

# The Principle of Crimes and Penalties Overlapping in Saudi Criminal Law

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## Abstract

*The study aims to identify the crime principle and Ta'zir (discretionary) penalties in terms of nature, domain, and status- It also highlights the position of the Arab legislative stance regarding the issue of overlapping and the Saudi situation toward it. In addition, it attempts to unveil patterns of crimes, discretionary penalties, and the correlation between crimes overlapping and apparent text conflict of criminal penalties. The study adopted the descriptive analytical approach, which analyzes legal texts on the issue, besides jurists' attitudes relevant to the subject, to check what is in force among them. It also used the comparative approach to compare how other countries deal with the principle of overlapping with discretionary penalties and the extent to which the Saudi legislative law might benefit from the experience of those countries in developing its penal law. The study concluded that, according to the mechanism put down by the Saudi penal law, the principle of overlapping is taken into account only when the case is officially considered a crime. When it proves so, the penalty should be the most severe, as stated against penalties of the original type. The principle can be realized whenever several indivisibly correlated crimes are committed for the same purpose. In such a case, all crimes are considered one and shall receive the most severe kind of penalty inflicted upon any of them, pending that the sentence does not violate the original penalty against the corollary and complementary provisions for such crimes. In light of the findings, the study proposes numerous recommendations, the foremost of which is: to conduct further legal, social, and psychological studies to track the reasons behind committing overlapping crimes by any individual to understand the criminal's behavior to bridge the gaps found in such crimes.*

**Keywords:** Criminal Issues, Criminal Phenomena, Overlapping Crimes, Saudi Penal Law, Ta'zir Penalty (Discretion).

## Introduction

The principle of crime unity or overlapping is part of the general criminal law and one of the problems in which interest was renewed due to the penal consequences thereof. A person may commit several crimes before finally being sentenced for one of them. Overlapping emerges whenever more than one criminal action<sup>1</sup> with particular criminal adaptability occurs. It might also be the outcome of one action with multi-criminal features. Therefore, when one person commits more than one crime, this obligates the enforcement of more than one provision of crimes on him. This case is known as a multi-material crime. Overlapping might also occur when the person concurrently commits many crimes through one major act, known as the juridical plurality of crimes.

The person might commit one crime listed under more than one criminal provision of penalties; then the provision that mostly applies to the case is taken into, and the others are excluded. This case is known as the multi-phenomenon penalty provisions.

The multiplicity of crimes and their overlap becomes the problem of penalty to be enforced on the criminal of multi-committed crimes. Should it be a penalty for one of them or for the number of such crimes?

The logic of legislation opts for penalty enforcement for what each crime deserves. When crimes vary, penalties vary accordingly. But such a solution might be difficult to enforce in reality and lead to the offender's doom or a life destitute of freedom, which might be even worse than penalty enforcement. (Some see that solving the problem of crime unit or overlapping rests on two factors: behavior change and criminal result. These two factors constitute an integrated criterion of crime unity or multiplicity, as reflected in these factors.

If the public interest obligates not to enforce penalty against the crimes committed in the aggregate, the question left is, "what is the nature of the penalty to opt for the can be adequate"? Still, the penalty to be

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enforced should be the most severe against such types of crimes because adopting one to reduce sentencing against the offender contradicts what the Islamic jurisprudence adopts. It is what the Saudi legislator also adopts, with a slight difference regarding the range and enforcement of such a solution.

The effects of crime overlapping theory extend to the procedural rules of criminal law, in other words, it affects criminal procedure law. The multiplicity of crimes has many procedural implications that start by initiating a lawsuit, a preliminary investigation of what the public prosecution or judicial discipline bodies do within competence and authorization, referral, trial appeal against penal rulings, and finally, enforcement of these rulings.

#### *Significance of the Study*

The principle of crime overlapping with penalties has become of great interest to jurists and the judiciary due to legal problems about the multiplicity of penalties. This study will discuss this in detail by drawing the legal framework for the principle in actual enforcement, particularly when judges face overlapping cases in criminal issues. The significance also lies in the study's tackling of the problem of overlapping crimes and the impact of its penalty, which to the researcher's knowledge, was never discussed before by Saudi legislators or jurists. As the overlapping issue might produce severe criminal acts, its discussion has become necessary as the current study clarifies.

#### **Objectives of the Study**

The objectives are summarized in the following:

- To identify the principle of crimes and ta'zir penalty (discretionary) in terms of identify, nature, domains, and cases.
- To shed light on Arab and western legislative positions toward overlapping crimes and review the stance of the Saudi legal law toward the issue.
- To unveil patterns of crimes overlapping and discretionary penalties and the extent to which such crimes and virtual conflict correlate with criminal penalty provisions.

#### **Study Methodology**

The study's methodology adopted is the descriptive analytical approach that analyzes relevant legal texts and jurists' attitudes on the issue. It discusses them to figure out which of them is put into enforcement. Besides the approach mentioned above, the study used the comparative one as well by which it compares the experiences of other countries and the way they deal with the issue of crimes overlapping to make use of it to develop the principle of crime overlapping with ta'zir penalties of criminal issues in the Saudi law.

#### *Study Plan*

To have a conclusive view of the study's subject, the researcher divides it into three topics: a conceptual introduction to the subject's terminology, such as crimes overlapping, and the nature of the ta'zir penalty linguistically, jurisdictionally, and idiomatically. The second topic tackles the significant connotations of crime overlapping with punishments in Islamic jurisprudence and the Saudi man-made law by extrapolating the position of Arab and western legislation and then comparing them with the Saudi L. The third topic will tackle types of crime overlapping and apparent conflict of criminal penalty texts.

The first topic: A conceptual introduction to the terminology of the study

#### *Crime Overlapping Linguistically and Idiomatically*

Linguistically, the term overlapping is derived from “overlap,” which implies interaction between things, making them sound more similar and thus ambiguous. Overlapping colors, for example, intermingles with more than one color in one.

Idiomatically, from a contemporary perspective, the term refers to multiple crimes for which one penalty is enforced for all, even though more than one crime was committed.

Thus, in light of the penal criminal law, the overlapping theory rests on two principles:

First, if the crimes are multiple but of the same type, such as multi-robberies, multi-adulteries, or multi-defamations, penalties overlap, so just one is enforced. But if the convict commits a crime of the same type after punishment, a new penalty is imposed on him. What counts is penalty enforcement, not sentencing. Every crime committed before sentencing. Every crime committed before the enforcement’s penalty overlaps with the non-enforced case.

Second, when multi-crimes are of different types, penalties overlap, and one is taken for all, pending that penalties of such crimes were put to protect one interest, i.e., to achieve one purpose. For example, suppose someone humiliates an employee, resists, and attacks him; in that case, one penalty shall be enforced for the three crimes, as the only purpose behind this penalty is to protect the job and the employee. According to jurists, overlapping is usually confined to crimes with the same penalties. But the Malki Jurists added to that the penalties of different types when the purpose is to protect one interest. ( )

The Malki jurists see that the penalty for drinking wine overlaps with defamation, but the offender is punished only for one of these crimes. The pretext on which they build such judgment is that the penalties against wine drinking are the same for defamation which protects the individual’s mind from delirium, similar to defamation which protects people’s names. Thus, the purpose behind each penalty differs from what it is set for.

#### *Crime: Linguistically and Idiomatically*

Linguistically, it is defined as an offense, and the plural is offenses which equal the term crime; anyone who commits a crime is criminal. Another meaning for the offense is “Sin,” as stated in the Holy Quran and cited in Ibn Manthoor, p.243: “Nor will they enter the Garden until the camel can pass through the eye of the needle. Such is our reward for those in sin”. (Al-Araf, chapter 7, verse 40).

Jurists idiomatically define the crime as an offense, sin, or any act of Man for which he is either punished or rewarded in this life or the hereafter.

Another definition of the term was provided by Imam Mawardi, who said that: “crimes are legally taboo acts which Allah forewarned against; the crime is more comprehensive than the offense.”

“Ta’zir” (discretionary penalty) linguistically means inflicting punishment. When the judge inflicts ta’zir, he punishes the offender less than what he legally deserves. An example of that is punishing the offender for the offense of defamation.

Idiomatically, it has multiple meanings; for the Hanafis (a sect of Moslems), it means setting a penalty less than the legal limit, while for the Malkis (another sect of Moslems), it means inflicting punishment for violating God’s or human rights. The other two denominations (Shafites and Hanbalis) see that punishment for every offense against Allah or humans can never be substituted by atonement.

The researcher outlines the preceding by saying that crime, in origin, is counted for when it violates one of the legal penalty provisions. Still, sometimes the offender commits one criminal act involving more than one criminal result and is punishable by many penalty provisions where penalties and crimes overlap.

#### *Second Topic*

## Implications of crime overlapping and penalties in Islamic jurisdiction and Saudi

statutory law.

Crimes and penalties overlapping have been known to many jurists who see that they constitute a homogenous combination set by Allah for different penalties.

Therefore, when these limits aggregate, the right of the human should be given priority over the right of Allah to make humans benefit from that materialistic thing, and Allah's right is looked into later. For example, if the offenses of defamation, intoxication, lechery of a non-married person, and robbery aggregate, the judge begins with the defamation penalty so he beats the offender to take the right of humans before Allah's.

With regard to the general judiciary principle on crime and penalty overlapping, the four judiciary attitudes agree that when the criminal commits several crimes of the same type, only one penalty should be enforced. For example, if an offender commits a robbery crime several times, the penalty for all will be cutting his right hand, if he robs after this penalty, his right leg will be cut, and so it goes.

Jurists explained the principle of overlapping, saying that the penalty was originally set for deterrence and discipline. Therefore, a penalty should be inflicted once to deter and scare.

But if the offender commits another crime after the first penalty, he shall be retributed for the second and the third, and so on, because the first penalty didn't deter him.

As for the position of statutory laws, including the Saudi on extrapolating criminal statutory provisions, one might find that the interrelated overlapping crimes are usually committed as an extrapolating criminal statutory provision, one might find that the interrelated overlapping crimes are usually committed as an extension of similar crimes previously committed. Examples of such crimes are embezzlement of employees' salaries by forging payrolls and doctors stealing human organs by killing patients.

Some jurists believe that the actual overlapping of crimes is that in which the offender commits two crimes or more of similar or different types, whether they were committed simultaneously or at different times, before any absolute judgment is passed.

Crimes overlapping differ from incessant or sequential crimes; the latter is considered one and continuity an expression of criminal intent. e.g., having weaponry with license or robbery in batches, but overlapping crimes, similar or different, are committed with one criminal intention. They also differ from regular crime, which comprises several independent ones, such as lending with an interest that exceeds what is legally set. As for correlative crimes, they are substantial independent acts. They also differ from compound crime which involves more than one of which one is contributing factor. The legislator of statutory crimes considers this type one crime combined with a contributory situation. It consists of several substantial acts, all legally considered one, e.g., killing associated with offense or robbery under duress.

Penalty overlapping and its impact on crime overlapping vary in accordance with penalty policies of any country: They are divided into three theories; the first adopted multiple penalties for overlapping crimes (the doctrine of combined penalties), the second adopted inflicting the most severe punishment, and the third took a middle position. It adopted the doctrine of multi-penalties with certain restrictions, for it believes that the penalty is inflicted to rehabilitate the criminal, not to humiliate him. This theory is considered advanced compared to penalty origin.

In reality, the problem aroused is not restricting penalty in overlapping cases but in determining whether the crime is one or multi. As for the penalty of overlapping cases, they correlate to the criminal policy that each legislator sees helps achieve penalty objectives. This theory varies from country to country, but the restricted case can never be different. Jurists of law or Islamic sharia differ with regard to considering overlapping a restriction or exception.

Some jurists consider overlapping a restriction that responds to the rule of penalty multiplicity; others consider it an exception. The most probable is the second assumption of multiplicity to be the exception because homogenous penalties are excluded from the multiplicity rule. If the penalties are of the same type, the criminal is punished for one of them. Therefore, overlapping is an exception, not a restriction, because the latter restricts multiple penalties to less than 25 years, which differs from overlapping. Thus, the rule of multi-penalties is the origin in Islamic jurisdiction, and overlapping is the exception.

With regard to the problem of crime overlapping, crime legislations might be divided into three major types as follows:

- Legislations that deal with the subject of crime overlapping without differentiating between real and juridical overlapping of crimes comprise two trends: the first covers legislations that deal with overlapping and multiplicity with its two types considering it an overlapping crime to which the rule of multiple penalties apply. The Austrian, Danish, and Swiss crime legislations are examples of that. The second trend, which deals with overlapping with its two types on the basis of one penalty or according to the legislation that never combines two penalties, is seen in Czech, Swedish, and French legislations.
- Legislations that establish a theoretical and practical difference between crime substantial and juridical overlapping: The Egyptian, Finnish, and German legislations belong to this category. For example, German law considers the substantial overlapping a strict situation that eventually deserves more severe punishment than the most serious crime. As for the Egyptian and Finnish legislations, they adopted a law that combines the penalties stipulated in multiple crimes with maximum limits in enforcement. In case of juridical overlapping, the most severe penalty is taken into.
- Legislations that establish a difference between actual and juridical overlapping and, at the same time, treat the apparent overlapping of crime provisions: the Italian legislation is the only crime legislation that treats three types of overlapping: crime substantial overlapping, juridical, and apparent. The Italian penalty legislation adopted the penal legislative law of overlapping penalties for the two cases, virtual and juridical overlapping.

It is noted that crime overlapping can never be achieved by independent legal conception without actualizing before overlapping is determined by the legislator. This means that committing more than one crime implies overlapping and correlation. Still, when crimes of killing and initiating killing occur in compliance with a set by the legislator, then virtual overlapping and correlation are realized.

The effects of such a principle don't stop at this point but extend to be part of the criminal law framework, i.e., part of the penal proceedings, which lead to many procedural effects starting with initiating penalty suit, preliminary investigation, trial, appeal against rulings, and finally enforcement.

At the referral stage, the investigating judge had to activate penalty judiciary rules when issuing the referral order to determine the competent court pertaining to space and quality. When the issue is related to crime overlapping or multiplicity, that might extend the penalty competence of a certain court at the expense of another, as cases are indivisible and can't be distributed to more than one court. Securing justice obligates one judge should look into the case. Therefore, dividing the case violates the general rules of penalty competence where the judge, in that case, will be examining something outside the general criminal competence rule but was assigned for that because of being competent in crime correlation and overlapping.

The principle of crimes and Ta'zir penalties in the Saudi Law

As for the position of the Saudi penalty law toward the principle of crime overlapping and judicial penalties, approval was issued to take in the principle of crime overlapping and ta'zir penalties by the judiciary in

accordance with the mechanism adopted in this respect, and will still continue to be used till a new penalty project is issued. The ministry of justice circulated this to all justice departments of concern.

According to the mechanism set by the Saudi legislator, the principle of overlapping is taken into when it applies to a case that is considered a multi-criminal one. Only after proving the crime the most severe penalty shall be enforced; the penalty should be the original one, not any other original that belongs to other penalties. Overlapping also occurs when more than one crime is committed for the same purpose and is interrelated inseparably. The judgment should not be the original penalty stipulated for the crime of the most severe type adopted by the law, including a mechanism which states that when anyone commits many crimes, he is sentenced in accordance with the penalty set for each of them legally and systemically.

The aforementioned complies with the royal decree decision No. M/23, 7/3/1444 A.H, which validated the application mechanism of crime overlapping and ta'zir penalties' principle. The Ministry of justice circulated this under No. 13/T/8907 on 5/4/1444 A.H. According to the Law; the decree tackled the issue in concordance with multi-criminal aspects and the case. After validating the qualities, the judgment shall consider inflicting the most severe penalty. The law also tackled the issue of committing more than one interrelated indivisible crime that shall be considered one. It imposed the most severe original penalty, which should not violate the original one stipulated for this case and for the previous one. According to the law, the subsidiary and complementary penalties shall be inflicted in accordance with the provisions stipulated for all types of crimes in the law, thus combining the original penalty, subsidiary, and complementary simultaneously.

It is noted that the decree doesn't include anything of any form regarding enforcement of the rulings pertained to crimes that threaten a person's life, safety, status, king's or crown prince's authority, hatching plots against the regime, or exposing it to any threat.

According to this mechanism, all the previously referred to penalties are inflicted on the convict sequentially, pending that the total period of ruling doesn't exceed twenty years unless one of such penalties exceeds that period as demonstrated in a certain provision; in that case, the first penalty is enforced. Penalties of fine, supplementary, and complementary penalties, irrespective of number, are enforced in compliance with the working mechanism of the decree.

According to this principle, this mechanism is applied to court cases and those whose penal provisions, including imprisonment, haven't been enforced yet; that disagree with what is stipulated in this mechanism. The convict, in this case, has to submit a petition to the court to reconsider the ruling in accordance with the provisions of the mechanism. Certainly, the provisions of this mechanism do not include crimes that threaten the regime or expose it to threats.

The Saudi criminal courts have recently applied this mechanism. The criminal department of the thirty-fifth criminal court in Riyadh issued a ruling No. 4430509234 dated 18/6/1444 A.H on case No. 447045030 on 24/5/1444 A.H to apply this mechanism to crimes committed by the defendant for possessing one Lyrica tablet in a pack of cigarettes and took this drug before. The ruling on such a case is, First, to adopt the minimum penalty of putting the defendant in jail for one month. Second, to ban the defendant from traveling abroad for two years after enforcing the imprisonment penalty. The most severe punishment should be inflicted to comply with applying mechanisms pertaining to the principle of crimes and ta'zir penalty. Such a ruling is fair and agrees with Islamic Sharia. Allah says in the Quran: "If anyone defames a group, he will be punished for one only," As cited in Sarkhasi, Al-Mabsoot.

Sharbini, in Mughni Al-Muhtaj, said that whoever stole more than once will cut his right hand for all the thefts being done for one single purpose, will be like that who was drunk more than once.

The Kuwaiti Jurisprudence Encyclopedia noted that if two or more crimes combine and the penalty for each is ta'zir, all penalties intermingle into one. e.g., if a person steals without need, sits with a woman alone in the presence of a third person, and witnesses a false testimony, the penalty for each is ta'zir. Still, the judge considers them and rules for one punishment. In Islamic Shariah, when the causes of actions diversify,

they intermingle with rulings and penalties. But the issue couldn't be taken as absolute because there are Shariah controls Islamic jurists agree on and differ on some. Crime overlapping and ta'zir penalties that the Saud legislator and Islamic Sharia adopted are not taken into by positivist schools like the Anglo-Saxon school, whose penalties against one person might be hundred years in jail.

The law of penal proceedings of 1435 A.H issued by the royal decree No. 2/M, 22/1/1435 tackled the multiplicity of ta'zir penalties adopted for multiple rulings and decisions. The third item of the law reveals that whenever there are multi- ta'zir penalties judged for multi- rulings and decisions, the competent supreme court issues the necessary penalty in accordance with controls specified by the plenary of the supreme court. Thus, it becomes the only court entitled to issue the necessary penalty in case of multiplicity and intermingling.

Some elements must exist to elicit the criminal act in which crimes and ta'zir penalties overlap. These are:

- Committing more than one criminal action overlapping is conditioned by committing more than one crime, not one. If the defendant does one action which leads to more than one result, it is not considered crime overlapping. For example, if he intentionally fires at someone to kill him, but the same shot kills two, this is considered one crime, not overlapping.
- Committing crimes at one contiguous time-space. In this case, the defendant commits one crime followed by a second one or through proximate periods to successfully complete the crime he initiated. This overlapping didn't start at the first crime, but the second revealed the intention to commit another.
- Committing the crime in one place: This means that the crimes committed shall be in the same place to be considered overlapping. This doesn't imply that the crime should be committed in one room, for example, but in any other building room, and the second crime was committed to supplement the defendant's criminal project.

Third topic: Forms of crime overlapping and virtual conflict pertaining to criminal penal provisions

First, Substantial or real Crime overlapping

Part of the jurisdiction sees that the substantial overlapping of crimes is realized whenever the rights assaulted are many, and eventually, diversify criminal acts committed against one victim or more. For example, robbing one person, then killing that person, and finally burning him. These numerous criminal acts lead to several crimes against many people in similar ways, thus creating an interconnection between them which might be simple when the criminal is one or because the result of these acts is one.

Second, juridical and formal crime overlapping

This type constitutes any crime the culprit commits to which several penalty provisions might apply. e.g., beating a public official on duty might be considered beating or attacking a public figure. This is called penalty overlapping for one action. It is listed under the term conflict of laws. One act with multi- forms leads to crime unity. Therefore, it is considered juridical, not real overlapping.

The juridical overlapping can be one of three forms: the first is one act that results in one criminal result with two criminal qualities, e.g., rape in a public place; the second form is doing one act that one shot fired kills one person and injures another one and destroys a third person's property; the third is doing one act that ends within many similar results, e.g., a person fires one shot that penetrates someone's body killing him hits another one killing him as well.

Therefore, crime overlapping should not be confused with an apparent conflict of criminal penal provisions. The first case is realized when a single criminal act is subjected to more than one criminal text

which doesn't protect a single interest, but interests vary in accordance with applicable texts, thus leading to more than one consideration which includes more than one ruling including the most severe; the second case is realized when a single criminal act is subjected to more than one criminal text that accomplishes all and protects one interest.

## Conclusion

Crimes Overlapping with penalties got significant interest from jurists and judges for the legal problems it raises concerning the multiplicity of penalties. Therefore, the study tackled this principle's legal frameworks and penal controls due to its significance in the practical field, especially criminal law, which faces one of the cases of crime and penalty overlapping set in criminal issues. The issue of crime overlapping and penalties is an important and recent legal one that was never tackled by jurisdiction, judiciary, or Saudi legislation despite the urgent need for it, especially after serious crimes affiliated with some types of crimes emerged.

The Saudi legislator has recently shown interest in the principle of crime overlapping and the ta'zir penalty. As for penalties of limits and retributions, Islamic Shariah has already taken care of such regulations and was applied by the Saudi criminal courts.

The theory of crime penalty confirms that the goal of punishing the offender is deterrence, even with words. This theory rests on two principles: First, when crimes vary but are of the same category, like multiple thefts or multiple defamations, for example, penalties overlap and one sentence for all can be enough, but if the culprit commits another crime of the same category after being punished, another penalty should be inflicted upon him. The lesson is in the enforcement of punishment. The punishment of any crime committed before enforcement; its penalty overlaps with the non-enforced one.

## Results

In this part of the study, the researcher outlines, in detail, the results he came up with concerning the principle of crime principle and ta'zir penalties in terms of identity, nature, domains, and status. The study also shed light on Arabic and Western legislations regarding the overlapping issue and reviewed the Saudi stance toward it. The following are the foremost among these results:

- Overlapping springs out of several criminal acts, each of which has its criminal adaptation, and it also springs out of one single act with multi-criminal features. Therefore, when the person commits more than one crime, more than one legal text regarding criminal provisions will be applied to him.
- The solution for crime unity or overlapping is based on human behavior and criminal results, constituting an integrated standard for crime unity, multiplicity, or overlapping.
- The theory of crime overlapping affects procedural rules of penal law, i.e., criminal proceedings. Crime multiplicity leads to many criminal effects, starting with a penal lawsuit, a preliminary investigation conducted by the public prosecution, or any judiciary authority with competence or authorization limits: referral, trial, an appeal against penal provisions, and enforcement.
- Crime overlapping is limited to the crimes whose penalties are of the same category, an opinion of consensus by jurists. Maliki jurists didn't limit applying crime overlapping to those of the same penalty. Still, they included the crimes with multi-penalties as long as they were put to protect one interest and achieve one goal.
- The principle of crime overlapping and ta'zir penalties involves that the crime starts with violating any penalty law provision, which is determined by the legal status specified in the text. Sometimes, the culprit might commit a criminal behavior that leads to more than one criminal result punishable



by several provisions; in such a case, the single criminal activity interacts with many crimes; according to criminal provisions, this is what is called crime-penalty overlapping.

- As a legal concept, crime overlapping can't be realized away from other ideas unless crimes determined by the legislator are set in advance, i.e., committing more than one crime involves overlapping and interconnection. However, according to the legislator, other crimes still need to be committed to realize interconnectivity, such as killing and initiating killing.
- According to the Saudi penal law, the principle of overlapping is taken into whenever they go can be labeled criminal, and many indivisible crimes are committed. In this case, they are considered one. The penalty shall be the most severe original, pending that it shall not violate the original penalty stipulated in the original provision.
- The aforementioned royal decree tackled the issue of the adaptability of several crimes to one after evidence of judgment is realized, so the penalty shall be the most severe.
- Islamic Shariah, contrary to other positivist schools like the Anglo – Saxon one, adopts the principle of crime overlapping and penalty.
- One should not mix crime overlapping with virtual conflict of criminal penalty provisions. The first case is realized when a single criminal act is subjected to more than a criminal provision that doesn't protect one interest. The protected interest varies in accordance with the provisions to be applied, but only one penalty, the most severe to be taken into. While the second case realizes that when a single criminal act is subjected to more than one criminal provision protecting one interest.

### **Recommendations and suggestions**

In light of what the study came up with, the researcher would like to recommend the following:

- To conduct more legal, social, and psychological studies on the reasons behind committing overlapping and severe crimes by individuals to understand the culprit's behavior and fill the gaps that come out of the criminal act.
- To arrange meetings and workshops for judges, public prosecution members, and criminal investigation officers to discuss the reasons behind crime overlapping and to put down suitable practical solutions to fight this type of crime to avert repeating them.
- To conduct more legal studies that analyze and criticize rules of crime overlapping and ta'zir penalties to acquaint lawyers, psychologists, and jurists with the legal principles instituted by courts to achieve transparency and consolidate society's trust in the legal law through unveiling defects of administrative and criminal authorities.
- To maintain periodic reviews by the Ministry of Justice for rulings of Saudi criminal courts concerned with penalty overlapping to detect the impact of applying the principle of crime overlapping and ta'zir penalties on the convict after getting out of jail.
- To include a mechanism of applying the principle of overlapping into the penalty law, which will be issued soon, to be an inseparable part of the law because relying on a law is much better than depending on a mechanism that is inferior to the law of legislative gradation.
- To educate workers in the judicial field on the significance of applying the principle, one of the convict's rights that the Saudi and Islamic Shariah secure for him.

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