

**(ISIS Crimes Between Juristic Theory and the Monotheistic Discourse) A Balancing Study**

**(Education issues and challenges in light of the accelerating knowledge and technology developments)**

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**Summary of the research**

Iraq and Syria lived through a major crisis of brutality that shook the entity of Islamic thought and legislation, as it was at the hands of those who called for Islamic affiliation and they represented it and established its borders, and this matter is extremely important that calls for doubt and repudiation of these calls by serious research to know the truth about the belonging of these barbaric groups to humanity, because we do not hear about A creature killed and represented by its gender, as did this stray group.

The research relied on a balanced analytical method for the purpose of comparison between what is of Islamic criminal jurisprudence and what is far from it except in terms of image and claim.

The research came on the introduction, then three demands, namely:

The first requirement: the jurisprudence reference to the types of sanctions when ISIS

The second requirement: the position of Islamic jurisprudence on ISIS sanctions

The third requirement: How to implement the sanctions between the legislation and the letter of brutality

The research reached a set of results confirming that there is no relationship between what ISIS claims and what the Islamic system represents in the jurisprudence of crimes and penalties, but rather it represents the owners who want to control the sword and whip, and the brutality that exceeded all stages of violence.

The most important recommendations emphasized the deliberation of the whole world from Muslims first from not being deceived and being dragged behind these misguided groups, and to the whole world from looking at the foundations, origins and development of these movements and the purpose for which they came and who represents it and who benefits from its existence.

## Introduction

Praise be to God, Lord of the worlds, and prayers and peace be upon the noblest of creation and messengers, and on the family of the good, pure and yet .. The research starts from the fact that the Islamic nation is living in a crisis that has shaken its rules from the beginning, but it is the crisis of atonement, which was invented by a few that work in the name of religion but it is beyond it, and for this it becomes necessary to study this The danger and knowing its references are they really as they claim it, so the thought will not be defeated except by thought, and arms are not enough to achieve victory.

The importance of the study comes from the fact that ISIS is now a real danger not only to Islam, but also to the world, because the purpose for which ISIS was used is to kill all religions, and this is evidence of their bombing of most centers of science and worship in the Middle East, and because the thought that underpins ISIS It is misrepresentation, correction, and utterance in God's religion without truth and knowledge, their morals of atonement and their nature of detonation and displacement; we conclude that no religion has anything to do with these movements deviated from humanity before religion.

The most important aim of the research is to shed light on the reality of ISIS and to reveal the claims of this organization, intellectually and practically, by following the analytical approach comparing the criminal doctrinal theory of ISIS crimes and presenting it in return for Islamic criminal jurisprudence, to reach the truth of the letter of brutality adopted by ISIS, particularly its actions. The latter in Syria and Mosul as a model for the study and the research will present its results and recommendations, hoping for success and payment.

The first requirement: the jurisprudence reference to the types of sanctions when ISIS

The ISIS regime has been trying to deceive the simple people that they represent Islam, because they apply the provisions of Islamic Sharia with appearances and images, especially in the criminal system (penalties), as they were punished with so-called establishment of Islamic legal boundaries, as well as they impose the veil on women and closeThe shops during prayer, and their flags worked on publishing pictures and films to apply the borders to some men and women who have committed crimes of adultery and drinking alcohol.

And ISIS has exploited a claim that it applies Islamic law only in terms of limits and interpretations. ISIS has deceived the Muslim youth who are looking to establish God's religion on the ground and arbitration of God's law in real life, relying on spreading religious enthusiasm and fanning emotions, so ISIS legislators deliberately ignored the borders are only a means One of the means of social control that should

be preceded by the proper preparation of the blame by spreading the Islamic idea in order to affect all situations and dye it with the nature of Islam.

A large attribution to the jurisprudential literature appears in the documentation of organization, but the decisive factor in this is interest and benefit, as the organization can attribute to any reference that supports its views without regard to the methodological consistency. The organization adopts a predatory Wahhabi approach.

On the other hand, the organization disrupted the application of penal provisions to many criminals and bandits by simply swearing allegiance to the organization. It has been proven that a small number of criminals have joined the state organization in order to protect themselves from holding the Sharia courts accountable. The organization has provided them with protection in exchange for pledging allegiance. These people are once again using the same methods and deeds in the name of religion and Sharia.

**In its sanctions, ISIS relied on the penalties mentioned in Islamic criminal jurisprudence, namely:**

1 -Cutting: ISIS cuts hands in the penalties it presents as stealing money, and sometimes even at that time, and this provision in itself is found in the Islamic Penal System in border penalties, which is the limit of theft:

And they infer that:

A - The Almighty said: “And the thief and the thief cut their hands off with regard to what they have won from God and God is dear and wise.” (Surah 38.(

B- That Muhammad had cut the hands of men and women, and so did the Companions.

2 -The limit of flogging and stoning in adultery: ISIS applies the legal limits in public squares, including this limit, and this is one of the penalties that came in the Islamic punishment system adopted by the legitimate ruler or judge in the limits and Altzirat. Daesh system evidenced by the Almighty, saying ((adulterer and the adulteress, scourge each one of them with a hundred stripes and take you with them compassion in the religion of Allah, if you believe in Allah and the day and witness Amabhma a community of believers)) Surat Al-Nur: 2).

3- Punishment with crucifixion: Crucifixion is not known in fiqh theorism, not in warring, and it is a special crime and a very cruel punishment compared to the level of its crime. Or their hands and feet are cut off from disagreement, or they are exiled from the earth, that is their disgrace in this world, and they have in the last: (Azzah).

### **The second requirement: the position of Islamic jurisprudence on ISIS sanctions:**

ISIS relies on border punishments and border punishments, in short, it is border crimes: limitation in language: prevention, which is something that is reserved between two things, and it is forbidden to mix them, and in the terminology a sanction estimated from the street that must be true to God, which are crimes (apostasy, adultery, slander, harpy, theft, prostitution Drinking wine. The main penalties mentioned above are from the border penalties.

- 1- It is well known to researchers in criminal jurisprudence that the possibility of realizing a crime with a limit characteristic is often difficult and therefore there are not many examples in Sharia evidence in its applications; this difficulty comes mostly through the prevention of borders set by the Islamic legislator and is a rule characterized by determining the rule to prevent borders by suspicions

In addition to stressing the methods of proving the crime, Islam opened the way for the possibility of not punishing the accused when not asserting, by deciding (stopping the borders with suspicions), where the punishment may not be imposed in the borders and retribution with the presence of a suspicion valid to prevent and drop.

Spoofing in language: is payment, it is said: a stroke is triggered by a stroke and its stroke, i.e. his payment, the limit managers in the sense of his payment and delay.()

And suspicion in the language: is confusion, it is said that it is similar to the matter, that is, it is confused until it is mixed with others (). As for suspicion in Sharia: it is what confusion is a matter, and he does not know whether it is permissible or forbidden, and the right is false or false. That is, ambiguity is not a matter of right from wrong, suspicions between the permissible and the forbidden, not between the duty and the solution.()

The meaning of staving off penalties or limits by suspicions, i.e. raising them and not applying them to the perpetrator due to the existence of circumstances and matters that question the fact that the act was a crime in the first place, or that it was a complete limit, or even in its occurrence, and there have been many effects indicating this rule, including the impact of the Messenger, "may God bless him And his family, "who was arrested on the authority of Ibn Masoud: (Read the borders and kill for the servants of God as you could) (), and the areas of application of this rule in the limits and retribution, where they said the scholars: that retribution does not take place with the presence of the suspicion, where I found the suspicion refrain from retribution and turned the matter into blood money.()

As for the condolences, they are unimaginable penalties, they are entrusted to the guardian according to the interest, as they are often penalties that are not so severe

that they reach the degree of limits and retribution, and therefore the scholars stated that they could be established with the presence of suspicion.()

Here it must be presented to the Islamic legislator to know its position on Islamic criminal jurisprudence:

**1 -Punishment of severance:** If we paused a little in the face of the punishments imposed by the ISIS regime, we would find that this matter does not go straight from the foundations of Islamic jurisprudence for the following reasons:

A - that the organization when establishing the borders - which is the right of God - as the extent of theft, is not entitled to establish it in any spot where its soldiers reach and if the matter does not settle for them, because fatwas collected from the scholars on the non-establishment of these borders in the war for his saying (PBUH) Do not cut hands in an invasion.

Al-Tirmidhi said (and working on this among some scholars, including Al-Awza'i) that the limit will not take place in the invasion in the presence of the enemy, fearing that the one against whom the limit will be held will be inflicted upon the enemy.

Ibn al-Qayyim said (This is one of the limits of God's limits, and he forbade his residency in the invasion, fearing that it would result in something that is more abhorrent to God than delaying or delaying the rights of its owner to the polytheists, diet and anger.()

B - It was proven that the judges of the ISIS courts were ineligible for the judiciary, because they are unknown to the situation and the scholars did not testify to them of the legal knowledge and the ability to judge and arbitrate the law of God, but it was proven that many of them are ill-informed in terms of the application of legal rulings in an incorrect way such as applying the threshold of theft in the event of famine, because It is known that the extent of theft is not established in famine and the severity of the need and extreme poverty that people live in Syria due to the war conditions and the blockade are not hidden until we saw in some Syrian regions people eat grass and foliage, as well as cutting the hand of the thief with cleaver and what it promises on the legitimate limit by breaking a bone Forearm while t Rodeo is hand cut with a knife from the joint.

A - The origin of the punishment for cutting the hand is the subject of the consensus of the Muslims, except that they differed in the amount of the hand to be cut and on which the foreground is that the hand is cut from the ends of the fingers and leaves the thief to rest, i.e. the palm of the hand documented by Ishaq bin Ammar on the authority of Abi Ibrahim (PBUH) ((The thief's hand is cut and left his thumb He issued his rest, cut his leg, and left his heels walking on it)).

It appears through the foregoing that ISIS applies the borders with the utmost brutality, which includes the souls from them and insulting Islam and Islamic law, but

rather makes some Muslims alienated from their religion and the claim of the organization that this is a prophetic Sunnah.

## 2- Adultery:

If we follow Islamic jurisprudence, we will find that the extent of adultery (stoning, flogging or westernization) is a right of God Almighty, that is, a right for society, because symptoms must be preserved from exposure to them and preserving public interests, which is the payment of the most correct corruption to them, and it must be proven by Shariah methods which are:

### Declaration or testimony (evidence)

1 - Acknowledgment: This is what is now called recognition. The jurists have agreed to prove adultery by acknowledgment from the sane adult chosen voluntarily, and not drunk, because the Holy Prophet (PBUH) stoned goats and Al-Ghamidia by acknowledging them. Adultery because the Messenger (PBUH) asked goats about the details of the incident, and the scholars have agreed that the statute of limitations does not affect the decision.

2 - Shahada: The jurists agreed on the evidence of adultery with testimony and the testimony is proven:

1 - Issue: They consist of the testimony of four righteous men, three or two women, but it is proven by the testimony of two men and four women whose purpose is to prove that flogging without stoning. The Almighty said: (And those who come outrageous among your wives, testify of your testimony.

if they testified, they held them in their homes until death died or God made them a way) (Surah An-Nisa: 15)

2 - Assignment (perfection), which is puberty and reason.

3 - masculinity, so the testimony of women is not accepted in their honor, because adultery is obscene.

4- Justice

5- Freedom

6- Islam

7- Referral The testimony of the testimony or the judge's book is not accepted to the judge because suspicion at the time of the crime and borders does not prove with suspicions

8- Union of witnesses

9- Council of the union

10 - that the witness who is perceived as the one who intercourse

11- The witness must be one of those able to file a suspicion 1

12- Witnesses remain eligible until the limit is held.

These are the conditions for establishing this legal limit, and when looking at the practices of ISIS in applying the borders, including this limit, we find that the organization has violated the Islamic legal conditions for establishing this limit where we find that the organization has imposed a punishment of flogging on school students in case they violate wearing Afghan dress, which is a phrase Short robes, pants, and females are a black robe that covers the body from head to toe, where the organization imposed this uniform in the schools of Mosul, Tikrit, Fallujah, Hawija and Hit.

Among the fatwas required by the organization to limit the skin: 25 lashes for everyone who leaves the Friday prayer and 70 lashes for everyone who refuses to prostrate to the prince of the organization and impose a thick black veil and any negligence on the part of women, especially with regard to the degree of its thickness leads to arrest and the skin of girls because their eyebrows appear from below The niqab and 70 lashes for everyone who speaks the word ISIS as it has to say the Islamic State in Iraq and the Levant.

It is clear from the foregoing that this manipulation of the provisions of this legal limit through the number of lashes and its application according to his personal whims to become far from the Islamic law and contrary to it, and we also find a great contradiction in this organization as it performs the ugliest cases of rape against the women of the Yazidi minority, where it exposed a total of 5270 from Yezidis to kidnapping, and 3,144 of them are still being held by the organization, and thus the contradiction becomes that it applies Sharia law to people without applying it to itself and its group.

### **3 - Steel:**

After the research, we found that the one who has the most jurists on it is that this verse was revealed in the bandits of Muslims in it. The wise street mentioned an end famous in jurisprudence with a limit of spoilage. Among the provisions included in the verse is the necessity to establish the limit on the categorical warrior of the road without pardon when enabling and before repenting unlike the repentant warrior Before being able to do it, then the one who has jurisprudence that pardon is permissible and in the verse in general it says: She did not belong to an honorable person who is not a high-ranking or despicable person, so the reward is not considered in this limit to indicate that the punishment is not part of retribution, even if the murder took place. The reason for this is that the jurists are unanimous that the amnesty of the murdered guardian in the harpoon has no meaning in dropping the

penalty and the rulers must establish this limit on the warrior, because killing kills an end, the issue is not a question of punishment until the saints of the blood choose between punishment and the pardon.

The killing in the harba is different from the killing in the retribution. The killing in the latter is merely the killing. As for the harba, the killing in it is very effective, it is not just Murder, rather, it is intended to corruption on the ground because of its intimidation, theft of money, and indecent assault.

What is meant is that the punishment is a reward, as it is a reward and a reward for the criminal with what he deserves because of his aggression on the individual right, social right, justice and logic as a basic human value that requires that it not be settled between the benefactor, the offender, the reformer and the spoiler, so each of them is rewarded for what was presented. Boundaries are serious crimes and are an aggression against society and its human values, so it was required by justice that the aggressors not go unpunished.

After the above research, it appears that the severity and severity of these punishments is due to the fact that its crimes have a distant social danger and the main goal of them in Islamic law is restraint, prevention, and the achievement of justice and security in society.

The third requirement: the position of Islamic criminal jurisprudence on how ISIS carries out sanctions

### **First: slaughter:**

- 1- practiced regulate Daesh slaughter and kaafirs it says ((If you meet the saying of those who disbelieve smite the necks even if Otkhantamohm either of us Vhdoa bond after either a scapegoat until the war come to an end)) Sura Muhammad: 4).

But we say that this verse speaks of fighting the infidels when they meet in the battle as stipulated by the people of interpretation, where Al-Tabari said, "If you meet them who disbelieve in God and His Messenger from the people of war, strike their necks, and the purpose of hitting the necks is killing because it is comfortable for killing and is away from torture as stipulated in the text." That the owner of Al-Manar said: (If you met your enemies, the infidels in the battle, then fight them by hitting the throats because it was comfortable to kill and keep away from torture) The purpose of killing is not torture, but using a method of killing to relieve the murdered and take his soul without torture.

- 2- They also infer the slaughtering through the narrated narration from Amr ibn al-Aas on the authority of the Prophet (PBUH) ((Oh Muasher of Quraysh. As for the one who has my soul in his hand I did not send you to you except to you except by slaughter and he pointed with his hand to his throat so Abu Abu Jahl said to him, O Muhammad, I was ignorant and the Messenger of God

said) PB: You are one of them, and here we say that there is a huge fallacy in these words, which are:

First: It will be the goal of the Prophet's (PBUH) mission or the title of his message to slaughter people and this is contrary to the Holy Qur'an in the Almighty's saying "(We have not sent you except as a mercy to the worlds") Surat Al Anbiya: 107) and when a mercy was sent about (PBUH) ) The slogan of your coming to slaughter is the slogan of exclusionary exclusion, so how can the Prophet raise it and make it a title for his vocation.

Secondly: that these words were said in Mecca before the emigration, as its context indicates, and when the Prophet (PBUH) addressed them with the phrase ((I have brought you to the slaughter)), as the hadith presumes, they were afraid and panicked, and this matter is surprising and surprising because the Meccan stage was characterized by the Prophet (PBUH) adopting the method of the managed Patience, patience, and tolerance for harm are just as invalid. The balance of power was not valid.

Thus, in the foregoing research we find that killing was slaughtered in a way that was not pledged on behalf of Muslims since the time of the Prophet and his companions, and after them the scholars and the judiciary, as this ratio to the Sunnah is denied from saying and claiming without knowledge.

Second: Burning neighborhoods

ISIS burns neighborhoods, and they refer to several evidence, including:

- 1- That Muhammad was interested in burning the homes of those who left behind the prayer with fire: On the authority of Abu Hurairah, the Messenger of God (PBUH) said ((The heaviest prayer for the hypocrites is the evening prayer and the dawn prayer, and if they knew what was in them, they would come to them if they liked. I was concerned that he ordered with them packages from firewood to people who do not testify Praying so their houses were burned with fire)).
- 2- that Abu Bakr was burning the apostates with fire: that Abu Bakr had burned the suddenness of Al-Baqi 'in the city and was because of his money. When the friend heard that he sent an army behind him, he spread it, and when he was able to send it to Al-Baqi', he gathered his hands to his feet and was thrown into the fire while he was stoned.

We say that there is no such talk in the actual application in Islamic jurisprudence, nor in the Qur'an or Sunnah, because those who follow the system of penalties imposed by Islamic law on crimes and crimes find that there is no punishment for burning with fire even in the most serious crimes and prejudice to the security and stability of society, but rather to On the contrary, there was a lot of evidence prohibiting murder by burning with fire, including:

What was narrated from Abdullah bin Zaid Al-Ansari said (the prohibition of the Prophet (PBUH) from the Prophet and the proverb) The significance of the evidence is that the prohibition of homosexuality and torture in general and killing by burning with fire is a forbidden example.

And what was narrated from Shaddad ibn Aws, he said two two you memorized about the Messenger of God (PBUH) said (God wrote benevolence on everything, and if he kills them, do good for the killers, and when you slaughter, they improve the carnage).

And Islam took great care to prohibit the representation and abuse of the bodies of the dead and murderers, even if they were warriors or criminals, and the Messenger of God (PBUH) said: (Behold, the example, even if the dog has brains).

The research reaches through the foregoing that killing by burning with fire is a forbidden policy to prohibit the Prophet (PBUH) from killing by burning and also forbade him from being a proverb and ordering him to do charity in killing whatever his reason is.

Third: Killing children and young adults

ISIS kills children and young adults, and they infer that: Ibn Ishaq said that the Messenger of God had ordered the killing of everyone who grew from them. Ibn Ishaq and the Division of Ibn Hajjaj told me about Abd al-Malik bin Omair on the authority of Attiyah al-Qurazi said his word the Messenger of God has commanded to kill from the children of Quraysh Everyone who grew up in them and I was a boy and found me did not grow, so let me go.

The response: Islam prohibits encroaching on non-combatants, women, children and the elderly. I am content here to transfer the commandment of the Messenger of God to the princes of the companies and put it by drawing Muslims first and drawing the whole world. It was (pbuh) as stated in the hadith considered for Imam Al-Sadiq, peace be upon him - as he wanted to send the secret of their prayers He sat them in his hands and then said: ((Walk in the name of God and in the path of God and on the religion of the Messenger of God do not boil, do not represent, do not treachery, do not kill an old man, a boy, a woman, or cut down trees unless you have to). And after this we come to a fact that the Dash organization came without its predecessor, which is the letter of savagery on which it built its intellectual and ideological foundations, which is reliance on the speech and administration of savagery that came in the ISIS constitution that was published before the advent of this organization, and that was in the book (Administration of Savage) by Abu Bakr Naji the unknown The situation that the regime invented to publish this book among its ranks to be the map on which ISIS followers follow from stirring up the brutal chaos in which it can control the innocent, because fear of natural instinct for man, and therefore these killers control the places they put their feet on.

## Conclusion

From the previous presentation, they are not the suspicions raised by the Islamic State, which says many extremists of different degrees, the following results are clear to us:

- ISIS is an exaggerated organization in religion that has combined ignorance of the Sharia with the words of the scholars and ignorance of reality and what is good for life, with deviation and innovation in religion and excessive judgment on those who violate them and deal with Muslims and other religions.

- ISIS crimes exceeded the crimes and deviation of the first Kharijites, and they were a reference to all the crimes of the oldest of the extremist and perverted thought, as they benefited from the ideas and practices of the enemies of the Islamic religion, and they were truly a stock implanted in the side of Muslims and challenging the authentic Islamic Muhammadi project.

- ISIS combined all these deviations and fell into the most severe of which the first Kharijites fell from unlawful killing and corruption in beliefs and funds. Perhaps the most dangerous thing that was proven by the events of recent years is the ability of this organization to increase the deviation, which means the possibility of its emergence is not really in other names or more severe beliefs Deviations, and that the disappearance of these organizations does not mean the disappearance of their ideas does not contain good and righteousness.

- All Muslims must be aware of the conspiracies surrounding them to undermine Islam by returning to correct the deviant paths in the delusional thought called for by intellectual movements, both Islamic and non-Islamic, that aim to distort the reality and essence of Islam.

## Recommendations

- Reviewing the jurisprudential codes and Hadith references that are the basic reference for intellectual, ideological and legislative buildings, and clearing them of the similarities of the hadiths and ideas intruding on authentic Mohammedan Islam.

- Confronting deviations in thought and religion instead of recycling problems and exchanging charges and evading them on the pretext that this is made by the enemies of Islam only. Rather, it is necessary to confront the intellectual and ideological extremism of all religions and sects, and to search for peaceful and reconciliatory areas, and to search for participants to live in peace with all individuals, groups, components, and groups.

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