

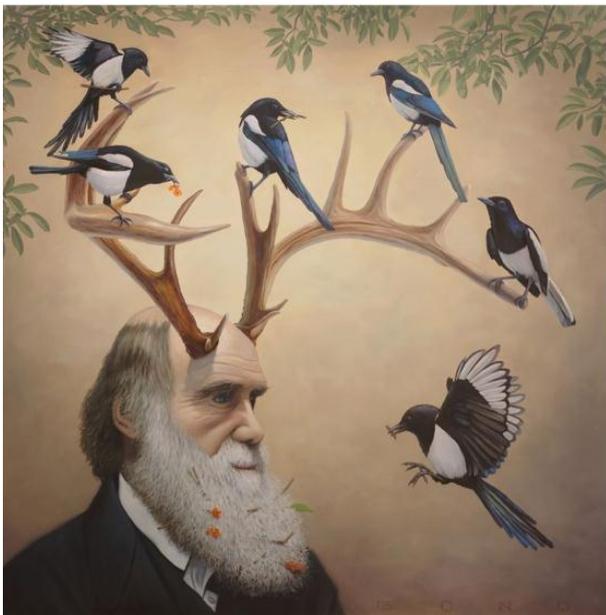
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Criminal Confrontation Of Intolerance And Extremism (A Comparative Study Between Islamic Jurisprudence And Positive Criminal Laws)

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Abstract:

Not long ago, some of our Muslim societies have been plugged by lethal diseases at the intellectual level, reflected negatively on the security and stability of individuals in it. The bonds have broken, hatred has increased and extremism and blind fanaticism have rebounded, and the uniqueness speech was above the speech of unity and forgiveness, which threatened the state entity and existence, and exhausted its economy and resources because of the excessive customizations to combat the consequences of all that, represented by terrorism in all its forms and pictures, and about these Data, we saw to wading in a subject of our sense of its importance in this area which pivoting around the wondering about the position of international and national legislation on the issue of intolerance and hyperbole and its impact on peaceful coexistence, That is preceded by clarifying of the concept of fanaticism and hyperbole in accordance with Islamic law.

Confrontación criminal de intolerancia y extremismo (un estudio comparativo entre la jurisprudencia islámica y las leyes penales positivas)

Resumen:

No hace mucho, algunas de nuestras sociedades musulmanas se han visto afectadas por enfermedades letales a nivel intelectual, lo que se ha reflejado negativamente en la seguridad y la estabilidad de las personas que lo integran. Los lazos se han roto, el odio ha aumentado y el extremismo y el fanatismo ciego se han recuperado, y el discurso de singularidad estaba por encima del discurso de unidad y perdón, que amenazaba a la entidad y la existencia del estado, y agotó su economía y recursos debido a las personalizaciones excesivas para combatir Las consecuencias de todo eso, representado por el terrorismo en todas sus formas e imágenes, y sobre estos datos, vimos vadear en un tema de nuestro sentido de su importancia en esta área que gira en torno a la pregunta sobre la posición de la legislación internacional y nacional. Sobre el tema de la intolerancia y la hipérbole y su impacto en la coexistencia pacífica, esto está precedido por una aclaración del concepto de fanatismo e hipérbole de acuerdo con la ley islámica.

Introduction:

The rhetoric approach for Imam Ali (Peace Be Upon Him) during the era of Malik Al-Asher as stating:

((You Malik, be aware that the human beings are of two types; that is a brother for you in religion or peer to you in the creation)).

This is a nominal law which included the principle of (Peaceful Coexistence) which is far away from the intolerance, extremism and hyperbole where the current laws was unable to satisfy part of its wisdom requirements; even the international organizations headed by the United Nation Organization headed by its ex-General Secretary (Kofy Anan) who demanded in the fifties remembrance for the issue of the international declaration for the human rights in that all the international organization must depend on the above statement and make it their work slogan; and that the legal negotiations must take place concerning its contents.

All the Heavenly Laws and the Islamic Sharia came to lift the embarrassment on people and pushing harms away from them and achieving the worshippers' interests, sooner or later. When God created his worshippers, he made them uneven in their nature, minds and made his worshippers need each other in the reasons for their livings. God ordered his worshippers to live in peace and safety and not following the spirits love and desires because many of the human beings has the selfishness and greediness nature and love controlling the others and some other bad characters. Therefore, many legal texts were stated in Koran and in the Prophets Sunna which order the people to be virtuous which force the people to abandon the chords which lead to rivalry and conflicts between the worshippers.

Today, some Islamic societies have been suffering from deadly diseases at the level of the intellectual aspect, which was reflected negatively on the security and stability of the individuals in these societies. Hence, the ties were destroyed, the nations were displaced, the national unity was torn apart, the hatred increased, the extremism and blind intolerance boom. The call for isolation replaced the call for unity and forgiveness which in turn threatened the existence of the country and exhausted its resources and economies because of the huge allocations to combat all types and forms of terrorism.

Hence, we adopted to choose this important subject and concentrates on the questionnaire about the attitude of the international and national legislations concerning the problem of intolerance and hyperbole and their influence on the peaceful coexistence. Has these legislations organized this problem? This is preceded by explaining the concept of intolerance and hyperbole according to the Islamic Sharia. The research ends up with the consequences of the intolerance and hyperbole on the peaceful coexistence in the society.

First: Research Importance & Targets:

The importance of the research covers the following aspects:

- 1) Many countries suffer from the problem of the extreme terrorism which is based on intolerance and hyperbole which threatens the peaceful coexistence]
- 2) Identifying the legislative role on the international and national arenas for the problem of intolerance and hyperbole and their influence in

dominating the peaceful coexistence.

- 3) Promoting the role of the legislation in combating the intolerance and hyperbole.
- 4) Giving legal visions in how to deal with the intolerance and hyperbole and its influence in the peaceful coexistence.
- 5) Showing the concept of intolerance and hyperbole from the legislative aspect and the attitude of sharia from it.

Second: Research Problem:

The research problem lies in the following paragraphs:

- 1) The spread of the thoughts which call for the intolerance and hyperbole due to poor legislative and monitoring processing.
- 2) Weak legal international cooperation in the framework of prohibiting the spread of the intolerance and hyperbole ideas.
- 3) In addition to the legal paragraphs stated above, some societal, religious and political obstacles which feed these thoughts are added.

Third: Research Scope:

The study of the research concentrates in the framework of the Islamic Sharia in terms of the concept and the influences of the intolerance and hyperbole and then the international legislations related to fighting the extremism and hyperbole such as the treaty to destroy all forms of the racial discrimination; in addition to the attitude of the International Security Council towards this point; then showing the attitude of the local national legislations (in Iraq) which take the form of the constitution and penalty legislations which provide protection to the peaceful coexistence.

Fourth: Research Plan:

Chapter One: The concept of intolerance and hyperbole and the attitude and the attitude of the Islamic Sharia towards them.

Chapter Two: The oppositeness of the International Legislative to the intolerance and hyperbole.

Chapter Three: The Local Legislative (Iraqi) oppositeness to the intolerance and hyperbole.

Chapter One: The concept of intolerance and hyperbole and the attitude and the attitude of the Islamic Sharia towards them: The diversity in Islam is a comic rule. The Koran pointed to this in more than one text where God stated in Koran: (And of His signs is the creation of the heavens and

the earth, and the diversity of your languages and colors. In this are signs for those who know.

God also said in Koran: (Have you not seen that God sends down water from the sky ? With it we produce fruits of various colors. And in the mountains are streaks of white and red – varying in their hue – and pitch-black. Had your Lord willed, He could have made humanity one community, but they continue to differ). This diversity all over the world doesn't mean that the worshippers must contend or dispute or fight each other but on the contrary they must become acquainted between each other and live in peace where God said in Koran (O people! We created you from a male and a female, and made you races and tribes, that you may know one another. The best among you in the sight of Allah is the most righteous. Allah – O you who believe !Enter). God also said(O you who believe! Enter into submission, wholeheartedly, and do not follow the footsteps of Satan; he is to you an outright enemy. This principle is among the best principles of humanity where God ordered his worshippers to enter into peace.

This Chapter was divided into two sections. Section One covers the linguistic and technical definitions for these terms. As for Section Two, shows the attitude of the Islamic Sharia from these behaviors.

Section One:

The Linguistic & Technical Meanings for these pronunciations where for each pronunciation there are meanings where we shall state only those related to the subject.

1) Violence: This means giving little kindness to the subject. The Violence: severity & hardship including theis in the kindness of doing good and the violence contains evil.

The meaning of the Term (Violence): This means the illegal use of the strength, hardship & rigor. Or it is a negative concept which aims at extracting the requests by force or forcing the other to surrender or acknowledge it.

2) Extremism:Means standing at the edge far away from the middle; and keeping away from the middle; coming out of the familiar and exceeding the limit which means the alignment to one of the matter sides.

The Term extremism: It has no definition in the Sharia other the linguistic meaning which is standing at the edge of the thing and getting out of the middle as this include going to strictness or to the edge of easiness which results to the surplus or negligence.

3) Intolerance: The meaning of the intolerance in the language is (strictness & circling). As for the term (Intolerance) where the terms' meaning for intolerance coincides with its linguistic meaning.

4) Hyperbole: Its origin is exaggeration which is the rise and exceeding the maximum amount in everything.

The term hyperbole means the exaggeration in the thing so that it exceeds the middle and fairness limit by through obliging the self or others including not obligatory God or prohibition of good things permitted by God or leaving the necessities.

The fact is that these words were stated clearly in the legislative texts in Koran and Prophetic Sunna where words were stated with similar words to them and with their exact meaning.

Section Two:

Attitude of the Islamic Sharea towards the Intolerance & Hyperbole:

Paragraph One:

The Attitude of Koran towards the Intolerance & Hyperbole:

The Koran is the latest heavenly constitution which came to amend, complete and dominating over the previous heavenly constitutions where God said: (And We revealed to you the Book, with truth, confirming) the Scripture that preceded it, and superseding it. So judge between them according to what Allah revealed, and do not follow their desires if they differ from the truth that has come to you. For each of you We have assigned a law and a method. Had Allah willed, He could have made you a single nation, but He tests you through what He has given you. So compete in righteousness. To Allah is your return, all of you; then He will inform you of what you had disputed). These are the holly books sent to the God's prophet and this constitution didn't leave anything un-covered and organized everything needed by the human at the level of the individual and society at all times and locations. It included rules which organize the relationship between the human with his creator (Worships); and also included rules which organize the relationship of the human with himself (ethics and conscience); and others which organize the human relationship with his brother (Family

Rules, financial transactions, penalties). In Koran there are too many texts which show the rights and duties on each individual in the society such as the parents' rights, neighbor's rights and all other social relationships which make from the society as one family in harmony, safety and social peace.

The disputes which occur in the family affairs and in the financial transactions and the crimes which does not threat the security of society as a whole, their range is narrower from the problems concerning the attitudes and thoughts and calling for them and from hyperbole, intolerance which influence the peaceful coexistence in the society. In the scope of call, the God said (Invite to the way of your Lord with wisdom and good advice, and debate with them in the most dignified manner. Your Lord is aware of those who stray from His path, and He is aware of those who are guided. Pray for the way of your lord with wisdom & exhortation and argued with them that which is better where the argument for which is better has been ordered by the scientists in the religion and the controversy without which is the best is haram.

God stated in Koran: 'It is by of grace from Allah that you were gentle with them. Had you been harsh, hardhearted, they would have dispersed from around you. So pardon them, and ask forgiveness for them, and consult them in the conduct of affairs. And when you make a decision, put your trust in Allah; Allah loves the trusting' because the loose and thicken the heart, alienate the people where God stated in Koran ' And do not lower your wing to those of the believers who follow you' and lowering the wing metaphor for softness, kindness and humility. On the subject of dialogue with the violators in the faith, the Koran ordered to follow the methods as God stated in Koran (And do not argue with the People of the Scripture except in the best manner possible, except those who do wrong among them. And say, "We believe in what was revealed to us, and in what was revealed to you; and our God and your God is One; and to Him we are submissive.

In the hyperbole, the Islamic Sharia prohibited it in more than one Koran text such as ' People of the Scripture! Do not exaggerate in your religion) (Say, "O People of the Scripture! Do not exaggerate in your religion beyond the truth; and do not follow the opinions of people who went astray before, and misled many, and themselves strayed off the balanced way(. In the prohibition of violence and intolerance and preventing the embarrass-

ment in the worships and in all aspects of the life, many texts were stated in Koran ‘Allah desires ease for you, and does not desire hardship for you, that you may complete the number, and celebrate Allah for having guided you, so that you may be thankful).

And God stated in Koran ‘ Allah does not intend to burden you, but He intends to purify you, and to complete His blessing upon you, that you may be thankful ‘. God also stated in Koran ‘And has not burdened you in religion—the faith of your father Abraham’ where these verse concern the worships, duties and everything concerning lifting the embarrassment and hardship from them. God stated ‘There shall be no compulsion in religion; the right way has become distinct from the wrong way. Whoever renounces evil and believes in Allah has grasped the most trustworthy handle; which does not break. Allah is Hearing and Knowing’.

Paragraph Two:

Attitude of the Prophet Sunna from the Intolerance & Hyperbole The Prophet’s Sunna confirmed on abandoning the chords which take the form of violence, extremism, intolerance & hyperbole. It confirmed to be kind which covers every meaning of the virtuous including the good fortune, beauty, and blessing. It prohibited the violence and over-burdening the spirit under the cover of worship where AbyGaffarsaid : Prophet Mohammed said (This religion is strong and therefore study it thoroughly and don’t hate worshipping the God’. Prophet Mohamed said that “God is companion who loves kindness and gives on the kindness what is not given to the violence’. Prophet Mohamed said ‘Those who prohibit the kindness, prohibit the good’. Islam ordered family relationship and courtship and sympathy between them. Prophet Mohamed said ‘ Believers completed in faith of best of creation but the Muslim who doesn’t hurt or talk about other Muslims. This is the attitude of the Islamic Sharia ordering companions which includes tolerance, kindness, openness and rise above the lapses and forbid the vice to harm the society.

The International Legislative Confrontation towards the Intolerance and Hyperbole:

This Chapter is divided into two parts where the first part covered the attitude of the international treaties from the intolerance and hyperbole. The second part will show the attitude of the International Security Council for this.

Section One: The Attitude of the International Treaties and the International Security Council towards the Intolerance and Hyperbole:

It is previously stated that intolerance and hyperbole is an expression concerning an idea in the mind of a person or a group of individuals. Consequently, the result of criminal actions which consolidate these ideas which represent infringements to the religions and the religious beliefs or the buildings prepared for that purpose which became currently among the crimes committed against the humanity because they represent an infringement to all the religious values protected by the international treaties.

On the international arena, there issued many of the international treaties and human rights declarations and many international treaties concerned with combatting the intolerance, hyperbole, racist discrimination and confirming the freedom of practicing the religious rituals without any restrictions. For example, we find that the United Nations convention for Year 1945 confirmed the rights and the general freedoms for the human in general which this include the freedom of worship and the international declaration for the human rights which confirmed that for each human being the right in the thinking and religion freedom.

Add to this many international treaties and conventions which confirms the same methodology such as the international era for the civil and political rights for Year 1966. In order to cover the subject of the research, we shall be restricted in covering some treaties and international declarations which is directly related with combatting the intolerance and the hyperbole and in the following two Paragraphs:

Paragraph One:

The Attitude of the International Conventions from the Intolerance and Hyperbole:

First: The United Nation declaration to overcome all forms of the Race Discrimination Year 1962:

The declaration came with detailed texts to prohibit the distinction on the basis of race or color or ethnic origin especially in the fields of civil rights, getting the citizenship, education and religion. It confirmed the necessity to promote the understanding, forgiveness and friendship between the nations and the ethnic groups. It rejects strongly all the organizations based on the ideas or the theories stating the superiority of any race or any group from ethnic origin to justify or promote any form of the ethnic discrimination forms.

In addition to this, the above mentioned declaration considered that every incitement for violence and every work from the violence works done by any of the individuals or the organizations against any race or any group or other ethnic origin, is considered as a crime against the society which must be punished according to the law.

Second: A declaration for eliminating all forms of intolerance and discrimination based on the Religion or the Belief for Year 1981:

This above declaration was issued according to the General Assembly for the United Nations Number (55/36) on 25th. of November 1981; and called for the necessity for strengthening the principles of equality in front of the law and the non-differentiation and confirming the right in the freedom of thinking, religion and belief. The ignorance and violation of the human rights and the essential freedoms especially the right in the freedom of thinking or religion or belief or whatever, cause the rise of hatred between the nations and the spread of the disorder and conflicts. The above-quoted declaration confirmed that the religion or belief is for every person who believes in it where it is considered among the main elements in promoting the understanding, forgiveness and respect for the sake of spreading the peaceful coexistence between the nations and to guarantee not using the religion or the belief for purposes which violate the united nations convention.

Based on reasons stated above, the General Assembly for the United Nations finds that the spread of the features of intolerance and discrimination in the subjects of religion or belief causes concern in some areas in the world. Consequently, it is designed to take all the necessary actions to eliminate quickly such intolerance with its all forms and features and

based on this, the above-stated declaration was issued.

What is concerning us concerning the declaration is that it stated that the freedom of thinking and emotions and between the meaning of intolerance and discrimination; where the first article of the declaration stated for each individual the right in the freedom of thinking, emotions and religion. This right includes the freedom of the belief with a religion or with any belief he selects and the freedom of showing his religion or belief through the worship, practice & education either alone or with a group, openly or secretly and nobody must be exposed to coercion which limits his freedom to have a religion or belief of his own choice.

As for Article Two of the declaration, it is based on the phrase “The Intolerance and discrimination based on the basis of religion or the belief “means that any discrimination or exception or limitation or privilege is based on the basis of the religion or belief and its purpose or influence is to delay or reducing the recognition of the human rights and the essential rights or enjoying or practicing it on the basis of the equality.

Paragraph Two:

The Attitude of the International Security Council towards Intolerance and Hyperbole:

The Security Council is among the most important systems for the United Nations where according to article (24) of the convention, it is assigned to the necessity to perform the main tasks in preserving the international security and peace. Based on this convention, the member countries promise to accept and execute the Security Council’s resolutions and executing them according to article (25) of the convention.

The International Security Council has the great role in combatting the intolerance, hyperbole and combating the extremism and terrorism through the resolutions it issues. We will point out below to some resolutions issued by the security council over this subject:

First: Security Council Resolution Number (1644) in Year 2005:

The above resolution pointed out at the necessity to combat intolerance, hyperbole, spreading the spirit of forgiveness and the peaceful coexistence between the nations and the diversity of the religions and cultures and spreading the spirit of dialogue and expanding the horizons if the coop-

eration between the civilization to prohibit targeting the various religions and cultures.

The above-stated resolution pointed out at the necessity to work on preventing the incitement on committing the terrorist works under the cover of extremism and intolerance because this prohibits the people to enjoy their rights stated in the international conventions.

Second: Security Council Resolution Number (2170) in Year 2014:

The above resolution concerning Iraq and Syria was issued. It confirmed the independence of the two countries and the safety of their territories. It also confirmed the great worry of the Security Council concerning those parts of Iraq has become under the control the terrorist Daeish organization which has intolerance and extremist thoughts and its brutal terrorist works and its influence on the civil civilians which resulted in their expulsion from the areas where they live. They also helped in flaming the sectorial violence in the country.

The above-stated resolution stated that the terrorist works by Daeish Organization cannot be related to any religion or nationality or civilization. The same resolution confirmed the necessity to condemn and fighting the extremist ideas and the random killing of the civilians on the basis of identity or the religious belonging. The resolution also calls the concerned countries to take the required actions for combating the incitement on the extremist ideas and the incitement on committing the terrorists' works.

The Attitude of the National Legislations (Iraqi) from Intolerance & Hyperbole:

First, we must point out that the law in any country expresses the philosophy of the legislator at the time of the legal text taking into consideration the need or the interest for legislation at that time. In the framework of showing the attitude of the internal national legislations, we must say that most the punitive legislations doesn't include frankly within their text the term of intolerance or hyperbole but the concerned party can conclude from the concept of phrases, the phrases which criminalize some actions where the legislator meant these terms through following the policy of prohibition from doing some actions. The reasons for this, according to our point of view, are the following points:

1) The scale of intolerance or hyperbole is self and internal scale exists in the human spirit where the law doesn't punish just because of the intentions and the ideas existing in the human brain unless this is accom-

panied with external appearance with an action or criminals sayings.

2) The Law provided the criminal protection for many things and the cases related to the human rights and how to practice these rights especially those religious rights. Consequently, any assault on these rights represents an extremist and hyperbole in most cases as we shall show in the following paragraphs.

This Chapter will be divided into two Sections where the first section explains the attitude of the Iraqi constitution for Year 2005 towards the intolerance and hyperbole. Then, section two is allocated to show the attitude of the punitive Iraqi legislations such as the Iraqi Penalties Law Number 111 for Year 1969 and the Iraqi Law for combatting the terrorism Number (13) for Year 2005.

Section One:

The Attitude of the Iraqi Constitution for Year 2005 towards the Intolerance and Hyperbole:

The Constitution which is considered as the Top Law in the country, draws the general policy for the ruling system in the country; and organizes the work of the three main authorities. All the laws must be issued in harmony with its constitutional texts.

This constitution was issued in Year 2005 after the fall of the ex-regime in Year 2003. This constitution was published in the Iraqi Al-Wakaea Newspaper Issue Number (4012) on 28/12/2005 where it was stated that the target of this constitution is making a new Iraq which calls the good future for its citizens with no sectarianism or racist tendency and without discrimination or expulsion without looking into the atonement and terroristic thinking or sectorial thinking or racist thinking and making it an obstacle in front of the National Unity.

The first part of this constitution which concentrates on the essential principles, where the second article of the constitution stated that Islam is the official country religion and an essential source for legislations together with confirming the religious multiplicity in the Iraqi society. The constitution guaranteed preserving the Islamic identity for the majority of the Iraqi nation together with guarantees all the religious rights for all the individuals in the freedom of doctrine and the religious practice such as the Christians, Al-Aezedien, Al-Sabiaa. The Constitution also confirmed that

Iraq is the country of nationalities, religions and doctrines which is part of the Islamic world.

After the constitution endorsed the above-stated principles which promote the peaceful coexistence based the religious or national multiplicity, then came in another subject on prohibiting any regime which adopts racism or terrorism or sectorialpurging or inciting or promotes or justify and it is the duty of the country to get committed to combatting the various forms of terrorism and must work on protecting its territories from becoming the center or a passage or arena for the terrorism activities.

In article (10) of the above-stated constitution, the constitutional protection was expanded to cover the Holly Houses and the Religious Shrine for all religions and sects where the country has to protect them and maintain their sacred together with the providing the freedom of performing the religious rituals in them. Article (43) of the constitution committed the country to guarantee the freedom of worship and protecting their locations when decided that the followers of each religion or doctrine the right to practice the religious rituals including Al-Hussaynia rituals.

Section Two:

The Attitude of the Punishment Laws towards the Intolerance & Hyperbole:

The punitive laws are defined as the texts or group of the legal rules which are issued by the legislative authority and define the actions which are considered as crimes and their penalties associated with them.

Paragraph One

Attitude of the Iraqi Penalties Law Number (11) for Year 1969:

There are many forms of crimination the actions committed by the criminals who are considered as expressions of the intellectual intolerance and hyperbole in more than one location in the Iraqi Penalties Law as follows:

First: The Crimes which touches the Internal Country Security:

Due to the severity and dangerous of such actions, the Iraqi legislator con-

sidered them as certain crimes which touch the internal country security and allocated the penalty of life imprisonment or the execution where article (195) from the penalties law stated penalizing everybody who aims at inciting civil wars or sectorial fighting through arming the citizens to fight some against the other some or by inciting the fight. Then, this penalty was made more severe as execution was introduced if the criminal achieved what he aimed at.

The legislator also stated in another text, the imprisonment penalty for a period which doesn't exceed seven years or by imprisonment everybody who promoted any of the doctrines which aim at changing the main systems for the social institute or to promote one social layer over other layers or to destroy a social layer to overthrow the main country social or economic regime or to destruct any regime of the main systems for the social institute if the use of force or terrorism or any other mean becomes illegal. The constitution made the same above-stated penalty to those promoting or inciting the doctrine or sectorial conflicts in the society or incites the conflicts between the sectors, sexes or inciting the feeling of hatred between the Iraqi populations.

Second: The Crimes touching the Religious Feeling:

This was organized in article (372) from the penalties law where the constitution punished by imprisonment or fine each individual who assaulted using one of the overly methods on a doctrine for one of the religious sectors or deliberately muddled on performing doctrines specific to a religious sector or a social meeting or deliberately delaying setting up something of this.

The Iraqi legislator also pointed out, in the penalties law, to punish everybody who intend to destroy or demolition or contamination a building prepared for setting up doctrines specific to a religious sector or another symbol which has a religious deprivation regardless whether this destruction was partial or total but the condition in that the partial destruction results in crippling the work of this religious building from the purpose it was built for.

The legislator expanded the criminal protection to include the protection of the holly religious books for all the sectors. The legislator prohibited printing or publishing or the distorting in every text of the holly books texts or changing their meanings or making little of any of its rules. On the

other hand, the legislator pointed out protecting the religious characters and the those individuals who have sanctification or holiness or respect by a certain religious sector; and also prohibiting any imitation which aims at the various types of religious reclusions for the sake of sarcasm from it.

Paragraph Two:

The Attitude of the Iraqi Terrorist Combatting Law Number (13) for Year 2005:

In the Year 2005, after Iraq was exposed to the terrorist attacks which started to threat Iraq in a wide scope, the above-quoted law was legislated. Article (1) of the law defined terrorism as (Every action done by an individual or an organized group and which targeted an individual or a group of individuals or official or non-official organizations; or caused damages with the private or public possessionsso as to disrupt the security position or stability or causing anarchy to achieve terrorist objectives.

As for Article (2) of the above-quoted law, it defined the terrorists works including the violence, threat exposing people and their monies to danger and working on inciting sectarian unrest or civil war through fighting or incitement or funding.

Epilogue:

Results:

The intolerance and hyperbole have many negatives effects on the individual and the society. They threaten the security, stability and safety of the society as a whole; and weaken the strength of the law between the society's individuals. Among these influences is that fanatic getting out from the feature of faith. The fanatic will be definitely oppressive, autocratic and un-believing the opinions of the others. This leads to being treated by the same way which results in hostility and hatred between the individuals of the society causing the loss of spirits and wasting the monies and wasting the human dignity and wasting the rights and ripping apart the one nation into rival sectors. We find in Islam force his followers to be kind and forgiveness and ask them to respond to the offense with good conduct and order them to avoid making mistakes so that the society can survive and

co-exist and peace dominates it and consequently the unity, welfare and flourishing of the nation.

Recommendations:

- 1) Must urge and educate the people against the fanatical and extremist ideas by all the people concerned with the religious, political, social, legal and academic affairs.
- 2) The necessity to amend the legal texts to conform to the danger of the actions of intolerance and hyperbole to prohibit their spread between the society's individuals.
- 3) The necessity for meeting the youth category needs through attracting them in the educational and professional institutes to prevent their deviations and being influenced with the extremist ideas.
- 4) Imposing severe monitoring on the Means of Media which publishes or encourages the extremist thoughts.
- 5) Promoting the international cooperation concerning combatting the terrorism and preventing the infiltration of the terrorists and supporting them materially and morally.

List of References:

The Holly Koran;

First: The Books:

- 1) IbnJareir Al-Tobary, Jamea Al-Bayan, 1995, Dar Al-Fekr for Publishing, Printing& Distribution, Beirut, Lebanon.
- 2) Abi Ali Al-Fadl Bin Al-Hassan Al-Tabrasy, Magma Al-Bayan in explanation of Koran, Year 1995, Al-Aalamy Institute for Publications, Beirut, Lebanon.
- 3) IbnMandour, Lesan Al-Arab, Year 2003.
- 4) Ahmed Al-Refaey,The Criminal International Responsibility for touching the beliefs and the holly religious sites, Dar Al-Nahda Al-Arabia, Cairo, No Printing Year.
- 5) Ahmed Wahban, Racist Struggles and the Stability of the Contemporary World, A Study in the Minorities, groups and racial movements, Dar Al-Gamiea Al-Jadida for Publication, Year 1999.
- 6) Dawod Bin Solaiman Al-Gazy, Islamic Media Office Printer, Publications Center for the Islamic Media Office, 2nd Print, 1418.

- 7) Salah Al-Deen Ahmed Hamdy, Studies in the General International Law (In the Criminal International Law, Zein Legal Publications, 1st Print, Year: 2013.
- 8) Mohamed Bin Yazid Al-Kazweiny, Dar Al-Fekr for Printing, Publication and Distribution, Al-Fetn Book, Bab Al-Asabiah, 2.
- 9) Mohamed Bin Ibrahim Al-Zadjaly, Criminal Responsibility about Terrorism, Dar Al-Nahda Al-Arabia, Year: 2010.
- 10) Nazeem Raad, General Constitutional Law, General Principles and the Political Systems, Modern Institute for the Book, Lebanon.
- 11) Hady Naeim Al-Maliky, The International Organizations, Al-Sesban Library, Baghdad, Year: 2013.

Second: Thesis and Research:

- 1) Israa Mohamed Ali Salim, Criminal Protection of the Holy Shrines, Research Published in the Local Investigator for Legal and Political Sciences, College of Law, Babil University, First Print, Sixth Year.
- 2) Hassan Mohamed Karim, International Protection of the Freedom of Practicing the Religious Doctrines, Master Thesis, College of Law, Babil University, Year: 2016.
- 3) Ammar Turk Al-Sadoun, The Crimes touching the Religious Feelings, A Master Degree submitted to College of Law, Baghdad University, Year: 1999.

Third: Internal Treaties & the Laws:

- 1) International declaration for the human and citizen rights.
- 2) The United Nations Treaty, Year: 1945.
- 3) The United States Declaration for eliminating all forms of the Racist Discrimination, Year: 1962.
- 4) Treaty to eliminate all forms of the Racist Discrimination, Year: 1965.
- 5) A declaration for eliminating all forms of intolerance and discrimination based on the religion or belief, Year: 1981.
- 6) Iraqi Penalties Law Number (111) for Year: 1969.
- 70 Law for Combating the Iraqi Terrorism Number (13) for Year: 2005.



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