



The Legal Status of Moral Homicide Crimes and Their Medical Proof- A Comparative Study

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Abstract: Purpose: This study aimed to investigate the jurisprudential, judicial, and legal position on the perpetrator's use of non-physical means - psychological or moral - in committing the crime of homicide and how difficult it is to prove the causal relationship between the action and the result from a medical standpoint. **Methodology:** The researcher adopted the descriptive analytical approach to study murders by non-material means within the framework of Arab criminal legislation. **Findings:** The study reached a set of results and recommendations: One of the most important results is that the majority of criminal legislation does not explicitly stipulate the use or non-use of non-material means - psychological or moral - as a tool to commit the crime of homicide. **Conclusions:** The study concluded that there is difficulty in proving the criminal intent to use non-physical means in the crime of homicide. Most criminal law jurists agree not to differentiate between the means of killing in principle, and at the same time they agree that there is difficulty in proving the causal link between the moral means and death and the difficulty of proving criminal intent. **Recommendations:** The study recommended that criminal legislation be amended so that it explicitly stipulates criminal responsibility for the user of non-physical means if they cause the death of a person.

Keywords: Homicides, Non-physical means, Medical proof, Psychological, Moral, Causality.

الوضع القانوني لجرائم القتل المعنوي وإثباتها طبياً - دراسة مقارنة

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ملخص: الهدف: هدفت هذه الدراسة إلى معرفة الموقف الفقهي والقضائي والقانوني من لجوء الجاني إلى وسائل غير مادية - نفسية أو معنوية - في ارتكاب جريمة القتل ومدى صعوبة إثبات العلاقة السببية بين الفعل والنتيجة من الناحية الطبية. **المنهج:** اعتمد الباحث على المنهج الوصفي التحليلي لدراسة جرائم القتل بالوسائل غير المادية في إطار التشريعات الجنائية العربية. **أهم النتائج:** توصلت الدراسة إلى مجموعة من النتائج والتوصيات: من أهمها أن غالبية التشريعات الجنائية لم تنص صراحةً على استخدام أو عدم استخدام الوسائل غير المادية - النفسية أو المعنوية - كأداة لارتكاب جريمة القتل. الاستنتاجات: وخُصت الدراسة إلى صعوبة إثبات القصد الجنائي باستخدام وسائل غير مادية في جريمة القتل. إذ يتفق معظم فقهاء القانون الجنائي على عدم التفريق بين وسائل القتل من حيث المبدأ، وفي الوقت نفسه يتفقون على صعوبة إثبات الرابطة السببية بين الوسيلة المعنوية والوفاة، وصعوبة إثبات القصد الجنائي. **التوصيات:** وأوصت الدراسة بتعديل التشريعات الجنائية بحيث تنص صراحةً على المسؤولية الجنائية لمستخدم الوسائل غير المادية إذا تسببت في وفاة شخص.

الكلمات المفتاحية: جرائم القتل، الوسائل غير المادية، الإثبات الطبي، النفسية، معنوي، السببية.

Introduction

Among the natural rights of a human being are his right to life and his right to bodily integrity, and the term homicide includes a group of crimes that aim to take a human life

illegally. The perpetrator may use different material means to kill, he may be used to commit homicides by shooting, poisoning, stabbing with a knife, electrocution, and many others.

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The Arab and foreign criminal legislation did not define homicide such as the Jordanian, Bahraini, Egyptian, Syrian, Moroccan, French, German and Italian penal codes, but most criminal jurisprudence defines homicide as the “unlawful killing of another human without justification or valid excuse”. (Namor, 2020, p. 25). Murder is also known as the act of taking a soul. (Al-Hjahja & Ali, 2013, p 1350). It is also known as an assault on the life of another leads to his death (Alatrash, 2021, p 189).

The crime of homicide consists of two basic elements: the material element (*actus reus*) and the moral element (*mens rea*). The material element of a crime consists of a criminal activity of performing an act or forbearance there from when such performance or forbearance is criminal according to the law. It may be a positive behavior where the perpetrator uses a physical means to cause the killing, such as using a firearm or a knife or with negative behavior if a person intentionally abstains from performing a certain action that he should have done, and this leads to the death of a person, such as a nurse who intentionally refrained from giving medicine to the patient with the intention of killing him. (Al-Jabour, 2000, p. 46; Amer et al., 2022).

The second element of homicide is the moral element (*mens rea*) of a crime. It consists of an intent or mistake the intent is present when the will of the perpetrator is directed towards the perpetration of the act or forbearance thereof, whenever this perpetration or forbearance is considered by law a crime, with the intent to produce a direct result or any other result penalized by law and which the perpetrator expected.

As for the crime of homicide by non- physical means - moral or psychological - it is a person taking the life of another person without harming his body, but by causing emotions that affect the work of his internal organs, thus

affecting the work of these organs or disrupting them, which leads to his death. Examples of non-physical means include terrorizing a young child who is sick with nerves in a continuous and escalating manner until he collapses and dies, or cursing and insulting a person who is sick with a heart who is affected by emotions or pointing a weapon in another person’s face and threatening to kill him, causing the victim to die in fear or exposure to a hidden camera (Candid Camera) program that contains dangerous events.

Some criminal jurisprudence says that homicide by moral means occurs in theory, because the law did not stipulate a specific method of killing, and these methods harm the victim’s body by causing a disturbance in the nerves that leads to death. but in reality, it remains difficult to prove the causal relationship between these methods and death, because the causal relationship is an element of the physical elements of the crime of homicide, and its impossibility leads to the impossibility of the physical element and thus the crime is eliminated. (Namor, 2020, p. 27).

Research Objectives

The goal was to fulfill the following research objectives:

1. Explaining the concept of killing by non-physical means.
2. Explaining the position of Arab legislation and some foreign legislation on crimes of moral homicide.
3. showing the extent to which criminal texts intervene in determining a person’s criminal responsibility for the consequences of his action when its ruling fluctuates between acquittal and conviction in light of the generality of the legal texts that punish the crime of homicide when the perpetrator uses non- physical, moral or psychological means that lead to death.

4. Explaining the position of the criminal judiciary on murder crimes that occur by non-physical mean.

Research Questions

The main question that summarizes the research problem is: What is the criminal responsibility of the person who committed moral conduct for the death of the victim? Is he responsible for intentional or unintentional murder, or is he not criminally responsible for it?

This study also raises other questions, the most important of which are:

1. Is it required that the material element in murder crimes occur by a physical means that affects the body of the victim only, or can it be committed by a non-physical, moral, or psychological means that does not leave a tangible effect on the victim's body? For example, bad news that arouses terror and fear in the victim?
2. Is it easy to prove murder committed by non-physical means, or is it difficult?

Methodology

The researchers adopted the descriptive analytical approach to study murders by non-material means within the framework of Arab criminal legislation. This analysis was extended to relevant foreign criminal legislation. The research included a comprehensive study of these legal texts, followed by a critical analysis and evaluation.

Literature Review

Homicide by physical means is the most common and there is no dispute about it, as the occurrence of the act and its connection to the result can be easily proven, and the perpetrator's intent and criminal intent can be proven through the tool he used or through the circumstances of the incident.

However, homicide by moral means will find a difference between man-made laws

regarding the possibility of it occurring and the punishment for it. This is due to the difficulty of proving the occurrence of the act and its connection to the criminal result, as well as the difficulty in proving the intent of the criminal perpetrator.

The topic of homicide by non-physical means has not received attention due to the scarcity of studies on this topic, and most criminal law jurists in their works touched on this topic quickly and without adequate explanation.

One of the rare studies on this subject is a book published in (2015) by Mrs. Woroud Al-Sharif, where this study was entitled "The Crime of Moral Murder". In this study, the author discussed the concept of the crime of moral homicide and its elements. What distinguishes our study from this study is that we will address the position of Arab criminal legislation and some foreign criminal legislation on the crime of murder by non-material means.

This study agrees with my study in that we see that due to the legislative vacuum that Arab criminal legislation suffers from concerning the crime of moral homicide, the judiciary will be forced to apply the general rules in the Penal Code, which in many cases will allow the perpetrator to escape punishment with the justification that there is no crime and no punishment without text.

As we mentioned a little while ago, the difference between my study and Mrs. Woroud's study lies in that my study dealt with the position of foreign legislation on the issue of moral homicide.

There is another study entitled: "Moral crimes and means of combating them in Islamic jurisprudence", by Professor Abdul Bari Hamdan Suleiman, published in (2018). But his study specialized in the position of Islamic law on some behaviors that cause self-harm to other

people, and he did not talk about the subject of moral homicide. This is in contrast to our study, which focused on studying the crime of moral homicide from the perspective of man-made law and not from the perspective of the rules of Islamic Sharia.

Discussion and Results

The legal concept of homicide by non-physical means:

The crime of homicide by non-physical, psychological or moral means is a person taking the life of another person without harming his body, but by causing emotions that affect the work of his internal organs, affecting the work of these organs or disrupting them, which leads to death (Hammad, 2019, p. 81), (Alsaraireh and Tarawneh, 2023, P03).

There is some criminal jurisprudence that defines moral killing as: taking the life without harming the body of the victim. Rather, killing is accomplished by causing emotions in the victim that would lead to death. (Abdul Sattar, 2018, p. 56).

Some criminal jurisprudence adopted the same previous definition as: taking the life without harming the body of the victim. Rather, killing is accomplished by causing emotions in the victim that would lead to death. (Abdul Sattar, 2018, p. 56).

Some criminal jurisprudence defines homicide by moral means as being achieved when ill health and death occur when the perpetrator uses a means that has a profound effect on the soul of the victim. (Al-Sharif, 2015, p. 46).

The non- physical, psychological and moral means that may be used to commit homicide are not limited. An example of killing by non-physical, psychological or moral means is throwing a dead snake at a sleeping person who has a phobia of snakes, or bring bad news to a heart patient in a sudden way that causes him a heart attack that ends his life or creating an

entertainment program to make viewers laugh, such as a hidden camera in terrifying ways, which leads to the death of someone who was a victim of that camera, for example, a person wearing a gorilla suit, which terrifies the victim.

The position of jurisprudence, criminal legislation, and the judiciary regarding the use of non-physical means in homicide:

In this section, we will discuss the position of criminal jurisprudence, the position of the judiciary, and criminal legislation in Arab and foreign countries regarding the use of non-physical means in the crime of homicide, as follows:

a. The position of criminal jurisprudence on the use of non- non-physical means in homicide:

Criminal law jurists did not agree on the validity of non-physical means in causing homicide; Because it does not touch directly on the body of the victim; but it has a direct effect on the internal organs of the victim, and this effect may lead to death .(Al-Bahr, 2009, p. 26; Nour, Momani, (2021).

They were divided into two opinions: The proponents of this opinion did not recognize non-physical means of causing homicide on the basis of the impossibility or difficulty of proving the causal relationship between death and the non-physical and the difficulty of proving criminal intent. It is difficult to prove evidence that a non-physical means is the cause of death, and this opinion has been adopted by French criminal law Jurists. (Vouin, 1968, P. 133), (Garraud,1916, P. 141), (Garcon1990,P177), (Najm, 2020, p. 15), (Al-Qahwaji, 2021, p. 52).

The jurist (Rotter), one of the leading French jurists in the first half of the nineteenth century, believed that homicide could be committed by non-physical means, such as psychological torture and moral exhaustion.

But, this opinion - in France - changed and it was settled that these non-physical acts are not suitable for forming the material element in homicide crimes because it is impossible to prove the causal relationship between the non-physical act and the death of the victim. It is very difficult to establish conclusive evidence that the death of the victim occurred because of the moral pain resulting from the non-physical means used by the offender.

Therefore, French jurists believe that homicide only occurs through physical means, and some Egyptian jurists adopted this opinion. (Tharwat, 2018, p. 55), (Al-Fadil, 2000, p. 152), (Salama, 2015, pp. 16-17), (Sarour, 2017, p. 24), (Al-Sabaawi, 2022, p. 370).

Those who hold this opinion do not dispute the possibility of killing by non-physical means in terms of legal texts and they do not object to the fact that the Criminal Code does not stipulate in any of its provisions that homicide occur only through a physical act, but from a practical standpoint, they argue about the possibility of proving the causal relationship between the non-physical means and the result of the crime, which is death. Perhaps the reason that prompts French jurists to say that it is impossible to establish such a link in homicide crimes between the non-physical means and the loss of life is that French criminal jurisprudence requires that the causality be direct and productive. That is, the offender's act must be the direct and productive cause of the death. (Al-Fadil, 2000, p. 154).

The second opinion: Most criminal law jurists believe that the physical and non-physical means in causing death in the crime of homicide are equal. This opinion is supported by most Arab criminal jurisprudence, such as the Emirati, Jordanian, Bahraini, Egyptian, Algerian, and Moroccan jurisprudence. That is, most criminal law jurists in Arab countries say that criminal laws do not stipulate a specific

means for committing the crime of homicide. There is no legal bar to the crime of homicide committing through a non-physical - moral or psychological - means, just as it committed through a physical means. If there is a causal link between the act and causing death, and the criminal intent is proven. (Bahnam, 2020, p. 332), (Obaid, 1915, p. 13), (Abu Khatwa, 2020, p. 33), (Salama, 2015, p. 17), (Hosni, 2010, p. 13), (Abu Amer, 2016, p. 87), (Namor, 2020, p. 55).

Some criminal law jurists believe that criminal behavior may occur psychologically. It is positive behavior that occurs on the soul and not on the body, and it may be through actions, such as someone detonating a bomb near people, intending to harm them, or through words, such as someone telling suddenly a heart-sick father that his son has died, intentionally scaring him. (Al-Batrawi, 2020, p. 35).

As for the position of criminal law jurists in some Western countries on this issue, in Germany and Switzerland, the majority of German and Swiss jurisprudence does not differentiate in the means of killing between the use of physical means, such as stabbing with spears, sticks, and bullets, and the use of non-physical means, such as moral or psychological means, in committing homicide crimes, especially if the intent to kill is proven. (Hammad, 2019, p. 89).

In this regard, the researcher believes that in order for the offender of a non-physical act - moral or psychological - to be punished that led to death, in order for the offender to be criminally liable for a homicide there must be a conclusive medical report on the causal link between this act and this result.

This is in light of the criminal intent of the offender if he used non-physical means with the intention of achieving the result of death or used it with the intention of joking and did not

intend the result of death, in this case it is considered manslaughter.

b. The position of criminal legislation on the use of non-physical means in homicide:

Most Arab criminal legislation equated physical and non- physical means in homicide crimes, as they did not specify a specific means for committing homicide, except for the Kuwaiti Penal Code ,it explicitly stipulates non-physical means in the crime of homicide through Article (157) of the Kuwaiti Penal Code No. 16 of 1960, which stipulates that: “A person is considered to have caused the killing of another person, even if his action was not the direct cause or the sole cause of death, in the following cases: Fourth: If the victim was afflicted with a disease or injury that would lead to death, and the perpetrator, by his action, hastened the death of the victim”.

In UAE Federal Law No (3) of 1987 Concerning Promulgating Penal Code, Article 332 stipulates that: “Whoever deliberately takes a human life shall be sanctioned to term or life imprisonment”. We note that the text came in general without any specification of a specific means for the crime of homicide, and on this basis the law rules that whoever commits this non- physical means that leads to death is guilty of homicide or manslaughter if he did not have the intention to kill, if his intention was to have fun and joke according to what Article (38) of the same law stipulates: " The moral element of a crime consists of an intent or mistake the intent is present when the will of the perpetrator is directed towards the perpetration of the act or forbearance thereof, whenever this perpetration or forbearance is considered by law a crime, with the intent to produce a direct result or any other result penalized by law and which the perpetrator expected. (Alsaraireh and Tarawneh, 2023, P06).

There is a mistake whenever the criminal result is achieved because of the mistake of the doer whether this mistake is due to negligence, carelessness, non-precaution, recklessness, imprudence, or non-observance of the law, regulations, rules or orders." (Jihad, 2022, p. 39).

Also, the Jordanian Penal Code of 1960 (Article 326) and Syrian Penal Code of 1949 (Article 533) and Egyptian Penal Code of 1937 (Article 230) and Bahraini Penal Code of 1976 (Article 333), and the Algerian, Moroccan, and Iraqi Penal Code took this approach, as the law did not require a specific means used to commit homicide. Whether material or non-physical. Homicide is homicide, regardless of how it occurs. (Al-Saeed, 2022, pp. 20-21), (Hosni, 2010, p. 103), (Abu Amer, 2016, p. 97), (Al-Batravi, 2020, p. 35.), (Hammad, 2019, p. 83).

In the French Penal Code, Article (221-1) of Law No. 92-683 of 1992 stipulates that: (Intentional homicide is punishable by 30 years' imprisonment), and Article (575) of the Italian Penal Code of 1930 stipulates that: “Anyone who causes the death of a person is punishable by imprisonment for a period of no less than 21 years” and Article (211) of the German Penal Code of 1998 stipulates that: “Whoever commits the crime of homicide shall be punished with life imprisonment,”.

As it is clear from the previous texts that the concept of homicide was general without stipulating a specific method for committing the homicide. (Hammad, 2019, p. 85), (Alshible, M, 2023, P 23).

Based on the above; The researcher concludes that most Arab and Western criminal laws do not specify the means of killing at all, but rather the texts are general in that they include all mechanical, chemical and psychological means alike. It is based on this that there is nothing legally preventing homicide from being committed by non-

physical means or those with a psychological or moral effect if it becomes clear from the circumstances of the incident that death occurred only because of those moral means, provided that a causal relationship exists between the non- physical means and the criminal result.

The researcher also believes that a person's responsibility for the crime of homicide as a result of his non-physical activity remains valid, if this activity contributes to causing the result due to another previous, contemporary, or subsequent cause, whenever this cause was expected or possible according to the normal course of things. This is in criminal legislation that embraces the theory of equal causes or the appropriate theory of causation, such as the Jordanian criminal legislation that adopts the equal causes theory in homicide crimes in Article (345) of the Penal Code, the Syrian criminal legislator in Article (203) of the Penal Code, and the UAE federal legislation that He takes the convenient causality theory in Article (33) of the Penal Code. An example of this is directing insults at a person with a heart disease, which led to his death, or conveying bad news to a person who cannot bear that because of his health condition. and there is no causality, the actor is not responsible for the death crime.

The criminal legislator stipulated in Article (33) of the Penal Code of 1987 that: "No person shall be held responsible for a crime that is not the result of his criminal activity, but he shall be held responsible for the crime even if his criminal activity contributed in its occurrence with another preceding, contemporary, or subsequent, whenever such cause is expected or probable according to the normal course of events".

c. The position of the criminal judiciary on the use of non- physical means in homicide:

The criminal judiciary differed on the issue of using non- physical means in the crime of homicide, between supporters and opponents. The criminal judiciary in the UAE recognized the effect of psychological means in causing homicide, as stated in the ruling of the Dubai Court of Cassation, session 1/9/1993 AD, Appeal No. 82 of 1992, unpublished penalty. As stated in the last decision: "The medical report stated that the sudden psychological excitement and fear that accompanied the accident led to the stimulation of the parasympathetic nerve, which in turn led to the heart stopping by a reflex nervous action, which is sufficient to provide a causal link. It makes the appellant responsible for the result that he should have expected and which falls within his probable intent, which is the death of the victim". (Hammad, 2019, p. 81), (Alsaraireh and Tarawneh, 2023, P11).

In the Syrian criminal judiciary, it was presented to the judiciary in a case before the Damascus Criminal Court, in which the ruling was issued on 6/18/1960, known as the case (Jan Qudsi - Farid Kahhala) .The victim, Jan, died as a result of being exposed to a verbal altercation and insults from Farid, who became emotional and affected by it .The court said in its decision: (That psychological excitement, moral exhaustion, torture, intimidation, constant terror, and similar types of moral harm in which the material means of the crime are completely or partially absent are not sufficient to provide the material element in the crime of homicide, and saying that the text of Article (533) of the Syrian Penal Code does not include that the criminal means cannot be moral, is a play on words. Because all Syrian jurists and others stipulate that the first thing they stipulate is the material element.

Does this expression include that the act may not be physical? Is it possible to imagine, even for the sake of argument, a material and non-material element at one time? How can the judiciary base its rulings on foundations like these? As for condemning people for the psychological stimuli they produce that harm others, this is tantamount to condemning the perpetrator because of his criminal intentions, devoid of any valid physical act, and this is not permissible). (Al-Fadil, 2000, p. 95).

But the Syrian Court of Cassation adopted the opposite of this opinion and recognized non- physical means as a means used in homicide crimes, and this court followed this approach with Resolution 506 dated 5/8/1982. It considered that the perpetrator's threat to the victim, which resulted in a nervous reaction that led to death, could be considered an act of severity intended in Article 536 of the Penal Code. (Al-Fadil, 2000, p. 96).

Thus, we find that the jurisprudence of the Syrian Court of Cassation has accepted the effect of psychological and nervous emotions as one of the moral means in the crime of homicide.

In England, the English judiciary tends to believe in the possibility of the crime of homicide occurring through non-physical means, such as the decision issued by the Criminal Court in the city of Maidstone in 1908 in the) Hayward case) . The summary of the case is that (Hayward) became angry with his wife and began to threaten her. The wife ran away and the husband followed her across the road. The wife fell unconscious and the husband left her after kicking her with his foot on her left hand. When some passers-by tried to revive the wife, it was discovered that she was dead.

In the autopsy report, it was found that kicking was not the cause of death, but rather that the wife had a persistent thymus gland at

the bottom of the heart, such that any physical or mental stress she is exposed to may put her life in danger, as happened to her. The instructions given by Judge Ridley, the presiding judge, to the jury stated that homicide could occur as a result of intimidation or threats of violence, for example, and that the fact that the victim had a thymus gland was irrelevant, whether the perpetrator knew about it or not., as long as the act of assault committed by the perpetrator was the cause of the victim's death or he hastened the occurrence of this death, and the result of the trial was to punish the perpetrator for the crime of involuntary manslaughter. (Al-Fadil, 2000, p. 89).

The medical opinion on the possibility of death occurring in a heart patient due to bad emotions:

The matter of the heart and its affairs is only understood by specialists, and upon reviewing some medical opinions in this field, we found the following:

Dr. Ramzi Tablat - a consultant cardiologist who holds the American Board of Internal Medicine and the American Board of Cardiology, and is a fellow of the American College of Cardiology- says that sudden bad news is one of the causes of death in people with heart disease, as this news leads to a heart attack that causes Angina or Acute Myocardial Infarction which in turn leads to death . (Hammoudeh et al, 2007,155).

Dr. Ayman Hamouda - a consultant cardiologist- says that scientific evidence confirms that sudden death, myocardial infarction, or heart attack can occur as a result of a psychological or physical trigger. Examples of this include: intense anger, intense joy, bad news such as the death of a very dear person, financial bankruptcy, and intense fear during wars, missile launches, earthquakes, and natural disasters and other events that cause

sudden and intense emotions. (Hammoudeh et al, 2007,156-157)

On the other hand, a study was conducted by four researchers at the Faculty of Medicine at Aristotle University in Greece, and St. George's Medical College in London, which aimed to determine the causes of sudden cardiac death in a sample of young people. It analyzed 110 cases and concluded that % 4 of the causes of death is receiving bad news. The study concluded that some of the victims had a psychiatric history and were taking psychiatric medications, and some of them had a heart muscle disorder. (Mills, 2015, P67).

A group of researchers from the University of Pennsylvania also found that bad news that reaches a person through social networking sites may lead to death as a result of heart attacks (Acute Myocardial Infarction AMI). And Dr. Schwartz Andrew Hansen from the Department of Psychological Sciences at the University of Pennsylvania and his research team found that tweets published on the "X.com" website can increase the risk of death as a result of heart attacks. On the other hand, about 600,000 Americans die annually as a result of heart disease. Heart disease has become the most common disease that causes death. They concluded that bad news and offensive statements can increase the rates of stress and anxiety that lead to death from heart attacks. Along with other factors such as stress, obesity, cholesterol, physical inactivity, and smoking. (Mills, 2015.p 127), (Erven, 1970, p 20).

Conclusions

The study concluded that there is difficulty in proving the criminal intent to use non-physical means in the crime of homicide. Most criminal law jurists agree not to differentiate between the means of killing in principle, and at the same time they agree that there is difficulty in proving the causal link between the

moral means and death and the difficulty of proving criminal intent.

Also the most Arab and foreign criminal legislation did not explicitly stipulate whether or not to take into account the idea of psychological means - non-physical means - as a tool used in committing homicide, with the exception of Kuwaiti criminal legislation, which approved this under the text of Article (157) Kuwaiti, this is a commendable behavior by the Kuwaiti legislator.

Finally, Causality is considered the most complicated issue in criminal law. As it has an important factor in deciding the responsibility of the crime in homicide cases. Therefore, from a medical standpoint, it remains difficult to determine that the cause of the victim's death was the moral behavior committed by the accused.

Recommendations

1. We recommend that the criminal legislator in Arab and foreign legislation explicitly stipulate the criminalization of non-physical, psychological and moral means as a tool in homicide crimes. In fact, today we suffer from psychological harm that can lead to the death of a person or cause harm to him, such as those who use social media and communicate news. Bad or publishing confidential documents about the victim, which affects his psychological state and leads to him suffering a heart attack that kills him. provided that the criminal intent of the offender is proven, otherwise this will be considered a case of natural death
2. We recommend that government authorities develop forensic capabilities in proving the causal relationship between non- physical l, psychological and moral means and the result achieved because of them.
3. The researcher suggests developing the skills of investigators in homicide cases- Police, prosecutors and judges- Paying

attention to investigating homicides that appear to be natural and do not show signs of violence or wounds on the body, especially since the perpetrator of homicide crimes, using non-physical, psychological and moral means, intends to hide everything that indicates his connection to the committed crime.

4. The researcher suggests holding scientific seminars and conferences to demonstrate the danger of non- physical means that could end human lives, especially those suffering from heart disease.

Authors' contribution

- **Ethical approval and consent to participate :** This research project has obtained the required approvals from the Scientific Research Committee at the Royal University for Women.
- **Availability of data and materials:** The data and materials related to the research are available through the University library.
- **Author contribution:** This research was completed by only one Author in all stages of the research, from study design, data collection, results analysis, draft writing, research review, and intellectual contribution to the various aspects of the research.
- **Conflict of interest:** The author declares no conflict of interest regarding the publication of " The legal status of moral homicide crimes and their medical proof- a comparative study"
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research through your esteemed journal for their valuable comments.

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