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THE NATURE OF LAW AND ITS EFFECTS ON CERTAIN CRIMINAL ACTS:
A COMPARATIVE STUDY OF SAUDI ARABIA
AND THE STATE OF MICHIGAN

by

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Abdulrahman Almejel Alfaraj
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AND THE STATE OF MICHIGAN

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The nature of law and its effects on certain criminal acts was the focus of this study. In this study the researcher compared the effect of two laws: (1) Saudi Arabia law which is a sacred law, and (2) the State of Michigan law which is a secular law. This comparative was on three criminal acts: (1) Homicide, (2) Rape, and (3) Theft. The data for this study were based on secondary data obtained through records available to the public. The purpose of this study is to examine and to compare the nature of punishment for crime and its effects on the number of the three major criminal acts. Because there has been increased contact between Saudi Arabia and the United States it is important that such a study be conducted to show the similarities and differences between the two laws.

This study has shown that Saudi Arabia is bigger in size and the population of Saudi Arabia is larger than that of Michigan. Yet the rates of the three major criminal acts in Saudi Arabia are lower than of those committed in the State of Michigan. This study also has shown that crime related to rape, homicide and theft were less rampant where sacred law was enforced compared to where only secular laws administered.
TABLE OF CONTENTS

ACKNOWLEDGMENTS ................................................................. ii
LIST OF TABLES ............................................................................. v
LIST OF FIGURES ........................................................................... vi

CHAPTER

I. INTRODUCTION ........................................................................... 1
       Statement of the Problem ....................................................... 1
       Rationale and Significance of the Study .................................. 3
       Purpose of the Study ............................................................ 4
       Definition of the Three Criminal Acts ..................................... 5
               Rape ........................................................................ 5
               Homicide-Murder ......................................................... 5
               Theft ....................................................................... 5

II. BACKGROUND ........................................................................... 7
       Saudi Arabia: Location and Population ................................... 7
       The Nature of Law in Saudi Arabia .......................................... 9
       The State of Michigan: Location and Population ....................... 10
       The Law in the State of Michigan ............................................. 11
               Rape ........................................................................ 11
               Murder .................................................................... 12
               Theft ....................................................................... 12

III. REVIEW OF LITERATURE ......................................................... 13
       Introduction ....................................................................... 13
       Islamic Law ....................................................................... 17
# Table of Contents--Continued

## CHAPTER

<table>
<thead>
<tr>
<th>Topic</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin of the Islamic Law</td>
<td>19</td>
</tr>
<tr>
<td>Conceptions of Law: Islamic and Western</td>
<td>21</td>
</tr>
<tr>
<td>Islamic Criminal Law</td>
<td>23</td>
</tr>
<tr>
<td>The Punishment of the Three Criminal Acts</td>
<td>27</td>
</tr>
<tr>
<td>Rape</td>
<td>27</td>
</tr>
<tr>
<td>Homicide-Murder</td>
<td>27</td>
</tr>
<tr>
<td>Theft</td>
<td>28</td>
</tr>
</tbody>
</table>

## IV. DESIGN AND METHODOLOGY................................................. 30

Data Collection                                                    | 30   |
Data Analysis                                                      | 31   |
Limitations of the Study                                           | 31   |

## V. DATA ANALYSIS AND INTERPRETATION.................................... 33

Rape                                                                | 33   |
Homicide                                                           | 35   |
Theft                                                              | 37   |
Conclusion                                                         | 40   |

## VI. DISCUSSION, SUMMARY, CONCLUSION AND RECOMMENDATIONS............. 41

Discussion                                                         | 41   |
Summary                                                            | 50   |
Conclusion                                                         | 51   |
Recommendations                                                    | 52   |

BIBLIOGRAPHY                                                       | 54   |
LIST OF TABLES

LIST OF FIGURES

1. The Number of Rapes in Saudi Arabia and The State of Michigan........................................ 34

2. The Number of Homicides in Saudi Arabia and the State of Michigan................................. 36

3. The Number of Thefts in Saudi Arabia and the State of Michigan........................................ 38
CHAPTER I

INTRODUCTION

Crimes have been committed for centuries by mankind. Since then different types of crimes have been known to be committed and ways to prevent them have been tried and used. One of them is through the enactment and enforcement of law. This method is used to control and maintain social order. A social organization without law is like living in a jungle where the fittest win and live without considering the other occupants. It is unthinkable that human beings can live without law and order because even animals have their own law and order. Although law has been used to prevent crimes, each constituent group or nation has its own law in dealing with crimes. This is due to various factors such as the culture, politics, social and religious nature of the constituency. For example, Saudi Arabia has different laws to deal with certain crimes such as rape, homicide and theft compared to that of the United States of America. Even among the states in the United States of America, laws are different for certain type of crimes. For example, some states practice the death penalty for homicide while other states do not. These differences reflect the values of the lawmakers on dealing with crimes.

Statement of the Problem

Crimes have become a major issue since human beings begin to
live in organized groups. Each country has its own individual legal system to deal with the problem of crimes. Each country has selected the governing bodies to consider the religious beliefs, values and goals of their particular society and design laws that will be used to control the people within that society. Although agencies enforcing the law are created, cases of crimes still persist. One of the crimes is rape. Homicide has also been committed especially since weapons were invented. Most of the social problems that are present in every society have contributed to the problems of theft. In the U.S. homicide, theft and rape are rather consistently reported compared to other types of crimes such as blackmail, embezzlement and fraud (Cuder, Harper & Kenkel, 1956).

Every society faces different types of crimes. Each society also has its own penalty for the crimes committed. For example, the same type of crime committed in Saudi Arabia will be matched with a certain penalty which may be different from the State of Michigan. This is due to the different legal systems between Saudi Arabia and the State of Michigan. The goal of this study is to research the legal systems of Saudi Arabia and the State of Michigan especially laws that pertain to cases of rape, homicide and theft. This research will look at two types of laws:

1. Sacred laws (in Islam it is commonly called Shariah, from the Qur'an). These laws which are divine laws believed to be appointed by God. They are laws where religion and the state go hand in hand.
2. Man-made or secular laws. These are laws which were founded in civil societies (Roman Law) and the Christian religion, but continues to diverge from any religious context. In these laws, the church and state are separate, independent entities.

Rationale and Significance of the Study

The increased of contact between Saudi Arabia and the State of Michigan populations has been a benefit for both countries. The contacts are in various forms such as through business dealings and students studying for advanced degrees. Many students from Saudi Arabia come to Michigan to further their studies and they are subjected to the laws of this state. Those who go to Saudi Arabia are subjected to the laws of that country. The population of Saudi Arabia is close to that of the State of Michigan and it is valid to compare the number of crimes committed.

This study’s major concern is to examine the security and safety of the future Saudi Arabian and American societies. With increasing intimate contact between the Middle East, particularly Saudi Arabia, and the United States, it is important for individuals at all levels of the public and private sectors to be aware of the similarities and differences between the two cultures.

It is difficult to compare two completely different societies. There are great differences in religion, language, technology and a variety of other factors which distinguish the two societies. In this case, the cultural differences are most apparent in the material
resources and religious orientation of these geo-political units. However, in the opinion of this writer, the legal system in the United States could benefit from adopting some Saudi Arabian policies and Saudi Arabia can learn from the nature of crimes committed in the U.S. Besides, with a tremendous need for growth in technology, the Saudi Arabian government can benefit from the technological innovations within the American law enforcement system. By analyzing the cases, the nature of the offense can be used as guidelines in combating crimes.

Purpose of the Study

The purpose of this study is to examine and compare the nature of punishment between Saudi Arabia and the State of Michigan that various crimes receive in these religiously and economically unique societies. The study will utilize a comparative research approach to achieve the desired result. Data provided by the Saudi Arabian government’s Census Bureau and the State of Michigan’s crime reporting agencies will be the basis of this study. Three criminal acts that this study will focus on are: rape, homicide, and theft.

To accomplish this task, the following questions have been proposed:

1. Is there a relationship between the nature of law and the rate of crime?

2. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of homicide?
3. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of theft?

4. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of rape?

Definition of the Three Criminal Acts

Rape

Rape is the illicit carnal knowledge of a woman without her consent, effected by force, duress, intimidation or deception as the nature of acts, (Medea & Thompson, 1974; p.11). This definition has been extended in recent times to protect females and males of all ages who have been raped or molested.

Homicide-Murder

This is the criminal taking of life. All societies have laws against violence, especially murder or the intentional violation of one's life or engaging in behavior which threatens another person's life and physical safety. The data on homicide seems to be the most reliable in both societies. As used here, homicide includes any act performed for the purpose of taking a human life unlawfully (Andzenge, 1991).

Theft

In general, theft is the removal of property that belongs to another person without his or her consent. Theft can be the simple
removal of property physically available to the offender or breaking and entering to remove property from the victim by force or intimidation (Andzenge, 1991). In this study, theft includes robbery, burglary and motor vehicle theft.
Saudi Arabia is the largest nation in the Middle East. It is located east of the Suez Canal and occupies nearly 90% of the Arabian peninsula. The country whose population is overwhelmingly Muslim is the birth place and heartland of Islam (Encyclopedia Americana, 1992). The country has a significant location between Asia and Africa with frontiers on the Red Sea and Arabian Gulf. Saudi Arabia occupies an area equal to one third of the United States (Al-Mennaa, 1991) The Saudi dynasty seized power in 1902. The present kingdom was established in 1932 after Ibn Saud, its founder, brought together under his rule the majority of the peninsula's diverse tribes. Saudi Arabia's desert terrain is the birthplace of the Prophet Muhammad (PBUH) and the starting point for the great Arab empires that determined the history and culture of the Middle East and North Africa for centuries. The peninsula faded into the background of world history shortly after the Prophet's death, as the centers of Arab civilization moved to richer and more fertile regions.

Under the leadership of Abdulaziz Ibn Saud, the kingdom was established in the beginning of the twentieth century with a new and powerful Bedouin monarchy. Although militarily and politically dominant in the peninsula, the new Saudi Kingdom was poor in natural
resources, backward in its economic and social development and relatively primitive in its governmental administration. Not until oil was discovered in 1936 and later exported in large quantities did Saudi Arabia attract world attention, (Encyclopedia Americana, 1992). The area of Saudi Arabia is 830,000 square miles (2,150,000 sq km). The General Statistics Department in Saudi Arabia estimated the population in Saudi Arabia as 16,929,000 in 1993. The Saudis are 12,307,383 and non Saudis 4,621,617. The percent of non Saudis is 27.3% of the total population.

There are eight countries which border Saudi Arabia. On the north is Jordan and Iraq, on the east is Kuwait, Qatar, Bahrain and The United Arab Emirates: to the south is Yemen and Oman: to the west is the Red Sea. Most people live in the valleys and towns of Hejaz and Asir and the Oasis and towns of Nejid and Hasa. Probably fewer than one fifth of the people are true nomads, (Bedouin), and they roam mostly in the north and east of the country. The great bulk of the population is Arab and the society is still largely organized on tribal lines. In the main population centers however, tribal distinctions have become blurred and in some there is a strong admixture of non-Arabs. The people of Saudi Arabia speak a northern Arabic dialect. The written or classical Arabic is similar to that found in other Arab lands (Collier's Encyclopedia, 1992). Saudi Arabia is the center of Islam because it has the Holy places for all Muslims. Every year, hundred thousands of Muslims come to Saudi Arabia for the Haj Pilgrimage. Historically, and currently, many Muslims prefer
to dwell in the Holy places or in the cities close to the Holy places. The immigrants in these areas made the populations very close to the population of the State of Michigan in the U.S.

Saudi Arabia is a nation with a stable society. According to Basha (1979) the stability in Saudi Arabian society is due to various reasons.

1. The stability of Saudi Arabia is evident in the tremendous respect of people towards all the institutions that operate within the country.

2. A large part of the stability of Saudi Arabian society today comes from the stability of the government.

3. The harsh, concise, and public punishment received for committing a crime.

4. Every person believes that committing crime is against God, not against men or women.

5. Another stabilizing influence within Saudi Arabian society is the respect and authority attributed to the police in the country because everybody knows that police, in order to protect people also protect the Shariah and the public will have to obey God's law.

6. The stability within Saudi Arabian society not only stems from the institutions that are affected by Islamic law, but also as a result of the morality of the peoples themselves. Islamic law itself stems from ethics and not legal rules; thus, all acts in the society are measured by the yardstick of moral evaluation. (p. 114)

The Nature of Law in Saudi Arabia

The law in Saudi Arabia is based on the holy Qur'an. Before any discussion of Islamic law can begin, it must be understood that the very concept of law to the Muslim is vastly different from the concept of law to the Westerner. Islamic law, to which all Muslims
are accustomed at least through tradition, is wider in scope than
Western law. It is a total way of life and a code of ethics, cover­
ing every aspect of life, including many things not considered in the
province of Western crime and punishment such as adultery, which is
punishable by death through stoning. Islamic law is not man-made as
is Western law. It is made by God. Islamic law, particularly that
which embodies the Shariah, is considered to be unchangeable. Unlike
most laws, Shariah can not be repealed or refuted. However, there
is a court system that implements or passes judgement on the basis of
the Shariah law where the punishments are based on Shariah.

The State of Michigan: Location and Population

Michigan is a state in the United States of America which has
its own rules. Michigan is known as the Wolverine State, one of the
north central groups of the United States of America. It consists of
two peninsulas, the upper, or northern, and the lower or southern
region. The upper peninsula is surrounded by Lake Superior, White­
fish Bay and St. Mary's River, which separates it from Ontario, Lake
Huron and Lake Michigan and the Straits of Mackinaw, and Wisconsin.
The lower peninsula is surrounded by Lake Huron and Lake Michigan and
the Straits of Mackinaw, St. Clair and Erie and the Detroit river,
through all of which runs the international boundary. It also borders
Ohio and Indiana.

The name Michigan is derived from the Algonquian word Michi
which means great water (Encyclopedia Britannica, 1965). Michigan
ranks twenty-third in size among the fifty states. It is character­ized by a potpourri of industrial cities, vast stretches of wilder­ness, acre upon acre of fruit orchards and hundreds of small towns and villages. Its two peninsulas are divided into eighty three counties. The 1990 census indicates a population of 9,295,297 with dense concentrations in the south (Michigan State Police, 1992).

The Law in the State of Michigan

The judicial system in the U.S. is based on the English system because the original charters of the American colonies were granted by English kings. Early laws followed those of England. After the American Revolution, the states reexamined their judicial structures and began to institute a system of checks and balances, which re­sulted in a separation of the judicial from the legislative and executive branches (Seymour, 1973).

Just like other states in the U.S., the State of Michigan has its own law when dealing with rape, homicide and theft.

 Rape

In Michigan law, rape is under criminal sexual conduct and it has different degrees. The convicted rapist may receive a sentence from two years to life. There are many degrees of rape, each re­ceives a different type of punishment. For example, if the rape is classified as first degree criminal sexual conduct, then the penalty is life while if it is fourth degree, then the penalty is two years
Murder

Murder of the first degree is defined as willful felonious homicide with deliberate killing and premeditated in design while second-degree murder is the killing without premeditation (Allen, 1980, p. 28). Lunde (1977, p. 3) defines murder as the unlawful killing of a human being with malice aforethought. The punishment for first-degree murder is one of two offenses under Michigan law which carries a penalty of absolute life. Only a pardon by the governor can cut short this natural life sentence (Voigt & Edmonds, 1990).

Theft

The Michigan theft law includes armed robbery, armed robbery with aggravated assault, unarmed robbery, banks, safes and vault robbery and all kinds of theft. (Note: Robbery is not limited to armed robbery nor is larceny limited to a forceful or felonious larceny). The punishment for theft in the State of Michigan is imprisonment in a State Prison, ranging a minimum of one year to a maximum life sentence, depending on the degree of theft. According to Voigt and Edmonds (1990), larceny is: the unlawful taking and carrying off the personal property of another with intent to permanently deprive the owner.
CHAPTER III

REVIEW OF LITERATURE

Introduction

Crime in the U.S. is an act, or in some cases a failure to act, which is a violation of penal law. It is conduct that has been declared, either by statute or historic practice, to be unacceptable to society as a whole (Voigt & Edmonds, 1990). Crime in Islam is any act that is committed directly against the will of Allah and results in ultimate punishments which are based on the Holy Qur'an (Al-Humaid, 1980).

According to Kelsen (1949, cited in Anderson, 1976, p. 6) law is defined as a "system or hierarchy of norms which prescribe what always ought to happen in given circumstances." Law in the broadest sense is "any recurring mode of interaction among individuals and groups, together with the more or less explicit acknowledgment by these groups and individuals that such patterns of interaction produce reciprocal expectations of conduct that ought to be satisfied" (Unger, 1976, p. 48). Unger also discussed the concept of law. According to him there are three concepts of law: customary or interfactional, bureaucratic or regulatory, and legal order or legal system. In the customary law, the issue of what happen can never be separated from the question of what ought to be done. It is made up of implicit standards of conduct rather than of formulated rules.
The second concept of law, that is bureaucratic law, consists of explicit rules established and enforced by an identifiable government. This law is limited to the situations in which the division between state and society has been established. In it are standards of conduct that have assumed the form of explicit prescriptions, prohibitions, or permissions that are addressed to more or less general categories of persons and acts. This law is deliberately imposed by the government rather than spontaneously produced by society. Bureaucratic regulation is always accompanied by other kinds of law such as customary or holy law that may dramatically limit its scope. As a legal order, law is general and autonomous, as well as public and positive. It is characterized by occupational autonomy. A special group consisting of the legal profession which is defined by its activities, prerogatives and training manipulates the rules. This group also staffs the legal institutions and engages in the practice of legal argument. Law is institutionally autonomous to the extent that its rules are applied by specialized institutions whose main task is adjudication. What ever types of laws, they are expected to address broadly defined categories of individuals and acts. They are to be applied without personal or class favoritism, ideally.

Every country has its own law and law enforcement system to prevent crimes but crimes still persist and sometimes increase in number. For example, Holmes and Holmes (1994) cited the U.S. Bureau of Justice Statistics of 1991 which reported that from 1987 to 1991, the number of violent crimes nationwide had increased by 11.7%.
number of murders and non-negligent homicides had risen by 12.2%.
In 1991, there were 173,000 reported rapes, a 33.0% increase over
the previous year. The incidence of crimes is due to many reasons
and factors. The Michigan State Police (1992) reported that the
factors that have a great impact on the incidence of crime are as
follows:

1. Economic conditions, including median income and job
   availability;
2. Composition of the population (age, sex, race);
3. Density and size of the population (urban v. rural);
4. Climate, including seasonal weather condition;
5. Relative stability of population (seasonal transient);
6. Effective strength of police force;
7. Educational, recreational and religious characteristics;
8. Attitude of public towards law and enforcement problems;
9. Degrees of adherence to crime reporting standards;
10. Policies of prosecution officials and courts; and
11. Administrative and investigative emphases of local law
    enforcement. (p. 3)

These factors may also apply to the situation in Saudi Arabia.

Law is enacted to be judiciously enforced. However, in real-
ity, that is not the case in the U.S. For example, the poor and
minorities are more prone to be convicted and sentenced heavier than
the rich and majority. If a poor Black commits crimes, he or she is
more likely to be turned in for prosecution than if he or she were
White. Thefts of property are regularly reported to the police when
they involve an intruder, but not when they involve an insider. When
the criminal is a corporate executive, the chance of being reported
is smaller still. While the violator from the ghetto will probably be
arrested and prosecuted, the fellow who has connection may well
escape with just temporary embarrassment (Seymour, 1973). Seymour
also noted that those who are arrested are usually back on the street in a matter days or hours. Persons sent off to prison come back more hardened and professional. They are more equipped to commit bigger and better crimes with even less risk of being caught. Those with money usually can escape from being convicted or sentenced to prison.

The social and economic structure of a society has an impact on crime. The 'get-rich' mentality is conducive for the development of an amoral and sometimes even immoral attitude of the mind (Mays, 1967). The glamour of life is always portrayed every minute of the day through the media especially television. Possession of goods and money has become the most important individual and social objective. Donald Taft, referring to the U.S. conditions, said that "Crime is correlated with social change. Our dynamic culture is criminogenic" (cited in Mays, 1967, p. 72). Mays also noted that modern industrial societies are characterized by higher crime rates which seem to be getting higher and higher every generation.

Another feature of modern industrial society is the extent to which external conflict is encountered. There are various types of differences of race, religious beliefs, social class and ethnic cultures which make for lack of homogeneity and what Durkheim called anomie or the absence of group norms. The society in the U.S. is more heterogeneous and composed of different ethnic cultures, race, religious beliefs, and social classes. It is difficult to control members of a society of this nature. According to Reckless (cited in Mays,
1967, p. 75) societies with infrequent crime appear to be societies with little mobility of population, little change, homogeneity of population in race and culture, little institutional disorganization, minimum differentiation in classes and social groupings, a single system of customary rules or a single code of customs, and a high degree of control over their members. It is argued that in advanced industrial societies the moral standards have deteriorated and there has been a flight from organized religion. The churches are more than half-empty, their message ignored and even held in disrepute. This is different from Saudi Arabia where the population is more homogenous with less difference in race, religious beliefs and ethnic cultures. The Saudi Arabian society has a single system of custom and religion. This helps to prevent its members from committing crimes. Religious beliefs and family ties are strong and this also helps to control the crimes.

Islamic Law

Islam is a complete way of life: a religion, an ethic, and a legal system all in one (Anderson, 1975). The Islamic law is the Shariah. It is a sacred law that is to be followed by Muslims. The Shariah permeated almost every aspect of social life and every branch of Islamic literature (Gibb, 1953). It is the epitome of the true Islamic spirit, the most decisive expression of Islamic thought and the essential kernel of Islam. The Western lawyers should also devote more attention to Islamic law for obvious reason. Associate
Justice Robert H. Jackson of the Supreme Court of the United States (cited in Anderson, 1975) noted:

Today the anxious countries of the West find in the Islamic world some of their most bold and uncompromising allies in resisting the drive for world supremacy by those whose Prophet is Marx. We have become more objective about history and more tolerant of religious differences. Trade with the Middle East adds the element of expediency to other motives for study of its laws and institutions. (p. xi)

Shariah law is a comprehensive system for our present life as well as for the requirements of the hereafter. It is simultaneously a set of acts of devotion and a code of conduct that complement each other. Therefore, when we talk about this law we cannot separate it from one part to the other part. For example, some people were only pointing to the cutting off of the hand for stealing. In this capacity it becomes imperative when talking about the application of Islamic Shariah to deal with the matter in a comprehensive manner instead of tackling one part and ignoring other parts. In a scientific symposium for the study of the application of Islamic Criminal Law in Saudi Arabia for preventive crime control, Peter Logins, one of the researchers, commented that all procedures and measures taken by other countries of the world to control crime were completely ineffective and that the rate of crime was continuously increasing (Gazzaz, 1992). The Shariah law is effective because its essence lies in the fear of God rather than fear from divine penalties and punishment. The fear of God represents a deterrent that has considerable effectiveness and influence on people. This fear is inherent in the composition of the Muslim society as a whole. It is then
codified by practical details as stipulated in the Shariah. This is to clarify for people how to conduct their various affairs and regulate on the one hand relations among and between them and their society on the other.

**Origin of the Islamic Law**

The Islamic law is related to the concept of social responsibilities. It is very important to help to avoid crime by helping each other according to World Assembly of Muslim Youth (WAMY). The teachings of Islam concerning social responsibilities are based on kindness and consideration of others. Islamic laws emphasize specific acts of kindness and defines the responsibilities and rights of various relationships. In a widening circle of relationships, then, our first obligation is to our immediate family, parents, husbands or wives and children, then to other relatives, neighbors, friends and acquaintances, orphans and widows and the needy of the community, our fellow Muslims, all our fellow human beings and animals.

The Prophet Muhammad (PBUH) has said, "He is not a believer (Muslim) who eats his or her fill when he or she knows that his or her neighbor is hungry" and, "He or she does not believe, whose neighbors are not safe from injurious conduct."

Actually, according to the Qur'an and Sunnah, a Muslim has to discharge his moral responsibility not only to his parents, relatives and neighbors but to all of mankind, animals and useful trees and plants (WAMY, no date). Islamic law weaves its way throughout every
part of life in Saudi Arabia. The law in Islam or Shariah is based on four elements of Islamic religion (Basha, 1979) namely the Holy Qur’an, Al-Sunnah, Al-Ijma, and Al-Qiyas.

1. The Holy Qur’an is the basic and most fundamental source of Islamic religion. The Qur’an is for Muslims what the Bible is to Christians. The Qur’an includes all the roots and origin of Islamic law. But it might not encompass all the branches of law. The Qur’an is believed to be the recitation of God’s own words. It contains many specific injunctions towards leading a morally exemplary life (Levy, 1962). These are followed, at least in principle, almost to the letter, by any true Muslim.

2. Al-Sunnah, which is only slightly less important, is where the branches have been identified and defined. It is the accounts of activities, prophecies and sayings of the Prophet Muhammad (PBUH), which are not in the Qur’an itself but have been recorded by verifiable eyewitnesses and accepted as true from the earliest times until now. Al-Sunnah is divided into three types:

   (a) Al-Hadith of Al-Sunnah Al-Qawliyah which are the statements or sayings of the Prophet Muhammad (PBUH).

   (b) Al-Sunnah Al-Filiyah or the tradition or deeds, which are obtained from the deeds of the Prophet Muhammad (PBUH).

   (c) Al-Sunnah Al-Tagririyah or tradition of implied approval is taken from the prophet’s silence. In this case, an action is disliked by the Prophet (PBUH) personally but he allowed the action to be taken by his followers (Mahmassani, 1961). His personal dislike
of the action did not mean he disapproved the action, it only meant that the followers can follow his disliking or continue the action if they like. So there is an implied approval here.

3. Al-Ijma consists of the consensus of scholars on particular issues whose solutions are not directly found in either Al-Qur'an or Al-Sunnah.

4. Al-Qiyas, the root meaning in Arabic is measuring or comparing. Al-Qiyas stands conventionally for reasoning by analogy which, in effect, permits the principles established by Al-Qur'an, Al-Sunnah and Al-Ijma to be extended and applied to issues not covered by other sources (Ramadan, 1961).

Conceptions of Law: Islamic and Western

The obvious difference between these two laws is that Islamic law is essentially religious while the Western law is secular. Western law originated from the Roman law which is devised by men for men. It is a law that could be changed in much the same way in which it had been formulated. On the other hand, Islamic law is essentially different for it is regarded fundamentally as divine law and as such is basically immutable. The Islamic law is wider in its scope than Western law. To the Western mind, law may be defined for our immediate purpose as what is and be enforced by the courts. But Islamic law takes the whole of human conduct for its field. A Muslim can consult his lawyer, just as a Westerner will do to help him with legal matters; but, a Muslim can look to his lawyer for
religious and ethical advice. Additionally, he can also ask for guidance as to what actions will and will not please God.

The Prophet Muhammad (PBUH) said,

If people were to be given in accordance with their claim (in court), men would claim the fortunes and lives of other people. The burden of proof is on the claimant and the taking of an oath is incumbent upon him he who denies.

This Hadith means that if people were to be given everything they ask for in court, then people would be encouraged to sue each other constantly. Things would become chaotic. Therefore, in court, the person suing should be responsible for providing the proof for his claim. The person who is sued should take an oath and swear the truth of his case (Alfahim, 1992).

When it comes to crime, Islamic law is based on the concept of an eye-for-an eye, and a soul-for-a-soul. However, this concept is not an act of revenge but rather a code of justice. The death penalty is for the benefit of the society. It is one of the ways to deter crime, and consequently, to allow people to be safe. Although, the death penalty has minimum impact in some countries which practice this law, it has been effective in Saudi Arabia based on the number of murders committed over the years. The law is based on the concept that those who committed the crime when found guilty should be penalized accordingly without considering the status of the person who committed the crime. This law is used to ensure that justice be upheld. This law is based on the Qur'an when Allah said, "And We ordained therein for them: Life for life, eye-for-eye, nose-for-nose,
ear-for-ear, tooth-for-tooth, and wound equal for equal." (Surah Al-Ma'idah, Verse 45) and also the Hadith when the Prophet Muhammad (PBUH) said, "He who kills his slave shall be killed. And he who mutilates his slave shall be mutilated" (Alfahim, 1992, p. 8).

Islamic Criminal Law

According to Andzenge (1991), the Mediterranean region is strategically important, not only because of its oil reserves, but because of its centrality in world affairs, it is the home of three of the most important religions in the world (Judaism, Christianity, and Islam). The three all worship one divine God who is perceived to be the maker of heaven and earth, and whose followers have a mandate to live what they teach, therefore shaping values and behaviors of people all over the world.

The Jews, who practice Judaism, claim the region as their homeland, promised and given by God. Christians claim the birthplace of Jesus Christ; Muslims, who practice Islam, claim the area as home of their forefathers. The disputes over the land, religious dogma, and history have resulted in sympathy or resentment depending on different people and nations.

Religious fundamentalism as found in this region, shapes tradition and compels strict adherence to dogma and traditional ways of life of its followers. It influences the culture of these people, their relationship with each other and with the rest of the world. Their approach to social and economic development, crime and other
social phenomena are also shaped by their faith. Islam (which means surrender) is a religion which demands the total surrender of one's body and soul to their faith in Allah. This means that their total life should reflect this faith. Islam is a religion, which when faithfully followed, is both spiritual and cultural for the individual and his or her society. Many Islamic societies have laws and legal systems which are based on Islamic (Shariah) law. Shariah law is used both as a moralizing instrument as well as a preventive agent. According to Souryal (1988), it is effective through its use of a five prong approach:

1. It constantly endeavors to reform and purify individuals.
2. It warns people against crime by reminding them of its consequences.
3. It commands other Muslims to assist each other.
4. It prevents crime by blocking temptation through prohibition and separation.
5. It turns Muslims against sin and crime by encouraging certain behaviors and practices. (p. 5)

By using these guidelines, Muslims societies encourage a total social order of faithful conformity. Studies have shown that religious fundamentalism may result in various social problems. For states in the modernizing process, Kuwait experienced sharp increases in crime when it reorganized its legal system in a 1959 decree to conform to modern western standards (Al-Thakeb, 1978).

According to Nyrop (1984) because many of the severe punishments, such as stoning, beheading, and mutilation, are carried out in public, some observers believed that the country's generally low crime rate was the direct result. Those supporters of the severe punishments observed that, although carried out infrequently, a
beheading or stoning reminded the people that such penalties remained in force. Some observers disagreed citing cultural traits and the background of the Arabs of the peninsula as inhibiting crime more than public executions. For whatever the reason, the crime rate remained relatively low and would be considerably lower if there were no foreign workers in the country (Nyrop, 1984).

In addition to the harsh, concise, and public punishment received for committing a crime, there is also the religious quality of the law that deters practicing Muslims from breaking the law. Committing a crime in Saudi Arabia is not a mere offense against man, but also believed to be a digression against God. With the principle of Islamic law based on the religious quality of faith, the crime itself also cannot be concealed from God. Thus, it is not only the fear of getting caught and punished from committing a crime that keeps people from breaking the law in Saudi Arabia, but also the belief that when one executes a crime one will always face the divine court of God for one's sins. With such a respect and reverence to the law blended with a fear of harsh punishment and public ridicule, it is clear why Saudi Arabian society enjoys such a low crime rate (Basha, 1979).

The people in Saudi Arabia know the law and the severity of punishment for breaking the acceptable codes of behavior. Thus, there is a tremendous fear of breaking the Islamic law. Law is not going to be interpreted differently for different people (Basha, 1979). Criminal acts are divided into three categories:
1. Hudud: offenses are related to crimes against God and are punishable according to the Holy Qur'an and Sunnah. The Holy Qur'an mentions them as "limitations imposed by Allah, do not cross them. And those who defy the limitations of Allah are indeed the transgressors." (Surah Al-Baqarah, Verse 22).

2. Qasas: are crimes of physical assault and murder.

3. Taazir: offenses are those which are not specified in the Qur'an and the Sunnah and the Judges which is in Arabic Gady is left to determine their consequences. The application of Islamic law in Saudi Arabia has a positive effect in maintaining law and order. The statistics available on crimes in Saudi Arabia indicated that they were quite few and started to disappear. Conversely, it was shown that crime in countries where the laws were secular was constantly increasing because these laws could not deter or check it. This clarifies the difference between the divine laws and the man-made laws (Gazzaz, 1992).

To enforce the law in Saudi Arabia, police security forces were established. They were divided into regular and special investigation police commonly called the mubahith (secret police). Additionally, there is an internal security force which is autonomous and highly visible called the mutawwiin or religious police. This security force is organized under the authority of the king in conjunction with the ulama (Muslim religious scholars). They were charged with ensuring compliance with the puritanical percepts of Wahhabism (Mertz, 1993).
The Punishment of the Three Criminal Acts

The Shariah has determined the types of punishments for the three types of criminal offenses discussed in this study which are rape, homicide and theft.

Rape

In Islamic law, crimes of extramarital sexual activity (adultery and fornication) requires four male eyewitnesses or four confessions on four separate occasions by the defendant in an open court. In this offense, obtaining witnesses is almost impossible and therefore, difficult to prove.

Thus, in most cases of alleged adultery, only the confession of the defendant can prove the case. Because of the harm it imposes on society, the punishment of married persons who commit adultery is being stoned to death. Unmarried people who are found guilty of adultery are punished by one hundred lashes (Al-Mennaa, 1991). This punishment is affected if the perpetrators have an agreement to do the felony. Rape is different from adultery and fornication. In Islamic law, rape means to use force to do the felony. The punishment for rape by force is the death penalty. In Michigan the penalty for rape is life (Voigt & Edmonds, 1990; p. 55).

Homicide-Murder

In Islam, murder is the most serious crime against the person, for the life of the individual is made sacred by God. If the killing
was intentional, the murderer is usually executed unless a compensation is demanded by the victim's family or if they wish to pardon the offender (Basha, 1979). This punishment is clearly stipulated in the Qur'an when Allah said, "And We ordained therein for them: Life for life" (Surah Al-Ma'ida, Verse 45). For crimes in which one of the organs of the body is removed as noted earlier, the penalty is to have the corresponding organ of the transgressor made to suffer the same fate.

In Michigan, the penalty for murder depends on the classification. For example, for first degree murder, the penalty is life without parole while for second degree murder the penalty is life (Voigt & Edmonds, 1990; p. 53).

Theft

Theft is punishable by cutting off the right hand of the thief if he or she stole some property that is protected against loss or damage and not out of need. But if he or she did so and the stolen item was not a personal property, just enough to meet the need, the penalty would not be implemented against him or her and the concerned authority could punish him or her according to what is judged as a deservable punishment (Gazzaz, 1992). This punishment serves as an example to others so as to prevent it from recurring. Allah said, "Cut off (from the wrist joint) the (right) hand of the thief, male or female, as a recompense for that which they committed, a punishment by the way of example from Allah. And Allah is All Powerful,
All-Wise" (Surah Al-Ma'idah, Verse 38). Petty theft and larceny from relatives is excluded from punishment. Repentance of the crime often reduces punishment. Highway robbery is considered a crime against public safety and is more severely punished than theft (Nyrop, 1984).

In Michigan, the penalty for theft or larceny depends on the nature of the crime. For example, the penalty for larceny from other person is 10 years in prison. This includes crime of stealth such as picking a pocket, snatching a purse where the victim does not know what is occurring or reacts too slowly to resist. If the larceny involves livestock, then the penalty is four years (Voigt & Edmonds, 1990; p. 65).
CHAPTER IV

DESIGN AND METHODOLOGY

This chapter describes the design and methodology that were used in this study. This chapter is divided into three parts: (1) data collection, (2) data analysis, and (3) limitations of the study.

Data Collection

The data for this study is based on secondary data obtained through records available to the public. For the purpose of this study, data is only gathered for the years 1986 to 1991. The data for the population of Saudi Arabia is based on the 1991 Demographic Yearbook (United Nations, 1992) while the population data for Michigan is based on the census. Problems arose when collecting the data due to the different figures provided by different agencies and the difficulty of getting the population figures for Saudi Arabia. For example, the population data on Saudi Arabia have different figures depending on the source. The crime figures in the State of Michigan for the six years were based on the Michigan State Police Uniform Crime Report 1992 while the crime figures for Saudi Arabia were based on the Annual Statistic Book published by the Ministry of Interior.
Data Analysis

Data available were analyzed by comparing the number of rapes, homicides and thefts for both Saudi Arabia and the State of Michigan for the years 1986 to 1991. The comparison is done by using percentages and ratios. Tables and graphs are used to show the distribution of the data for each type of crime studied. The nature of the data made it impossible to use other statistical methods although this would make the analysis more meaningful. For example, t-test or one-way ANOVA cannot be used to compare the data because of its limitations in statistical analysis.

Limitations of the Study

This study has several limitations. First, the study is limited to only three types of crimes, namely rape, homicide and theft because these crimes are mostly reported. Second, the data that are used for comparisons covers only the years 1986 to 1991 because of the difficulty in obtaining the information on crimes especially from Saudi Arabia for the years 1992 to 1994. Third, the availability of different figures from different sources places the researcher in a dilemma as to which source to use. This is especially true for the case of Saudi Arabia. Finally, the researcher decided that the population figures for Saudi Arabia were taken from the United Nations source because the figures are more stable and were available for the six years. However, as noted in the book (United Nations, 1992), the population is based on the mid-year population
estimates which refer to the de facto population on 1 July of that particular year and that the population figures for 1986 and 1991 are the United Nations Secretariat estimates only. This difficulty is exacerbated because Saudi Arabia does not conduct an annual population census. Additionally, not all crimes are reported especially theft and rape.
CHAPTER V

DATA ANALYSIS AND INTERPRETATION

The data obtained for analysis is based on the years 1986 to 1991. For the purpose of analysis, reference will be made on the tables accompanying each discussion.

Rape

Rape is the first type of crime that is studied. In Saudi Arabia, the highest incidence of rape was reported in 1990 with 118 cases reported (Table 1 and Figure 1). In 1987 only 65 cases were reported and this being the year with the least cases of rape for the six years period. However, in term of percentages, the highest number of rape cases was reported in 1986 (0.00085%) while the lowest was in 1987 (0.00048%). In the State of Michigan, the highest number of rapes was recorded in 1991 with 7,248 cases while the lowest number of cases was in 1986 with only 6,077. Interestingly, looking at the figures from 1986 to 1991, it was found that there was a steady increase from 1986 to 1991 in the number of rape cases. However, this steady increase did not correspond to the percentage figures except between 1989 to 1990 when the percentage point jump by 0.01. This case is different for Saudi Arabia. The number of rape cases rise and drops every alternate years. For example, the number of cases rise from 65 in 1987 to 115 in 1988 but falls to 85
Table 1


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<tbody>
<tr>
<td>Saudi Arabia</td>
<td>103 (0.00085%)</td>
<td>65 (0.00048%)</td>
<td>115 (0.00082%)</td>
<td>85 (0.00059%)</td>
<td>118 (0.00079%)</td>
<td>96 (0.00064%)</td>
</tr>
<tr>
<td>Population ('000)</td>
<td>12,073</td>
<td>13,612</td>
<td>14,016</td>
<td>14,435</td>
<td>14,870</td>
<td>14,961</td>
</tr>
<tr>
<td>Michigan</td>
<td>6,077 (0.07%)</td>
<td>6,144 (0.07%)</td>
<td>6,370 (0.07%)</td>
<td>6,467 (0.08%)</td>
<td>7,094 (0.08%)</td>
<td>7,268 (0.08%)</td>
</tr>
<tr>
<td>Population ('000)</td>
<td>9,145</td>
<td>9,205</td>
<td>9,240</td>
<td>9,253</td>
<td>9,295</td>
<td>9,380</td>
</tr>
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</table>

The Number Of Rapes In

Saudi Arabia & The State Of Michigan

Figure 1. The Number of Rapes in Saudi Arabia and the State of Michigan.
in 1989 and rises again to 118 in 1990. The percentages also follow the same pattern. For example, in 1987 there were 0.00048% of rape cases to the number of population in that year. The percentage number increases in 1988 (0.00082%) corresponding with the increase in the number of rapes in that year. However, the percentage drops in 1989 (0.00059%) and increases back in 1990 (0.00079%).

The difference is obvious between the number of rape cases reported in Saudi Arabia and in the State of Michigan with this state having the higher numbers for each of the six years. This phenomena is also true if we look at the ratio of rape cases to one million persons in each country (Table 4). The ratio fluctuates for the years 1986 to 1991 for Saudi Arabia with 1988 and 1990 having the similar ratio number. This is different with the State of Michigan where the ratio is increasing from 1986 to 1991. This clearly shows that the number of rape crimes in the State of Michigan increases yearly for the six years. The ratio of rape cases in Saudi Arabia is in single digit numbers while for the State of Michigan, they are in the hundreds.

**Homicide**

Homicide cases in Saudi Arabia occurred mostly in 1988 with 113 cases reported with 1987 being the lowest number of cases (Table 2 and Figure 2). In 1987 only 56 cases were reported. However, in term of percentage of cases to total population, the highest incidence occur in 1986 (0.00089%) and the lowest in 1987 (0.00041%).
Table 2

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<tbody>
<tr>
<td>Saudi</td>
<td>107</td>
<td>56</td>
<td>113</td>
<td>103</td>
<td>88</td>
<td>111</td>
</tr>
<tr>
<td>Arabia</td>
<td>(0.00089%)</td>
<td>(0.00041%)</td>
<td>(0.00081%)</td>
<td>(0.00071%)</td>
<td>(0.00060%)</td>
<td>(0.00074%)</td>
</tr>
<tr>
<td>Population ('000)</td>
<td>12,073</td>
<td>13,612</td>
<td>14,016</td>
<td>14,435</td>
<td>14,870</td>
<td>14,961</td>
</tr>
<tr>
<td>Michigan</td>
<td>1,028</td>
<td>1,118</td>
<td>1,003</td>
<td>982</td>
<td>959</td>
<td>1,003</td>
</tr>
<tr>
<td>Population ('000)</td>
<td>(0.01%)</td>
<td>(0.01%)</td>
<td>(0.01%)</td>
<td>(0.01%)</td>
<td>(0.01%)</td>
<td>(0.01%)</td>
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</table>

Figure 2. The Number of Homicides in Saudi Arabia and the State of Michigan.
In the State of Michigan, 1987 saw a high increase in the number of homicides with 1,118 reported. This represents 0.01% of the population in that year. The lowest number of cases of homicides occurred in 1990 with only 959 cases which is 0.01% of the population in that year. If we compare the homicide cases between Saudi Arabia and the State of Michigan, it is obvious that the State of Michigan has the higher incidence of homicide across the six years (1986-1991). If we look at the percentage figures, we can see that there is a fluctuation from 1986 to 1991 for Saudi Arabia but quite constant for the State Michigan.

Looking at the ratio of homicide cases per million persons between Saudi Arabia and the State of Michigan, it was found that the ratio is only a single digit for Saudi Arabia while for the State of Michigan it comes to hundreds (Table 4). Comparing the difference in ratio between the two countries, it was found that 1987 has the highest difference by almost thirty times (4 versus 121). Looking at the pattern of homicide cases in term of percentage point, it was found that in Saudi Arabia, the percentage fluctuate from year to year with the highest in 1986, and lowest in 1987. This is different from that of the State of Michigan. The percentage figures are similar throughout the six years (1986-1991).

Theft

Theft is more rampant compared to rape and homicide. This is because, theft can be in many forms and types. Both Saudi Arabia and
the State of Michigan reported higher figures of theft cases for every year of the six years studied (Table 3 and Figure 3). In Saudi Arabia, 1989 saw the highest record of theft cases with 9,022 reported. However, this figure is small compared to the highest reported theft cases in Michigan where 235,074 cases were recorded in 1986. The lowest cases of theft in Saudi Arabia was reported in 1986 with 6,861 cases while in the State of Michigan, 1990 recorded the lowest cases with 190,996 cases reported. Looking at the percentage figures for Saudi Arabia, 1986 and 1987 saw similar figures with a decline of 0.01 percentage point in 1988. This pattern is repeated for the next three years namely 1989, 1990 and 1991. However, the pattern is different for the State of Michigan. There is a percentage decline from 1986 to 1990 with the highest percentage point decline occurring between 1987 and 1988. The decline in percentage point from 1987 to 1988 is 0.19 compared to 0.07 from 1989 to 1990. However, there was a slight increase of 0.02 percentage point from 1990 to 1991.

The difference in the number of theft cases between Saudi Arabia and the State of Michigan is more visible when the ratio case per million persons is used as a point of reference (Table 4). While the ratio is only within the hundreds for Saudi Arabia, it is within tens of thousands in the State of Michigan. For Saudi Arabia, the highest ratio is for 1989 with 625 cases while in the State of Michigan the highest ratio is in 1986 with 25,705 cases. The year 1986 also saw the highest comparison ratio between Saudi Arabia and the
State of Michigan with almost 45.25 times.

Table 3

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<tbody>
<tr>
<td>Saudi Arabia</td>
<td>6,847</td>
<td>7,553</td>
<td>7,420</td>
<td>9,022</td>
<td>8,647</td>
<td>7,640</td>
</tr>
<tr>
<td>Population (&quot;000)</td>
<td>(0.06%)</td>
<td>(0.06%)</td>
<td>(0.05%)</td>
<td>(0.06%)</td>
<td>(0.06%)</td>
<td>(0.05%)</td>
</tr>
<tr>
<td>Michigan</td>
<td>235,074</td>
<td>225,919</td>
<td>209,181</td>
<td>196,262</td>
<td>190,996</td>
<td>194,578</td>
</tr>
<tr>
<td>Population (&quot;000)</td>
<td>(2.57%)</td>
<td>(2.45%)</td>
<td>(2.26%)</td>
<td>(2.12%)</td>
<td>(2.06%)</td>
<td>(2.07%)</td>
</tr>
</tbody>
</table>

The Number Of Thefts In

Saudi Arabia & The State Of Michigan

![Graph showing thefts in Saudi Arabia and Michigan 1986-1991](image)

Figure 3. The Number of Thefts in Saudi Arabia and the State of Michigan.
Table 4


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<tr>
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<tbody>
<tr>
<td>Rape</td>
<td></td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>9</td>
<td>5</td>
<td>8</td>
<td>6</td>
<td>8</td>
<td>6</td>
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<tr>
<td>Michigan</td>
<td>665</td>
<td>667</td>
<td>689</td>
<td>699</td>
<td>763</td>
<td>773</td>
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<tr>
<td>Theft</td>
<td></td>
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</tr>
<tr>
<td>Saudi Arabia</td>
<td>9</td>
<td>4</td>
<td>8</td>
<td>7</td>
<td>6</td>
<td>7</td>
</tr>
<tr>
<td>Michigan</td>
<td>112</td>
<td>121</td>
<td>109</td>
<td>106</td>
<td>763</td>
<td>107</td>
</tr>
<tr>
<td>Theft</td>
<td></td>
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<td></td>
<td></td>
</tr>
<tr>
<td>Saudi Arabia</td>
<td>567</td>
<td>555</td>
<td>529</td>
<td>625</td>
<td>582</td>
<td>511</td>
</tr>
<tr>
<td>Michigan</td>
<td>25,705</td>
<td>24,543</td>
<td>22,639</td>
<td>21,211</td>
<td>20,548</td>
<td>20,744</td>
</tr>
</tbody>
</table>

Conclusion

Tables 1, 2, 3 and 4 present the raw figures to compare rape, homicide and theft between Saudi Arabia and the State of Michigan. The difference is obvious in that there were more cases of rape, homicide and theft in the State of Michigan compared to Saudi Arabia. This is more dramatic in the case of theft where the comparison in terms of the ratio between Saudi Arabia and the State of Michigan is in hundreds of times.
CHAPTER VI

DISCUSSION, SUMMARY, CONCLUSION AND RECOMMENDATIONS

This chapter is divided into four parts, namely discussion of the findings, summary, conclusion and recommendations.

Discussion

Saudi Arabia is bigger in size than the State of Michigan and the population of Saudi Arabia is larger than that of the State of Michigan. Yet the rate of crime in Saudi Arabia is lower than that of the State of Michigan. There are many reasons for this low rate of crime. The coverage of criminal acts by the media is different in style. In Michigan, criminals are given public attention. The criminals acts are reported and given more attention depending on the seriousness of the crime. This, in some cases, causes people to commit similar crimes, more frequently. In Saudi Arabia, the media announces only the punishment of the crime to the public. This perhaps deters people from committing crimes.

Education plays an important role in reducing crimes. Although both Saudi Arabia and the State of Michigan teach children to be law-abiding citizens, there is a difference in the content of the curriculum. The educational system in Saudi Arabia is geared to raise law-abiding citizens who respect the unchangeable law of God. The Qur'an, which includes the law and consequences for breaking those laws is
taught from the time a child enters the school. The law is clear and precise in Saudi Arabia, not interpreted in different ways depending on the situation and the people involved. Michigan students study the law in Civics and State and Local Government in high school. Still many people do not realize the consequences for their crime or feel that they will escape or receive a lesser punishment for their crime.

The social system and values between Saudi Arabia and the United States of America are different. For example, females in the United States of America are free and liberated. The girls are free to conduct their social activities with few restrictions either from their parents or the family members such as the uncles or aunts. Most of them can go anywhere and meet boys with or without their parents consent. They can have social gatherings where boys and girls mix freely. The mixing of males and females freely helps to create a situation that may cause sexual arousal which may lead to rape. That is why we hear about cases of rape even by a close acquaintance (date rape) in the United States of America. The close acquaintance sometimes create the feeling of power among males towards their female partners. One form of showing their power is by raping their female partners. Rape satisfies the need to establish physical dominance over the victim. The situation is different in Saudi Arabia. Girls and unmarried women are strictly protected by their parents and family members. They are not allowed to mix with boys or men who are not closely related. If they want to go out to meet their friends,
they have to be accompanied by their parents or close relatives such as brothers or sisters. This practice is helpful in that it protects girls from being sexually assaulted should they go out by themselves which happens in many cases in the United States of America. Females in Saudi Arabia have to wear dresses that cover their bodies except their palms and faces although we may find some of them wearing veils due to local or tribal culture and stricter upbringing. The code of dress is in accordance with the Islamic teaching which prohibits its female followers from exposing their bodies except to their husbands. With this type of dress, the tendencies of the males to initiate sexual advances is minimized and often prevented. This is one of the reasons why I believe rape cases are very small compared to that in the State of Michigan.

The family system and values that are practiced in Saudi Arabia may help to reduce the rate of crime also. The tribal values that put importance on maintaining the good name of the tribe or family ensure that the members adhere to the social and ethical values that are set by the tribe or family. This is made possible by the system of extended family which is practiced in Saudi Arabia.

The influence of capitalism is very clear in the values of the population in the U.S. Capitalism which is geared mainly to maximize profits, fosters intense individualism. However, the capitalist individualism is not concerned about promoting the growth of the person into emotional, ethical and cultural fullness. It fosters more the development of the individual traits that are useful for
maximizing profits. A person is more worthy when he or she possesses more materials. The majority of them still believe that the goal of life is to make lots of money (Bender, 1984). Bender also wrote, "capitalism depends on intense competitiveness coupled with overt and covert forms of violence" (p.109). He added that the compulsion to compete and achieve become all pervasive and in this situation, to be human is to be violent towards nature, self and others. These factors may help to explain why the rate of crimes is high in the State of Michigan compared to that of Saudi Arabia.

The mode of punishment is also different in both countries. In Saudi Arabia, criminals are punished in public. Their acts are announced to the public and they are punished in front of the community from which they come. The citizens of that community must witness the punishments that the criminals receive. Therefore, they are made afraid and persuaded not to commit the crimes. In the State of Michigan, the public is told through the media what has happened, and they do not see the punishment. Crime happens so frequently that the public becomes numb to the consequences of criminal acts.

The Islamic law is not only for the benefit of humankind but also serves as a reminder of the existence and the power of God. In Islam the crimes that are committed are not only against man, they are believed to be against God. Citizens of Saudi Arabia believe that they will be punished by God. This causes a low rate of crime. In the State of Michigan there are religious people who also avoid crime, believing that crime is sin and that they will be judged by
God after this life. However, in the U.S., there are citizens who do not believe in God. They do not practice the laws of any religion so the punishment for the crime is not eternal.

The concern for others is one of the teachings in Islam. In a Hadith, Prophet Muhammad (PBUH) said, "He or she is not a believer who eats when he or she knows that his neighbor is hungry," and "He or she does not believe if his neighbors are not safe from his or her injurious conduct." According to this Hadith, there should be and is a strong sense of family and community in Islamic society. Extended families and closely related neighborhoods join together to raise the children of that society. In the United States, people are less likely to intervene in the raising of another person's child. Extended families are few, divorce rates and single parent families are more frequent and the children grow up in many cases, with feelings of abandonment and have a lack of respect for other people.

Guns have been be used increasingly as a mean for committing crime. In Michigan, a person can easily buy guns. They may also purchase alcohol freely. When combined, a person may kill or injure someone under the influence of alcohol. In Saudi Arabia, guns are not permitted even for hunting purposes. Alcohol is against the law and is not sold in Saudi Arabia due to the fact that it is illegal in Shariah. Guns in the wrong hand can become a weapon of murder. That is why we often hear about cases of murder or other forms of homicide that is caused by guns occurring in U.S. Drugs also have been related
to crime. Many crimes have been reported that are caused by illegal drugs either by users, dealers or smugglers. In Saudi Arabia the penalty for illegal drug activity is death.

A tremendous respect exists within Saudi Arabia for the institutions of society. The government is viewed as concerned with the welfare of its people. Citizens trust the police force and therefore, respect them. The public’s attitude towards the police force in the U.S. is different. Many of them do not respect the police because of the many cases that tarnish their image as the protector of public safety. It is clear that many American youths disrespect and mistrust police persons. The police force in the U.S. has been found to be unfair in treating crime suspects. For example, the Rodney King case is just one of the many cases where the police abused their power. The police and government officials seem to be able to get away with scandal and do not suffer the consequences of committing state approved/supported crimes. In Saudi Arabia the government must uphold the same values and morals as the rest of society since they are believed to be responsible to God. This point is critical in understanding the overwhelming rate of crime in the American society. When people feel that they are not safe and that justice will not be given to them, they are likely to take the law into their own hands. The society of Saudi Arabia respects the legal system as a fair and equal enforcer of the law.

In Saudi Arabia, when a person is a criminal, it is evident. For instance, a thief is known because of a severed limb. He must
live for the rest of his life in shame. In U.S., it is not easy to
tell the innocent from the guilty. The criminal can brag of his
crime to his friends and family, and he is still accepted. That is
why there are many repeat offenders in the U.S. The criminal in
Saudi Arabia is a disgrace and a social outcast. Saudi Arabia, with
its Shariah law, is believed by its people to be a more secure and
safe society. The Saudi Arabian government provides free education
and health care to its citizens. Citizens may also receive funds up
to $80,000, (300,000 Riyal), on a 25 year loan to build a home. The
government focusses on improving the standard of living without
compromising the laws and values of the Qur'an.

In Saudi Arabia and in Islam, more specifically, the Muslim is
expected to actively avoid crime by following the five commandments
which are: believing in God, believing in the Prophet Muhammad
(PBUH), praying five times a day, fasting and giving to the poor.
This makes the citizens aware of a constant responsibility to uphold
the law. From this discussion, it is clear that sacred law in the
form of Shariah law has a better impact than secular law in control-
ling and preventing crimes. As Basha (1979) said, "With a stable
government, respected legal system and police force, and strong
religious faith, Saudi Arabia has little room for the criminal ele-
ment. The result is a society where there is both inward security
within the people and an outward stability within the institutions of
society. Crime is low and there is a feeling of security and
safety, and a positive relationship between the government and the
governed" (p.109). Even if we compare the crime cases among Arab
countries, the rate in Saudi Arabia is low. Al-Mennaa (1991, pp. 30-32) cited Souryal's (1988) statistics on the number of murders,
property crimes and sexual offenses including rapes to show that the rate of crimes is small compared to Syria, Egypt, Iran, Lebanon and Kuwait. For example, the average number of murder cases for the years 1970 to 1979 is 53 in Saudi Arabia (population in 1981 is 11 million) compared to 403 in Syria (population in 1981 is 11 million). The average property crimes for the same years was 818 in Saudi Arabia while in Syria it was 6,599.

Another factor that may contribute to the low rate of crimes in Saudi Arabia is the existence of the mutawwiin (religious police) which is responsible in ensuring the compliance with the puritanical percepts of Wahhabism (Mertz, 1993). This force helps to deter people from committing crimes that are against the Shariah. This type of police force does not exist in the state of Michigan.

Durkheim believed that religion has the capacity not only to dominate individuals but also to elevate them above their ordinary abilities and capacities (Jones, 1986 cited in Ritzer, 1992, p. 197). As religion is seen as sacred, it brings out an attitude of reverence, mystery and honor and the sacred, as noted by Max Weber, is uniquely unalterable (Ritzer, 1992). The Shariah, as already mentioned earlier, is a religion-based law. As such, it has the capacity to compel the believers to honor it. It has not been altered because it cannot be altered due to it being sacred. This is different in
the Western society. Despite the view that it is sacred, religion in the West did prove to be amenable to rationalization, and it did play a key role in the rationalization of other sectors of society (Kalberg, 1990 cited in Ritzer, 1992, p. 245).

In Saudi Arabia, there exists what Durkheim called collective conscience (cited in Ritzer, 1992, p. 188). It covers virtually the entire society and all its members. It is also believed in great intensity where repressive sanctions will be used when violated. It is extremely rigid and its content is highly religious in nature. In a way, this type of conscience may help to deter crimes in Saudi Arabia. This conscience does not exist among the society in the State of Michigan and as such has less impact on the rate of crimes.

Education plays an important role in instilling the values of morality among the individuals. It plays an important role in enforcing the teaching of Islam in Saudi Arabia. The Islamic religious upbringing among children in Saudi Arabia starts while they are young and it is compulsory for them to attend Islamic religious schools which are provided by the government. It is also the duty of the parents to provide Islamic education to their children. Although there are various religious groups in Michigan, some of the followers of these religious groups do not see their religions as sacred. Many of them do not have a systematic education system where the followers' children or adults themselves can have religious teachings. In fact Durkheim was very interested in the internalization of social morals through education and more generally through
socialization (Ritzer, 1992). He believed that education is the institution which teaches people about their social morality and that the Western society has undergone a pathological loosening of moral authority upon the lives of the individuals (Nisbet, 1974).

The differences in society that exist between Saudi Arabia and the State of Michigan may also contribute to the differences in the number of crimes between these two countries. Saudi Arabia may constitute what Durkheim called the mechanical society while the State of Michigan can be classified as the organic society. In mechanical society, people are very similar and they tend to believe very strongly in a common morality. Because of this belief, any offense against their shared value system is likely to be of significance to most individuals. An offender is likely to be severely punished for any action that is considered an offense against the collective moral system because most people in the society feel the offense and believe deeply in the common morality. In contrast, a society with organic solidarity is characterized by restitutive law. Instead of being severely punished for offenses against the collective morality, the offenders are likely simply to comply with the law. The vast majority of people do not react emotionally to the breach of law because there is little or no powerful and coercive common morality.

Summary

In this study four questions were put forward:
1. Is there a relationship between the nature of law and the rate of crime?

2. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of rape?

3. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of homicide?

4. Is there a relationship between the nature of sacred law (Shariah) or secular law and the rate of theft?

Based on the analysis of data for the year 1986 to 1991, it was found that the rate of crime is related to the nature of the law enacted for the prevention of various types of crimes. For example, there were more cases of thefts compared to rapes or homicides. Data indicated that there is a relationship between sacred Islamic (Shariah) law and secular/civil law and the rate of rape. There were less cases of rape where sacred law was enforced compared to where secular law was imposed. This was also true for homicide cases and theft cases. In fact, the relationship between these two types of laws is more obvious in the case of theft.

Conclusion

This study has shown that crimes related to rape, homicide and theft were less rampant where sacred law was enforced compared to where only secular law is administered. This shows that sacred law may be a powerful force in the presentation or lowering the rate of the three types of crimes. The intrinsic nature of control embedded
in the sacred law possibly influences people not to commit crimes due not only to the punishment that will be rendered in this world but also in the hereafter. However, sacred law is only one of the factors that may prevent or lower the three types of crimes namely rape, murder and theft. Besides, the heavier and stricter penalty that will be imposed on those committing the crimes might also have a bearing on the people who dare to indulge in such crimes.

Recommendations

Based on the findings of this study, the following recommendations hopefully can improve the situation by creating a crime free country.

1. A more detailed study be carried out to determine the reasons why the rate of crimes in Saudi Arabia is low compared to the State of Michigan. Results from this study can be used as guidelines to better improve the citizen's safety either in Saudi Arabia or in the State of Michigan.

2. More exchange programs be initiated between Saudi Arabia and the State of Michigan to understand better the laws of each country that can help control the rate of crimes.

3. The State of Michigan can provide expertise in crime prevention technology to Saudi Arabia since criminals are using more high technology tools and weapons to commit crime. For example, the use of computer to steal money from someone's account is difficult to trace without the expertise in the use of computer.
4. Since students are the future generation of citizens of Michigan, classes on Shariah law should be offered to them so that they can understand better about the law and that hopefully they will realize the importance of abiding by the law as practiced in another country, in this case Saudi Arabia.

5. Students in Saudi Arabia especially that will be studying in U.S. should also be briefed about the laws in U.S. so that they can better understand the difference between the laws of Saudi Arabia and U.S.

6. More strict laws should be enforced in the State of Michigan to reduce the rate of crimes.

7. A further study about the difference in crime rate between the States of Michigan and Saudi Arabia be carried out so that information can be gathered to better understand the crime situations in both countries.

8. Saudi Arabia is moving towards industrialization. As such it will face the problems that the U.S. is facing now in terms of crimes. Therefore, it is wise that Saudi Arabia prepares itself in preventing crimes as it progress to an industrialized country by learning from the experiences faced by the U.S.

9. The State of Michigan should give religious education an extra attention because religion helps to create better citizens with good morals. Hopefully, with better citizens who have religious background, the rate of crime will decline.
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The Holy Qur'an.


