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The Criminal Protection of Public Employees in the United Arab Emirates Law Compared with Islamic Law

Muhannad Suliman Mohamed

Universiti Teknologi Malaysia, Malaysia

Arieff Salleh Bin Rosman

Universiti Teknologi Malaysia, Malaysia

Abstract--The study aims to illustrate the criminal protection of public employees in the United Arab Emirates law compared with Islamic law in order to address the ambiguities related to the topic. Moreover, there is a large gap between the traditional United Arab Emirates Law and protection of public employees in Islamic law. This study highlights the importance of Islamic law as one of the essential sources of the law in United Arab Emirates. This study follows the doctrinal approach to identify and compare between the criminal protection provisions in both laws. The methodology allows understanding the criminal protection during the Prophet's (PBUH) era and that of current companies. The result of this study shows that the Islamic law, established by the Almighty, is the main source of the traditional law in the United Arab Emirates. In addition, the criminal protection relays power of the importance of public employees to the United Arab Emirates institutions. The results of this study show that the criminal protection allows employees wide authority in their field exposing them to different challenges. The study recommends that continuing research on the factors that protect the employees and threaten them is essential. Moreover, there is increasing concern over Islamic law and the rephrasing of the traditional law related to the verses from Quran and Sunnah. Thus, attempts have to be made to classify the criminal law of UAE through the Islamic Law.

Keywords--criminal protection, Islamic law, public employees, united Arab emirates law.

Introduction

The federal law of the UAE deals respectively with the public employees and is made as a red line for any offense perpetrated to the same. Hence, any individual, who crosses the red line, remains under its responsibility. Moreover, offenses to public employees are liable to face penalty of imprisonment or fine. There is no doubt that criminal protection of the public employees is very important topic in recent times (Marican, 2014). Criminal protection comprises of essential laws that protect the public employees from any internal and external threats. This law attempts to protect public employees from different dangers that happen during working time. In addition, the UAE made a lot of efforts to create laws and regulations to protect public employees in institutions (De Hert & Papakonstantinou, 2012; Garoupa, 2007).

In several public job positions, the public employee needs to implement the law without interference from the community, as per judicial ruling (Powell, 2015). The employees can face threats stemming from the implementation of law and rules in the society. Consequently, the law must provide full protection from any dangers faced and protect the public employees through deterrent penalties. The main justification behind implementing this type of penalty is that public employees do not only represent themselves or their jobs, but the whole society and government. On the other hand, almost of Arab legislation derives the laws from Islamic law. The Islamic law has already organized every mistake with its corresponding penalty. This study focuses on the criminal protection of the public employees in the United Arab Emirates Law compared with Islamic Law as recommended in past studies (Sullivan et al., 2017).

Problem statement

The problem statement is based on the fact that some people are unaware that they deal with public employees in an informal way, when essentially, the penalties of disrespecting the public employees and their roles in the traditional law could be as considerable as imprisonment. Moreover, the Criminal Law and the Penal Code of the UAE fail to protect public employees from attack, assault or any abuse when anybody assaulting public employees for the purpose of his type of work, could be imprisoned for a maximum of two years and be fined not exceeding 20 thousand dirhams. Moreover, the UAE penal code has established one unit for protecting public employees. This law has several penalties for everyone threatening or insulting public employees. Law number 249 states that everyone who insults or threatens public employees not may be imprisoned for a term not exceeding two years fined not exceeding 20 thousand dirham and for those confining public employees at public service places due to his duty at work may be imprisoned not exceeding 6 months. Moreover, it is considered a crime to insult, beat, infringe or prevent public employees, particular when it comes from a group of people carrying weapons threatening the employee. In addition, the law established by the UAE government for protecting public employees is Penal Code Law number 3/1987 (Mousavi, 2006; Alkahtani et al., 2015).

Albahr, presented public employees and law protection in his article. The findings of the article showed that the Penal Code Law presents penalties for those

insulting or assaulting official employees during the daily work or official work. Meanwhile, the Islamic law provides full penalties and determines the cases related to dealings with public employees in the Quran and in Sunnah. However, contrastingly, the penalties in the Penal Code of the UAE fail to reflect that of the Islamic perspective, indicating that the Code does not rely on Islamic Law that has been settled 14 decades past. According to the above problem, the main question of this study is as follows:

- Does criminal protection of the public or official employees in the UAE match with the penalties prescribed in Islamic Law?

Research objectives

The aim of this study is to illustrate the criminal protection of the public employees in the UAE law compared with Islamic Law (Nagtegaal, 2021; Demircioglu & Chen, 2019).

Significance of study

This study focuses on providing criminal protection theoretically and practically. Theoretically, the Islamic law includes the significant concept of providing protection of the public employees and to know what Allah said to protect someone working for the sake of Allah. Moreover, the study is expected to be useful for researchers to source deep information about the problem statement and use the doctrinal methodology for problem-solving. Added to this, the results will be very useful for the society to understand how the traditional law in UAE matches with the Islamic Law and how to punish those who insult or assault public employees and how to contact with someone convicted of doing the same. This study is also very essential practically as it provides a comparison between Islamic Law and the UAE Penal Code, particularly when it comes to public employee protection. This study relies on the literature review. Consequently, this study will be very useful for the researchers in the Islamic Law and specialist and expert circles in the field of law (Apak & Gümüş, 2015; Al-Muaini et al., 2019).

This study is focused on the UAE. This study gathers data throughout the past years concerning the features of Islamic law and the actions that happened during the era of the Prophet (SAW). The objectivity of the study underlies the limitation of the criminal protection of the public employees in the UAE Law compared with Islamic Law (Rayes et al., 2015; Elhiraika & Hamed, 2006).

Public employee

The public employee is a policeman, officer, teacher, public service employee or municipality employee, an enforcer or advertiser, imposing the law in the society. In essence, public employees represent the government. In addition, the public sector in the UAE requires the provision of a suitable protection for the public employees. The United Arab Emirates government mainly relies on these employees to achieve the requirement for development and other future government orders. Consequently, the law should realize the importance of the function of the public employees in the society. The government provides some

essentials laws to organize the relationship between the public employees and the society (Dobbie et al., 2018).

Islamic law

This law refers to the law that was established 14 decades ago, and includes verses from the Quran and Sunnah. It also includes the actions of the companions related to commitment of what Allah said in the two former sources.

Criminal protection

This law comprises of the laws and regulations protect official employees during performance of daily duties. Such protection is divided in between judgments and legislative outputs from laws. In other words, the protection of public employees is obtained from the legislation and implementation authority as well through law implementation by the responsible authority (Sullivan et al., 2017).

Method

This study follows the doctrinal research approach, based on the concepts and rules of Islamic law. According to this method the evidence and justification is related to the concepts and rules of Islamic law, logically interpreting the units of traditional law related to Islamic perspectives. This method explains the opinions and ideas of Islamic law, particularly the valuable actions from Quran and Sunnah. It explores the differences between the traditional law and Islamic law. This study also adopts the comparative research method approach to compare between criminal protection in UAE law and Islamic law, highlighting whether or not the traditional law follows the Islamic perspective or not. Moreover, through the Islamic perspective, the study may determine the penalty of insulting and assaulting the public employees in Islam. This in turn, reveals whether criminal protection in the traditional law, achieves the goals or implement the respected outcome (Taekema & van der Burg, 2020).

Literature Review

In literature, almost all Arab countries have declared that their traditional law relies on the Islamic Shariah and this is particularly true for the UAE concerning criminal protection of the employees. The Islamic law reveals the rights of official employees in some essential concepts like obeying authority (i.e., O ye who believe! Obey Allah, and obey the Messenger, and those charged with authority among you. If ye differ in anything among yourselves, refer it to Allah and His Messenger, if ye do believe in Allah and the Last Day: That is best, and most suitable for final determination) (An-Nisa, 59). Moreover, the official employees in Islamic law are mandated to keep work secrets and to be honest when carrying out duties. Moreover, official employees should also respect superiors and be trustworthy (Woodlove & Vurly, 2017; Maseleno, et al., 2021).

Moreover, cooperation between workmates is very important. Also, the Islamic Law speaks against insulting and assaulting official employees. Allah said, "The punishment of those who wage war against Allah and His Messenger, and strive

with might and main for mischief through the land is execution, or crucifixion, or the cutting off of hands and feet from opposite sides, or exile from the land: that is their disgrace in this world, and a heavy punishment is theirs in the Hereafter) (Al-Ma'idah, 5). Consequently, the crime against the official employees has a fundamental aspect like criminal behavior, achieving criminal results and relationship between behavior and results (Aldurra, 2013).

In Islamic Law, there are three fundamental ways of assaulting the official employees. The first way is threatening by forcing the official employees. In this type, the scholars emphasize on the evidence of the desire to make action against the official employees - an action that clearly happens. Second, the action of assaulting the official employees Powell (2015), where majority of scholars claimed that verbal threat is akin to forcing employees. Hence, penalty related to this type of threat is established. Third, in the case of criminal desire appearance, the scholars present the case of criminal desire against official employees (Lutrell, 2008). In fact, the scholars determined the criminal protection related to the situation and provide the desire for insulting. Assault also determines the magnitude of the penalty related to which crime happened against the official employees.

Assessing the UAE penal code related to Islamic law

The UAE Penal Code is concerned with the criminal protection of official employees. In addition, the UAE signed and ratified the International Convention that provides protection of labor rights. According to Article number 5 of the federal law number 3/1987 of the Penal Code in the UAE, everyone with federal or local work even legislation implementation, managerial and legal job is considered as an official employee. This includes official employees in the ministries or governmental institutions (Lombardi et al., 2012). The article categorizes other types of official employees like the official security forces and army soldiers, and any employee working in the court or in legislation and consultants. Moreover, everyone has recommendations from the official authorities (Quttainah, 2012). Added to the above, managers and employees in institutions working for public benefits are also referred to as public employees as well as those doing public service work or working in international organizations as official employees. Notably, the UAE Penal Code is related to the Islamic Shariah as the latter supports official employees doing their official work.

Article number 54 states that there is no crime done by official employees if they are enforcing laws in line with the Shariah or the Penal Code. Similarly, Article number 55 indicates that there is no crime if the official employee did the action related to an official order from the chief director or the official employee did the action in good faith related to the power of law (Taekema & van der Burg, 2020). Moreover, Article number 248 and number 249 of the Penal Code in the last amendment and based on Law number 7 for 2016, using power or insulting, assaulting and threatening official employees or delaying the official employees' duty is considered a crime. In addition, the penalty of this crime is imprisonment not exceeding 6 months to a year. For the above mentioned, the UAE Penal Code matches the Shariah and Islamic law, which indicates that the source of the UAE Penal Code is Islamic Law.

Findings

This study provides a comparison between criminal protection in the UAE Penal Code and Islamic Law and based on the finding, the former is related to the latter. Moreover, the findings highlighted that UAE Penal Code, Article number 248 and 249 supports this premise. The present study presents the significant contribution of Islamic Law to determining provisions from criminal protection in the Quran and Sunnah. It also explains the contribution of scholars from the Islamic perspective. Furthermore, this study identifies the penalty related to the Islamic law. Additionally, the Islamic Law and the UAE Penal Code deal with penalties that are incurred for insulting or assaulting official employees. Both Islamic Law and Penal Code are different based on the changes in the penalties established in societies. The study shows that the criminal protection allows employees wide authority in the field. Meanwhile, criminal protection is provided distinctly in the UAE Penal Code in that it determines the penalty based on the crime volume that are perpetrated against official employees.

Recommendations

This study recommends that the UAE Penal Code clearly establishes the rights of official employees. In addition, the Code should have another classification of the criminal protection and enhancement of related penalties as with the Islamic Shariah. Increasing concerns have been shown regarding the Islamic law and rephrasing of the traditional law related to the verses of the Quran and Sunnah, in an attempt to classify the UAE Criminal Law through the Islamic Law.

Contribution of the study

This study contributes to highlight the practical importance of Islamic Law, particularly to illustrate the criminal protection provisions based on the Quran and Sunnah. Theoretically, it explains the difference between the overview of criminal protection between penal code in UAE and Islamic Law.

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