code applied before that in Algeria, as we find that the Algerian law is new in existence in light of the French law and other laws, and for this reason no noticeable development has been observed. In what is known as criminal contribution, the Algerian legislator adopted the same method that the French legislator adopted with regard to criminal contribution, except that the Algerian legislator differed with the French in the provisions related to punishing the accomplice, as the Algerian legislator adopted the modern method represented in the necessity of distinguishing between the original perpetrator and the accomplice, where:

1- The accomplice is interrogated on the basis of criminal intent, so he is not affected by what the original perpetrator committed in the crimes. In other crimes, it did not occur to the partner.



2- It should not be affected by the personal circumstances that may affect the original perpetrator or his criminal behavior. As for objective circumstances, it is affected by the actions of shareholders.

3- The accomplice shall be punished even if the criminal case is dropped against the original perpetrator. The accomplice is also punished even if the original perpetrator abandons committing the crime of his own free will.

The difference in the criminal liability of the accomplice and the original perpetrator is the result of a difference in civil liability in terms of compensation and financial fines.

## Chapter Two: Criminal contribution and its consequences

We will divide it into two sections. The first section will talk about criminal participation, while in the second section we will talk about the impact of criminal participation.

### The first topic: criminal contribution

A single individual can commit a crime and be solely responsible, in which case he or she is called the “perpetrator.” Several individuals may participate in and contribute to the commission of the crime. Each individual plays a specific role in carrying out the crime, whether that is planning it, preparing the necessary means, inciting it, executing and completing it, concealing evidence of its implementation, and so on. This cooperation between offenders requires the existence of the crime itself, whether it is a completed crime or an attempt to commit a crime. If there is no agreement between the offenders to commit that crime, it is not considered complicity in the legal sense. In this case, each individual is considered the perpetrator of the crime and is held accountable for what he or she has committed. If the actions that occurred do not constitute a crime, there is no penalty for participating in them because they are considered lawful.

Contribution to crime is an important topic studied by criminal law scholars. Despite the great development witnessed in criminal science, there are differences among researchers regarding the nature and scope of contribution to crime and how to determine the criminal responsibility of its participants. This aims to determine the appropriate punishment for each participant in a particular crime. Several individuals participate in committing the crime and contribute to it, and for this reason we will divide this study into three demands. The first requirement will talk about the direct perpetrator of the crime, and in the second requirement we will discuss the accomplice, while we will explain the concept of the moral perpetrator in the third requirement.

The first requirement: the direct perpetrator of the crime

He is the person who performs actions that fulfill the physical and personal elements that make up the crime. With regard to negative crimes, someone who bears responsibility for abstaining from performing his duty is considered an offender, and this abstention is with deliberate intent, as is the case with a positive crime in which a crime is committed by abstaining from performing the necessary act. For example, a prison warden may be considered a positive actor if he refrains from providing food to the prisoner, which ultimately leads to his death. Likewise, a mother who refrains from breastfeeding her newborn is considered a positive agent who causes its death. Therefore, the actor in these cases is considered responsible for the negative consequences that result from his actions and bets on not performing his required duty.

Article 47 of the Iraqi Penal Code No. 111 of 1969 stipulates that in the event of a murder or a crime resulting in death, the direct perpetrator of the crime shall be punished with death. The person who is involved with the direct perpetrator and has a relationship with the crime shall also be punished with imprisonment for a period of up to ten years. In this text, it is clear that the law defines the perpetrator of the crime exclusively by enumerating the acts he commits. This method was distinguished by its clarity in accurately identifying the perpetrator, and unlike many penal laws that did not specify the perpetrator of the crime, leaving that to jurisprudence and the judiciary, and limited themselves to defining “participation” only. This text focuses on accuracy in determining the criminal responsibility of the direct perpetrator of the crime by explicitly specifying the actions he performs. This contributes to achieving justice and clarity in the application of criminal law.

While the Egyptian Penal Code No. 58 of 1937 defined who is the perpetrator of the crime, Article 39 stipulates: “The perpetrator of the crime is firstly considered to be the one who commits it alone or with others. Secondly, whoever commits it if it consists of a series of acts, then he intentionally commits one of the acts that compose it.”

The direct perpetrator of the crime of murder by poison is the person who administers or uses poison to kill another person. In this case, the direct perpetrator is primarily responsible for carrying out the murder by poison. When it comes to murder by poison, poison is used as a means of causing the death of the targeted person. The person who prepares the poison, gives it to the victim, or puts it in her food or drink, is considered the direct perpetrator of the crime of murder by poison. It is worth noting that there can also be other people involved in the commission of the crime, such as a person who helps supply the poison or provides assistance in the planning or execution. The responsibility of these persons is carried out under the laws of criminal partnership or criminal conspiracy, and varies according to local legislation. In penal codes, there may be articles specifying in more detail the legal responsibility of the direct perpetrator of the crime of murder by poison. This material may address the actual act of administering poison, using poison in various ways, preparing the poison, or any behavior that involves causing death by means of the poison.

The second requirement: the partner

Accessory to crime is a legal term that refers to secondary participation in the commission of a crime. The term "accomplice" is used to describe a person who selfselects a secondary criminal role in the crime. The theory of complicity, in its narrow sense, includes a set of legal provisions established by the legislator regarding the partner's crime. Criminalizing the partner's activity raises many issues that the legislator must deal with, including knowing the basis on which the partner's treatment in the criminal system is based. Is the accomplice considered an absolute accessory to the original offender's crime such that both are treated in the same way, or is he considered a relative accessory that requires a distinction between them? Or is the accomplice's crime viewed independently and his punishment determined accordingly?

The supporters of the theory of absolute metaphor went to equality between the perpetrator and the partner in responsibility and punishment, and they inferred from this that the accomplice bears full responsibility for the perpetrator's crime, as if an absolute metaphor was taken from him. As for the proponents of the relative metaphor theory, they distinguished between the perpetrator and the partner in responsibility and punishment, and treated the accomplice with the least amount of punishment because his role was secondary in committing the crime. This is traditional school. As for those who see the partner's act as a complete and independent crime, they rule out the idea of a crime . Influence of personal circumstances: They believe that the accomplice is influenced by the personal circumstances that the perpetrator faces and that affect his criminal responsibility. If the perpetrator is not punished for personal reasons, it is unfair to punish the partner who is affected by the same circumstances.

2. The influence of material conditions: They believe that the perpetrator and the partner are affected by the material conditions surrounding them equally without discrimination. Therefore, these material circumstances must be taken into account when determining the legal liability of the actor and accomplice.

While the supporters of the relative metaphor theory proposed an amendment to the absolute metaphor theory as a result of the criticisms that had been directed at it previously. Jurisprudence tried to shift slightly from the absolute theory to what is known as the theory of relative or restricted metaphor. This theory is based on the partner borrowing his crime, but not from the perpetrator, but from the perpetrator's crime. Therefore, it is not an absolute metaphor but a relative or restricted metaphor.

This metaphor is limited by two factors:

1. Restriction by the perpetrator's crime: The accomplice is restricted in committing his crime based on the perpetrator's own crime. This means that the criminal liability of the accomplice is linked to the perpetrator's crime and depends on his lawful actions.

2. Restriction to the accomplice: The criminal liability of the accomplice is restricted to the extent of his actual participation in the crime and his secondary role in committing it. In other words, the accomplice is treated differently from the main actor with respect to responsibility and punishment.

The accomplice's crime is independent and distinct from the perpetrator's crime, whether with regard to the motives or external material actions carried out by each of them. This means that it is difficult to say that one partner borrows his crime from the other's crime. This doctrine is consistent with the degree of seriousness of the supporters of the positivist school and their call for the necessity of individualizing punishment for each criminal and taking into account the special circumstances surrounding him.

Regarding the acts punishable by an accomplice in his capacity as an accomplice, the Iraqi legislator adopted the idea of prior participation in committing the crime, which usually occurs through incitement or agreement. In fact, the accomplice in the strict sense is an accessory criminal, and is not supposed to be independent in his own right, but rather must be based on the crime of an original perpetrator.

The Egyptian Penal Code stipulates that "if two or more people jointly agree to commit a specific crime, all of them can be punished according to the penalty stipulated in the Egyptian Penal Code." Thus, the partner contributing to the crime is held with a legal responsibility similar to the main perpetrator, as he is punished with the same penalty. This approach is the result of considering the accomplice as an actual participant and responsible for the crime.

Therefore, the accomplice knows every person who contributes to the commission of a particular crime, whether by carrying out actions that constitute part of the crime or by directly contributing to its implementation. This is referred to as "original contribution" or "involvement." For example, if a crime was based on a single act and several people cooperated in carrying it out, each of them is considered an accomplice to the other because they played a direct role in carrying out the crime. An example of this is when several people unite to kill a person, where one person buys poison, another puts it in the food, and a third person delivers the food to the victim with the aim of killing him. In this case, the crime is considered one, and the perpetrator is multiple.

The third requirement: the moral actor

The moral agent of a crime is defined as a person who induces another by any means possible to carry out the act constituting the crime, when that person is not legally responsible for the crime for any reason. Accordingly, the moral perpetrator of the crime is considered to be the person who exploits others to carry it out, and these others are merely tools in his hands, whether because the perpetrator of the crime has good intentions or because he is unable to bear criminal responsibility, such as insane people and children who are unable to discern.

The moral actor does not carry out the crime himself, but rather incites another person, whether that person has good intentions or is not qualified to bear criminal responsibility, to commit the crime and achieve its physical components.

Legal scholars have defined a moral actor as “a person who incites others to commit a crime, where others are in his hands as tools or machines that he uses to carry out the acts that constitute the crime.” Indeed, the previously mentioned definition explains some aspects of the moral agent and indicates the general elements that determine its meaning. However, it may be insufficient and not comprehensive of all possible forms of the moral agent. There may be other forms of moral agency that include psychological, social and legal aspects. Therefore, the definition can be expanded to include other aspects such as the negative intent of the moral agent, its influence on other individuals to commit the crime, and the causal relationship between the moral agent and the crime. The definition can be supplemented with new vocabulary that enhances its meaning and includes a wider range of contexts and situations.

There are several forms of the moral actor and the forms he takes to commit the criminal act. We will explain these forms in four forms.

First: The material perpetrator of the crime may suffer from a lack of knowledge, will, or awareness, or a lack of all of them, in carrying out the material aspect of the criminal crime. This point can be illustrated by three specific cases as follows:

1. Lack of knowledge: This occurs when a person commits a crime without having knowledge of the risks or legal consequences of that crime. There may be a lack of legal knowledge or unawareness of the negative repercussions of his or her actions.

2. The state of lack of will: In this state, the person is unable to control his actions and actions as a result of factors beyond his control. These factors can be psychological or physical problems that affect the ability to make sound decisions.

3. Limited cognitive status: In some cases, a person may have limited cognitive abilities that affect his ability to analyze situations and understand the consequences of his actions. This may be due to a mental disability or weak cognitive abilities.

These cases demonstrate that the material perpetrator of the crime may lag behind in achieving the material aspect of the crime due to factors beyond his control or capabilities. Legal treatment requires consideration of these cases to assess their criminal responsibility based on the extent to which these factors affect their ability to carry out the crime.

Second: The material perpetrator of the crime may lack the material or moral elements necessary to carry out the criminal crime, and this situation can be divided into two cases:

1. Physical backwardness: In this case, it means that the physical perpetrator of the crime does not have or is unable to obtain the necessary resources or tools necessary to carry out the crime. This may be a result of his poverty or lack of means of implementation available to him.

2. Moral retardation: In this case, it means that the physical perpetrator of the crime may suffer from a lack of psychological, voluntary, or cognitive abilities necessary to carry out the crime. He may have psychological or mental obstacles that prevent him from making sound decisions or understanding the consequences of his actions.

The law must take these cases into account when determining the material responsibility of the perpetrator of the crime. Physical or moral failure may be a reason to reduce the degree of criminal responsibility or to consider mitigating factors when sentencing him. The impact of these situations on the ability of the physical executor to plan, execute and control the crime and the extent of its relationship to the criminal outcome are also taken into account.

Third: The moral perpetrator may place another person in a state of legal defense or a state of error, as this leads to changing the state of the person physically carrying out the crime and his perception of reality. In the case of legitimate defence, the moral actor places the person in a situation in which self-defense or the protection of a legitimate interest is considered legitimate and justified. The physical perpetrator of the crime believes that what he or she is doing is permissible and is encouraged to believe that carrying out the crime is legitimate and justified.

In the case of a mistake, the moral agent puts the person in a position that makes him believe that what he is doing is wrong or illegal. This is done by manipulating or misleading a person's knowledge regarding laws and regulations. The result is that the person who is the physical perpetrator of the crime loses his awareness and correct awareness of the existence of criminal risks and becomes involved in carrying out the crime.

The law must take these cases into account when determining the criminal liability of a legal entity. The impact of these actions on the thermal and cognitive capacity of the physical person and their impact on his ability to act and make decisions correctly must be evaluated. Justice and discretion must be applied in dealing with the moral actor and determining criminal responsibility based on the surrounding facts and circumstances.

Fourth: The moral perpetrator's establishment of the fatal cause means that he creates a situation or circumstances that lack the necessary elements for the criminal result to occur, but another person or the victim himself intervenes to complete the crime. This picture can be divided into two cases:

1. Intervention by others: It consists of the moral actor establishing the fatal cause and creating the necessary conditions to carry out the crime, but there is interference from

another person that leads to the occurrence of the criminal result. Intervention can be through providing the necessary resources or support to the physical actor, or through carrying out part of the crime on behalf of the moral actor.

2. Victim intervention: This occurs when the victim himself intervenes in the completion of the crime based on the directions or influence of the moral actor. The victim may be forced or under the influence of blackmail or threats, which prompts him to carry out the crime on behalf of the legal entity.

Such cases require careful analysis of the evidence and surrounding circumstances to determine criminal liability and determine appropriate penalties for the moral actor and other persons involved in the crime.

If we draw attention to the position of the moral actor in the theory of criminal contribution, we can notice that in the original contribution to the crime, it clearly appears in the material element of this contribution. This means that the moral actor cannot be considered an accessory contributor, because he does not derive his wrongful act from the act of the original actor, but rather derives the wrongful act from itself.

In this case, we can consider the moral agent as a person who performs the physical act independently and separately, without being dependent on the action of the original agent. Therefore, he bears full responsibility for the act he committed alone. Removing the moral actor from consideration in the assessment of criminal contribution can result in a more stringent stance towards criminal contribution, whereby the moral actor is treated as someone who carries out a criminal act completely separate from the original actor.

However, we must note that looking at the position of the moral actor can be important in some cases to assess criminal responsibility and determine appropriate penalties. The previous formulation may have dealt with a particular aspect of criminal contribution, but the importance of analyzing the entire case and addressing all factors influencing the determination of criminal liability should not be overlooked.

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