Tikrit University Journal For Rights Year (9) Vol (9) NO (3) Part (1) (2025) 1-46

ISSN: 2519 – 6138 (Print)
E-ISSN: 2663 – 8983(On Line)

TUJR
مجلة جامعة تكريت للحقوق
Tikrit University Journal for Rights

IRAQI Academic Scientific Journals
العراقية المجلات الاكاديمية العلمية

Tikrit University Journal for Rights
Journal Homepage : http://tujr.tu.edu.iq/index.php/t

كلية القانون
College of Law

Multiplicity of Crimes and its Impact on the Policy of An Authentic Analytical Criminalization and Punishment Comparative Analysis

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Article info.

Article history:
- Received 24 May 2024
- Accepted 9 February 2025
-Available online 1 March 2025

Keywords:

- Sole perpetrator
- Multiple acts
- Multiple punitive descriptions of single criminal conduct
- Mock and real multiple crimes
- Punishment

Abstract.: The usual course of matters is that the criminal legislator determines the penalty for each crime, provided that such punishment is compatible with what results from the criminal act in terms of its gravity and gravity. This is to achieve public and private deterrence. However, it is very different in the case of multiple offences, which at first glance seem to give rise to delicate difficulties in the case of one offence committed by one offender. Whether those acts are interrelated to achieve one purpose indivisibly, or when each act has.

تعدد الجرائم وأثره على سياسة التجريم والعقاب
دراسة تحليلية مقارنة أصيلة

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معلومات البحث :

تواريخ البحث:

- الاستلام : ٢٤/ ايار/٢٠٢٤
- القبول : ٩ / شباط/ ٢٠٢٥
- النشر المباشر :١/ أذار/٢٠٢٥

الكلمات المفتاحية :

- **الجاني الوحيد**
- **أفعال متعددة**
- **أوصاف عقابية متعددة لسلوك إجرامي واحد**
- **جرائم متعددة وهمية وحقيقية**
- **العقوبة**

الخلاصة: عادةً ما يُحدد المشرع الجنائي عقوبة كل جريمة، شريطة أن تتناسب مع نتائج الفعل الإجرامي من حيث جسامته وخطورته. وذلك لتحقيق الردع العام والخاص. إلا أن الأمر يختلف تمامًا في حالة الجرائم المتعددة، التي تبدو للوهلة الأولى وكأنها تُثير صعوبات دقيقة في حالة ارتكاب جريمة واحدة من قِبل مجرم واحد. فهل تترابط هذه الأفعال لتحقيق غرض واحد لا يتجزأ، أم أن لكل فعل منها.

Introduction:

First: Subject matter: The principle of legality of offences and penalties is the instrument through which punishable offences called "punishable offences" can be criminalized "Crimes" as well as the determination of the penalties imposed on perpetrators of such acts, so-called "By penalties". One of the objectives pursued by the above-mentioned principle is undoubtedly that such penalties shall be commensurate with the gravity of the criminal offence, as well as the safeguarding and safeguarding of the rights and freedoms of individuals in all conduct. From this point of view, the normal course of things is that the criminal court sets one penalty for each act. The criminal act causes criminal gravity as it deems appropriate. The ultimate goal is to achieve the public good by imposing rules of special deterrence for this act that affects community security. However, if the perpetrator commits several indecent acts that cause him to have criminal consequences, we will be in a very special situation, namely "multiple crimes and penalties", which has an impact; the second is to violate and infringe upon the human right to a safe life free of the brutality of the lawless. Consequently, the perpetrator of multiple offences must be punished by the penalties prescribed for criminal conduct under his rules. "Since criminal legislation and criminal policies devote considerable attention to the plurality of offences through legislative efforts, there is a multiplicity of penalties by multiple offences. A criminal philosophy commensurate with its effects will be created by establishing rules of criminalization and punishment to deal with the effects of that situation.

Second: The importance of the study: The importance of the state of multiple crimes and penalties lies in the following aspects:

1- The studies and research on "The state of multiple crimes and penalties", although numerous and dealing with topics related to that case, are the subject of our examination. Traditional information has remained confined, disclosed only through some formal concepts, without elaborating on "The state of multiple crimes and their impact on punishment". Therefore, The study was keen to update previous studies' findings by presenting new information to be added to the field of science and knowledge of the subject matter under consideration.

2- Our study addresses not only the formal concepts of the topic of our study, "The state of multiple crimes and penalties", but also the criminalization and punishment aspect, as well as the conditions for the verification and differentiation of multiple offences from other cases, through the accurate identification of Iraqi legislators' criminal policy and comparative criminal legislation, such as French, Egyptian and German legislation, by reviewing the essential details of that situation. The consequence of this study is that the discrepancies in each legislation's criminalization and punishment policy may be highlighted, thus demonstrating the effectiveness of each other's policy.

Third: The problems of the study:

We highlight the problems of the study by asking several questions that show us the scientific and practical aspects of the subject of our study so that a clear idea of the study can be given. "The state of multiple crimes and penalties is defined by our Iraqi legislation and comparative criminal legislation," as in French, Egyptian, and German legislation. "We have therefore tried in the study to answer the most critical questions that arise when examining the impact of multiple crimes and penalties on the policy of criminalization and punishment, which are as follows.

1- Examining the situation of multiple crimes and penalties requires beginning with a statement of fundamental principles to criminalize that situation by identifying the criminal philosophy of our Iraqi legislature and the comparative legislation adopted by the latter to confront a multi-crime offender.

2- The study also raised the question of the meaning of the situation of multiple crimes and penalties from the more accurate concept of this multiplicity that has been discussed, as well as the importance of the availability of conditions to be met for multiple crimes and penalties so that we can be strictly in front of this criminal situation.

3- Our study recorded a fundamental question about what images the state of multiple crimes and penalties takes, indicating the conditions for verifying each.

4- This study also raised the question of distinguishing the situation of multiple offences and penalties from other criminal cases, highlighting their commonalities and differences.

5- This study examined the penal penalty for multiple offences and penalties, indicating the penal policy of comparative criminal legislation for each form of multiple offences, determining the appropriate punishment for them, and indicating the extent to which the penalties are carried out by punishing the perpetrators of multiple offences.

6- The study also revealed that the rule of multiple penalties along the lines of multiple offences is not absolute but responds to limited limitations, indicating the criminal legislature's position on such restrictions. The plan of such legislation under our comparative study illustrates the obligation to maximize the duration of multiple penalties and a statement following the principle that penalties for multiple offences must be imposed.

7- The study also raised questions about the criminal policy of the legislation under our comparative examination based on the work of the "punishment rule" and the determination of the competent authority to apply that rule.

Four: CURRICULUM OF THE STUDY:

This study used both descriptive and analytical approaches as well as comparative approaches. Because each part of the study was required, the prescriptive approach was to demonstrate the basic principles of multiple crimes and penalties by articulating their concepts and conditions. And the study relied on an analytical approach to analyze all aspects of that situation, whether its general principles or its punitive effect. The comparative approach relied mainly on the criminal policy of our Iraqi legislation and the comparative criminal legislation, which is the subject of this study, "French, Egyptian and German legislation", governing the situation of multiple offences and penalties, regardless of the discrepancy between these comparative legislation and the latter.

Fifth: The study plan:

The title of our tagged research, "Multiple Offences and its Impact on Criminalization and Punishment Policy", was divided into comparative analytical research, which was preceded by a presentation on the topic of the study and its relevance in criminalization and punishment. The first was the concept of multiple offences and penalties, which was divided into two branches. The first section was entitled "Multiple Offences and Penalties". The second section was competent in indicating the availability of conditions for multiple offences and penalties. The second requirement of this study was presented to us. The first was the case of multiple offences and penalties in criminal fact. The second section was devoted to indicating the extent to which the case of multiple offences was linked to other cases. The second study was devoted to clarifying the contemporary punitive confrontation of the situation of multiple crimes and penalties in criminal fact, which was divided into two demands. The first was for the punitive response to the situation of multiple crimes and penalties in criminal fact, which was divided into two sections; the first was devoted to the statement on the punitive response to the situation of the mock multiplicity of crimes, which included the two axes. The first explained the extent of legislative consensus regarding the punitive response to the mock multitude of crimes. The second was devoted to the statement on the treatment of the case of the mock multiplicity of crimes by the criminal legislature. The second section was a punitive response to the genuine plurality of crimes, including two themes. The first section was devoted to the statement of the punitive response to the multiple crimes associated with unity of purpose. Secondly, we have a punitive response to multiple crimes unrelated to unity of purpose. The second requirement is based on the limitations contained in the case of multiple offences and penalties, which are also divided into two sections. The first indicates the extent to which the maximum duration of the multiple penalties has been observed. The first is the extent to which the maximum duration of the multiple penalties has exceeded the maximum duration of the penalties; Section II clarifies the principle of punishment and its impact on the rule of multiple penalties, which also includes two axes, the first of which deals with the criminal legislator's position on the

principle of punishment. The second is devoted to elaborating the conditions to achieve the principle of punishment.

First Research

Philosophical framework for criminalizing the situation of multiple crimes and penalties in criminal reality

Pave and divide:

The Penal Code establishes the legal model containing the acts reported therein and the criminal penalties imposed for infringing the rule of law, in which punishment is compatible with the gravity and gravity of such acts [(1).] A person shall not be criminally questioned except for the act committed by him or her and the legislator's provision to criminalize him or her, nor shall he be punished except by the penalty prescribed for such offence [(2).] Hence, we have a presumption that a person will commit several acts that are independent of each other without a judgement that will be decided, as if someone has committed a crime and brought it to trial. Just before the door of that trial is closed, he has committed a new act of wrongdoing. "Multiple offences and penalties" or also called "multiple charges [(3).]This is the title of our research; we will indicate its aspects in the coming chapter.

This is what we will be working on by dividing our research into two requirements:

First requirement: Concept of the state of multiple crimes and penalties in criminal fact

(1) Dr. Ahmed Fathi Surur: Constitutional Protection of Rights and Freedoms, Sharouk House, Cairo, 1999, p. 100. See also: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, Arab Renaissance House, Cairo, 2021, p. 76 ff. See also: Dr. Ramses Behnam: Criminal Procedure Rooting and Analytical, Publisher of Knowledge for Publication and Distribution, Alexandria, 1984, p. 6. See also: Dr. Abdulwahab Humad: His Contemporary Views on the Legality of Crimes and Penalties in Comparative Legislation, Journal of Law, University of Kuwait, vol. XXIV, No. 4, Desenmer, 2000, p. 14 et seq. Bertrand de Lamy: Dérives et évolution du principe de la légalité en droit penal français : contribution à l'étude des sources du droit pénal français, Volume 50, numéro 3-4, septembre–décembre 2009,p587.
https://www.erudit.org/fr/revues/cd1/2009-v50-n3-4-cd3643/039334ar/

(2) In particular, the principle prevails in most criminal legislation by establishing its features in accordance with a criminal policy, but this principle is not absolute but there are exceptions to it.

(3) This is the title of our research that we will indicate its aspects in the coming what comes.

Second requirement: Subjective status of multiple offences and penalties and their relevance to other cases.

First requirement

Concept of the state of multiple crimes and penalties in criminal fact

Pave:

Multiple offences are among the most serious criminal cases against criminal justice action. This plurality of crimes, even if they are a traumatic reality, has taken more than criminal behaviour. However, it is undoubtedly one of the most serious things that can face the procedural work of criminal justice. By establishing the penalty for the perpetrators' treatment, the latter has overstepped the grave seriousness of his criminal composition. It is imperative to create an effective penal policy aimed at reducing the seriousness of that situation and remedying it by achieving the objectives of punishment for the perpetrator and not leaving it to the traditional penal policy in relation to ordinary crimes (1). In particular, this is the perpetrator of this multiplicity of crimes. On the one hand, a multiple offender is more criminal than a junior offender who is in front of an "accidental multiplicity of crimes", so more severe treatment must be given to the multiple perpetrator of verbal acts (2).That brings us to a complex situation that requires us to analyze in depth its contract. This entanglement in punishing a multi-criminal offender)3(. As such, we will proceed to articulate its concept by defining the status and conditions of a plurality of crimes.

By dividing this requirement into the following sections:

Section I. Definition of multiple offences and penalties.

(1) This plurality of crimes, however, calls on all researchers to stop it a minute to deal with what we call a "multiplicity of misdemeanours" by achieving the aims of punishment. Consider this: Dr. Mahmoud Najib Hosni: Explanation of Penal Code, General Section, Arab Renaissance House, Cairo, Senha 1962, p. 579. Also seen: Dr. Sunday Jamaluddin: Multiple Crimes and Apparent Texts of Criminal Texts, Journal of Legal and Economic Sciences, Faculty of Law, Ain Shams University, vol. 7, No. 2, July 1984, p. 94. See also: Dr. Fawzia Abdelstar: Illegality in Criminal Law, Journal of Law and Economics, Faculty of Law, Cairo University, First and Fourth Year, Third and Fourth Year, September 1971, p. 479.

(2) This is in contrast to the criminal who was convicted of a court judgement of a bitter degree and then repeated hatred for another offence. Here we are in a more serious situation than in the case of multiple offences, because the perpetrator is cognizant and practised by repeated acts, and undoubtedly requires more severe treatment than in the case of "multiple offences", ". See: Dr. Ahmed Awad Bilal: Mbadi Egyptian Penal Code, Arab Renaissance House, Cairo, 2006, p. 836. See also: Dr. Fakhri Abdel Razak al-Hadithi: Explanation of the Penal Code, General Section, Sinhoori House, Beirut, 2018, p. 109. See also: Dr. Abdulwahab Houmad: His contemporaries on the legality of crimes and penalties in comparative legislation, op. cit., p. 16 ff

(3)Dr. Ramses Behnam: Criminalization Theory in Criminal Law, Third Edition, Origin of Knowledge for Publication and Distribution, Alexandria, 1996, p. 53. See also: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 669.

Section II: Availability of conditions for multiple offences and penalties.Section I
Definition of multiple offences and penalties

Clarifying the concept of multiple crimes and penalties requires reversing the definitions of jurisprudence, legislation, and the judiciary. In this part of our research, we will explain this to find a comprehensive definition that prevents that situation and to help all parties determine its content and remedy its effects.

First: Definition of criminal jurisprudence on the multiplicity of crimes and penalties:

As usual, criminal jurisprudence has not agreed on a single definition of this case but has dealt with it more than once (1).

Some have defined it as "the perpetrator's commission of more than one crime before he is brought before the Criminal Court and sentenced to one of them (2). Others have defined it as "a person's commission of a number of pernicious acts before the judgement of the Court of Cassation (3) Others identified it as "a situation in which the accused commits more than one offence, such as the imposition of one of her sentences" (4). Others also defined this case in an attempt to distinguish it from the above-mentioned definitions, stating that "it is a situation under which an accused person commits more than one crime before deciding on one of those offences by virtue of a judgement"(5).

(1)The question of the definition of multiple crimes and penalties has given rise to widespread debate in jurisprudence, which has attracted many different definitions in its content, but revolves around a single meaning. Consider.

beaussonie guillaume: La pluralité d'infractions, problème théorique et pratique ,2017, p2. https://publications.ut-capitole.fr/23628

(2)Dr. Ashraf Tawfiq Shams al-Din: Explanation of Penal Code, General Section, 4th Edition, Arab Renaissance House, Cairo, Year 2015, See also: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 668. See further: Dr. Issam Ahmed Al-Gharib: Multiple Crimes and Its Impact on Criminal Material, Origin of Knowledge, Alexandria, Sunnah, 2004, p. 40 onwards.

(3)Dr. Mahmoud Najib Hosni: Explanation of the Penal Code, General Section, op. cit., p. 579. See also: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 837.

(4)Dr. Mohammed Eid al-Gharib: Explanation of the Penal Code, General Section, Arab Renaissance House, Cairo, 2000, p. 1109. Also considered: Dr. Fawzia Abdel Sattar: Explanation of Penal Code, General Section, Arab Renaissance House, Cairo, 1987, p 76.

(5)Dr. Ahmed Fathi Surur: Constitutional Criminal Law, Dar al-Sharouk, Cairo, 2002, p. 115. See also: Dr. Ashraf Tawfiq Shams al-Din: Explanation of the Penal Code, General Section, op. cit. See also: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit., p. 1110.

It is clear that the multiplicity of crimes and penalties involves two basic elements. The first is realism, which can be achievedthrough the multiple crimes committed by the perpetrator. This is the essence of the multiplicity of crimes. The second element is time, which is achieved through more than one crime before a judicial decision is taken [1] .

Second: Penal legislation defines multiple offences and penalties: Most criminal legislation defines the number of offences and penalties from the scope of the definitions of criminal jurisprudence. This is not new to that legislation. The latter often reveals what is applicable in dealing with criminal phenomena and the development of their legal models [2]. In reverting to the definition of multiple crimes and penalties, we find that the first of these scholars to define jurisprudence in this case is our Iraqi legislature, which defined it as "A situation in which the accused committed more than one crime before a criminal sentence was handed down, whether of one sex or different from each other, as provided for in articles (141/142/143/of Iraq's Penal Code No. 111 of 1969 in force) [3]. In the same way as our Iraqi legislature, we find that the Egyptian legislature has sought a way of defining the jurisprudence of the multiplicity of crimes and penalties and identifying that "he has committed a number of crimes before being sentenced to one of them", as stated in article 32 of the Egyptian Penal Code No. 58 of 1937[4]. This is the case of French and German legislators, whose concept of multiple offences and penalties is similar in number to that of a number of offences committed by a single offender before being sentenced as an end to one of those offences, as referred to in articles 132/2 of the

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([1])Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit. p. 840 ff.

([2]) Bertrand de Lamy: Dérives et évolution du principe de la légalité en droit penal français : contribution à l'étude des sources du droit pénal français,op.cit,p588.

([3]) From what we point out, our Iraqi lawmaker counted every act that constitutes an encroachment on community security. punishable by a penalty or precautionary measure, This is what happens to the perpetrator who commits one sin, i.e. alone the criminal act. However, it happens, and the perpetrator commits more than one criminal act in legal terms; this made our Iraqi legislator know "multiple crimes."Kurdistan Regional Court of Cassation judgement No. 23/General Penal Authority/2014 15/9/2014. Further considered: Dohuk Assize Court judgement No. 263/Assizes/2014 24/4/2014.

([4]) Egypt's legislation addresses this plurality of crimes, to which section III of the Penal Code is devoted, as stipulated in Article 32 et seq. of the Penal Code. It has pursued a policy of criminalizing the plurality of offences in comparative criminal legislation, the purpose of which is not to allow impunity. Consider: Dr. Ahmed Fathi Surur: Mediator in Penal Code, General Section, Sixth Edition, Arab Renaissance House, Cairo, 2015, p. 1073. Also considered: Dr. Ramses Behnam: Criminalization Theory in Criminal Law, op. cit., p. 64. See also: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 668 ff. and beyond. See further: Dr. Rafat Abdel Fattah Hallah: Multiple Crimes and Monuments arising from Al-Sha 'aq Al-Islami, Arab Renaissance House, Cairo, 2003, p. 13 ff

amended French Penal Code (52/of the amended German Penal Code) (1). According to the researcher, multiple offences and penalties can be defined as "a defendant commits more than an act of wrongfulness, whether it occurs on one sex or the other, with one or different time unity before one of them is decided by a criminal judgement (2).

Section II

Availability of conditions for multiple offences and penalties

Having considered the concept of multiple crimes and penalties in jurisprudence and criminal legislation, it is clear to us that the essence of this multiplicity is achieved through a set of tapes to be in front of this exciting criminal situation(3). Here are the conditions that we set out in succession:

First: the perpetrator's isolation by the acts committed:

In the case of multiple crimes and penalties, the first step is to investigate the perpetrator alone. This requirement is intended for the perpetrator to commit more than one crime, whether they are an original actor or an accomplice (4). In other words, the plurality here requires the perpetrator to have committed more than the reality of his wrongdoing, whether or not in all of these crimes the original perpetrator or the accomplice, nor does it matter whether or not there is a sole purpose or place in this crime (5).

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(1) Sajad Thamir Kadim Alkafage: The Effect of True Multiple Crimes in Punishment: (A Comparative Study, Review of International Online Geographical Education, November, No. 8, 2021, p. 2375. https://www.researchgate.net/publication/355904903_The_effect_of_the_true_multiple_of_offences_in_the_penalty_comparative_study Also seen beaussonie Guillaume: La pluralité d' infractions, problème théorique et pratique, op.cit, p2.

(2)Dr. Mahmoud Najib Hosni: Explanation of the Penal Code, General Section, op. cit. p. 579. See also: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit., p. 1010. See also Dr. Fawzi Abdul Sattar: Explanation of the Penal Code, General Section, op. cit., p. 977.

(3)Sajad Thamir Kadim Alkafage: The effect of the true multiple of offences in the penalty: (comparative study, op. cit, p2375.

4() We note here that the requirement of a multiplicity of crimes for a genuine multiplicity of such crimes is contrary to what is required to do so as is known. "Criminal contribution". The latter means the commission of a single offence by a number of persons that any one of them could have committed alone. The nature of the criminal contribution requires, as its portrayal of a criminal offence, the plurality of offences, not the plurality of offences, which requires the "sole offender" we are in. Consider: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 342. Also considered: Dr. Rauf Obaid: Principles of the General Section of Punitive Legislation, House of Arab Thought, Cairo, 1979, p86.

(20) The original perpetrator means anyone who commits the offence and has the primary role in its execution alone or in association with others. To meet in person all the elements necessary for the commission of the crime, as required by the criminalization provision. The

Each crime may have a different purpose or location [1]. The multiplicity requirement is also met regardless of whether the crimes committed are intentional or not, whether or not they are fully constituted or have ceased to be attempted[2]. As long as the requirement of multiplicity has been fulfilled, this is the essence of the multiplicity of crimes and penalties in accordance with the criminal policy followed by all comparative legislation under consideration, according to articles 143/1/Iraqi penalties, 132/2/French penalties, 36/Egyptian penalties, 53/1/German penalties [3].

Second: The case of multiple incidents committed: not only is it sufficient to achieve a plurality of offences in each, i.e. the perpetrator must be the same, but the acts that the criminal legislator establishes must be multiplied and prepared according to a penal code (n order I .[4]

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accomplice is anyone who incites the commission of the act constituting the offence if the act takes place based on such incitement or agrees with another to commit the offence. It takes place based on this agreement or gives a weapon, tools or anything else used in the commission of the crime. He knows about it or assists them in any way in the works processed, assisted or complementary to the commission of the crime. Consider: Professor Ihab Abdel-Mutalib: Modern Criminal Encyclopedia in Explanation of the Penal Code, National Center for Legal Publications, Cairo, year 2020, p 333.

([1]) Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 671. See also: Dr. Fakhri Abdul Razak al-Hadithi: Explanation of the Penal Code, General Section, op. cit., p. 119.

([2])It is worth mentioning here that the real plurality of crimes does not require more than one offence to be committed as intentional crimes. The number of crimes can be achieved by the mere availability of conditions, whether the criminal intent is fully available (science and will) or not, and in the physical plurality of crimes, what criminal conduct constitutes the physical element of the crime? Be of the type of positive behaviour of organic movement by the perpetrator as the movement of the hand in the crime of theft or murder such as pulling the trigger or of the type of negative behaviour of refraining from performing the act prescribed by law therein. A firefighter refrains from extinguishing the fire or a swimming instructor refrains from saving the sunset or from nursing the child or other examples. See in detail: Dr. Fawzia Abdelstar: General Theory of Unintentional Error, Comparative Study, Arab Renaissance House, Cairo, 1977, p.13 et seq. See also: Dr. Ramses Behnam: General Theory of Criminal Law, Its Origin and Knowledge for Publication, Alexandria, 1995, p. 969.

([3]) The Court of Cassation's judgement No. 315/Multiple Offences/2010 was heard on 26/5/2010. Also considered: Judgement No. 185/Multiple Crimes/2008, dated 25/2/2008. Also considered: Dr. Ali Hussein Khalaf and Dr. Sultan Abdul Qader Al-Shawi: General Principles in the Penal Code, Legal Library, Baghdad, 2014, p 463.

([4]) It is worth mentioning that the verification of multiple crimes does not stand in the way of the different location of the crime, whether it is all committed in one scene or the spacing of each, as if the crime of robbery was committed in another place and

to be in front of a real plurality of crimes, there must be a multiplicity of criminal acts committed by one Jean (These crimes are indivisible, [1)] and this multiplicity finds a way through two aspects: the first is the material aspect, the multiplicity of the material element of the crime and the act or omission of an act imposed by law for the law, which the offender wants to achieve [(2)] Hence, there must be a multiplicity of criminal behaviour, not just a multiplicity of consequences. Amultiplicity situation requires that there be a multiplicity of crimes, the latter being only through a multiplicity of criminal behaviors(is only the act, If there [3).] we are in front of an ordinary crime, here we achieve the state of multiplicity if the rest of its conditions are met [(4).]

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murder elsewhere, since "only the place and distinction" do not hinder the realization of that situation in which we are concerned "multiple crimes". Considering: Professor Mustafa Abdelazim Hassan: Multiple crimes and penalties in the Egyptian legal system, doctoral thesis, Faculty of Law, Cairo University, 2007, p. 25.

(1) Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op.cit. p٦٧١

(2) Here, it seems to us that the correlation between the multiple crimes constituting a situation of multiple crimes is an indispensable prerequisite, and the essence of this link lies in the fact that the occurrence of some of these crimes is the consequence of others, as expressed in criminal jurisprudence solely for the purpose and indivisible association of the components of a single criminal enterprise. In this regard, Dr. Shukri Al-Dakq: Multiple Rules and Multiple Crimes in Light of Jurisprudence and the Judiciary, Egyptian University House, Cairo, 1990, p. 102.

(3)We note here that the criterion of "verb" or "multiplicity" is crucial in determining whether or not a plurality is available. The multiplicity of physical acts constituting the structure of the physical corner is one of the factors in this situation. The fact that it is not available only by verifying the act entails the decline of this situation, its demise and the return to the same system of crime. Whoever fires a bullet and calls for the death or injury of more than one person, we are not in front of multiple crimes. We are in front of one crime because we are in front of one act. Professor Ihab Abdelmotaleb: Modern Criminal Encyclopedia in the Commentary on the Penal Code, op. cit., p. 335. Also seen: Ivo Aertsen: Le développement d'une justice réparatrice orientée vers la victime : la problématique et l'expérience belge, Actes du colloque tenu le 28 mars 2002 à Montréal, p22.
HTTPS://WWW.RESEARCHGATE.NET/PUBLICATION/50813331_INNOVATIONS_PENALES_ET_JUSTICE_REPARATRICE.

)4(It should be noted that there are cases where the material acts committed are specific or may be repeated and habitual without the perpetrator of such recurrence committing another offence. In that case, we do not have a plurality of crimes because the perpetrator wanted him not to go to a multiplicity of crimes. Rather, the purpose of multiplicity and repetition is to carry out a single crime, which has been carried out in multiple and successive instalments and represents the first case. In the second case, there are offences that are aggravated by a criminal provision, so that if those circumstances are considered alone, they are a separate offence, such as the crime of making keys or breaking doors, which is termed "composite crime", according to articles 141/Iraqi penalties (132/3/French penalties), 32/1/Egyptian

The second is the personal aspect: this is about his own image of the perpetrator, it is not enough to multiply the criminal acts committed by that person. The perpetrators must be a person who knows and wants what their hands earn. This is what we express by the moral element of the crime; therefore, we are in front of two aspects of the situation of multiple crimes, one of which is material. "By the number of material acts constituting each crime", and another moral expression we express "by the multiplicity of will (Third: The absence of a judgement in [1)] respect of an offence: which is the last requirement for the verification of multiple offences and penalties, as well as the two preceding conditions, is the requirement that one of the offenders' offences must not be sentenced [(2)] . This last condition is no less important than its predecessors in achieving this situation. "The number of offences and penalties requires the resurrection of a sentence that has not been imposed for one of the offences committed. We should also point out that the requirement for the investigation of this case is based on a judgement that has already been rendered; therefore, a non-final judgement does not preclude the establishment of this case. If there has been a court judgement, the case is outside the plurality of crimes under consideration [(3).]

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penalties (52/2/German penalties). Consideration: Dr. Ahmed Fatherour: Mediator in the Penal Code, Special Section, 7th Edition, Arab Renaissance House, Cairo, 2019, p. 11.

(1) The verification of a multiplicity of crimes is not only "the existence of a multiplicity of evil acts" constituting the physical element of the perpetrator, as described above, but also the criminal intent of the perpetrator, i.e. the latter is fully aware of the multiplicity of versatile acts, whose will has tended to result in such a multiplicity of acts constituting the multiplicity of acts covered by our research. Consider: Dr. Mahmoud Najib Hosni: General Theory of Criminal Intent, Comparative Study of the Moral Element in Intentional Crimes, Ennahda Arab House, Cairo, 1988, p. 67 ff. Also considered: Dr. Sharif Syed Kamel: General Theory of Wrongdoing in Criminal Law, A Comparative Study of the Moral Element in Unintentional Crimes, Arab Renaissance House, Cairo, 1992, p. 45.

(2) We note that the judgement, which stipulates that it shall not be handed down in any of the offences constituting a plurality of offences, which is the judgement acquired to the absolute degree and which is so if the court order is invoked by its enforcement of all avenues of appeal. See Dr. Ali Hussein Khalaf and Dr. Sultan Abdul Qader Al-Shawi: General Principles in the Penal Code, op. cit., p. 460

(3) Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit. p 674.

Second requirement

Subjective status of multiple offences and penalties and their relevance to other cases

Pave:

After indicating the strengths of the situation of multiple crimes in the manner described earlier, in particular the structural structure of this situation, which constitutes the material essence of acts requiring the sole plurality of the perpetrator and the tendency of the perpetrator's will to commit them all [1] In this requirement, we bring to the fore another thing that is to take a situation of multiple crimes for more than one form, each of which is their nature and specificity, which undoubtedly has a fundamental impact on the punishment imposed for this crime [2] Moreover, it is necessary to demonstrate what is characteristic of other similar phenomena in certain characteristics or qualities that contain this plurality of crimes [3].

We address this requirement by dividing it into the following sections:

Section I: Images of multiple offences and penalties in criminal fact.

Section II: Extent of correlation between multiple offences, penalties and other cases.

Section I

Images of multiple offences and penalties in criminal fact

From the foregoing, what is the state of multiple crimes and penalties? This is highly complex, especially as it involves multiple acts of indecency. The criminal revenues of the perpetrator for each of them did not stand there. It goes beyond that to the fact that this

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([1]) Dr. Mahmoud Najib Hosni: Explanation of the Penal Code, General Section, op. cit, p 580.

([2]) Dr. Ahmed Jamaluddin: Multiple Crimes and Apparent Texts of Criminal Texts, op. cit., p. 107. Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit., p. 1011. Consider further: Ivo Aertsen: Le développement d'une justice réparatrice orientée vers la victim,op.cit,p24.

([3])In particular, many criminal principles that converge with the situation of multiple offences are discussed in terms of the nature of each other, as well as the characteristics that are the point of encounter between them. However, many differences distinguish the state of multiple offences from other criminal cases, which we will show in the situation. Dr. Mahmoud Najib Hosni: General Theory of Criminal Intent is a comparative study of the moral element of intentional crimes, op. cit. p 74.

situation has worn more than one image or appearance that stands out to us in our criminal reality [1].

This is what we will show by the following:

1- **The first picture: The case of the mock multiplicity of crimes and penalties:** also called the "moral or false multiplicity of crimes", the analogy being correct [2] This is a criminal case in which one offender commits one criminal act, but the latter takes more than one legal description in accordance with the multiple penal provisions to which it applies [3] What we find is that the multiplicity here is not because of the multiplicity of evil acts, as in the true multiplicity of crimes, which we will set forth in the forthcoming parts, but rather because of the multiple punitive descriptions applicable to the criminal act [4]This moral plurality also stems from a multiplicity of interests affected by criminal behaviour, which entails that more than one condition must be achieved, as follows: **Monogamy:** This requirement is self-evident because to say it is unavailable means that we are in front of a real, not fictitious or imaginary multiplicity. Only a criminal act here is the material conduct that

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([1]) Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 668. See also: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit., p. 1109.

([2]) It is worth mentioning the inevitable procedural fact that in the imaginary or moral multiplicity of crimes, we have no fiction to speak of. "Since the moral plurality in which we are concerned does not exist in most criminal legislation, our comparative study is that it is a plurality of crimes. This is evident only from the criminal act, and therefore, the sheer multiplicity here exists only from the perspective of the multiple criminal legal texts applicable to that criminal act; that was why some criminal legislation dealt with it on that basis, namely, that it was a sham multiplicity resulting from the application of the most severe crime penalty. Consider: Professor Ihab Abdelmotaleb: Modern Criminal Encyclopedia in the Commentary on the Penal Code, op. cit., p. 333.

([3])We also find that the multiplicity of punitive descriptions of a single criminal act means that more than one penal text applies to a single criminal reality, which is the reason that created or created the imaginary multiplicity of crimes we are about. However, its legislative treatment by applying the punitive text is the most severe. In the example of a crime of indecent assault by force or threat of public traffic, the strength of that crime is one criminal act that has multiple descriptions between the crime of indecent assault and the crime of indecent act. However, the most severe penalty would prevail in every description of an independent criminal offence. Consideration: Cassation Court judgement No. 95/Public Authority/1999 on 28/2/2000. Also considered: Ba 'aa Misdemeanour Court judgement No. 260/Misdemeanor/2016 dated 1/9/2016.

([4]) Kim Rossmo: Anatomie d’une enquête criminelle (The Anatomy of a Criminal Investigation), Anatomía de una investigación penal, Enquête policière et techniques d’enquête , Volume 53, numéro 2, automne 2020,p19. https://id.erudit.org/iderudit/1074187ar

has been taken from more than a legal description and has affected more than one criminally protected interest)[1..)]

2- **Punitive descriptions of single criminal behaviour vary**: This is the essence of the imaginary or moral multiplicity of crimes. The multiplicity of descriptions here means that a single act of delinquency has taken more than adaptation) (Ultimately, however, only one provision applies to criminal conduct. This is what has been the subject of the criminal legislation under consideration through articles 141 (Iraqi penalties), 132/3 (French penalties), 32/Egyptian penalties and 52/2 (German pena (From the foregoing, it is clear to us that, in other forms of multiple crimes, if imaginative, it is true that the situation of pluralism here is the source of one criminal act, taking off more than one legal description or adaptation, and an event that undermines more than one criminally protected interest [2).]

Second: True diversity of crimes and penalties: It is also called "factual multiplicity". This type of multiplicity represents the "opposite back" of the first type of multiplicity. The foregoing manifesto is the real reality of multiple crimes, as it involves the existence of one perpetrator who commits more than one misdemeanor act Each of these criminal acts constitutes a stand-alone crime, whatever its type, content or the object of the aggressor's interest Whether it is theft, monument, murder, indecent assault, embezzlement, forgery, tradition, counterfeiting, beating or wounding Etc., as long as each of them has not yet rendered a judgement that has the validity of the injunction The physical number of crimes that we are dealing with is, in fact, more than one material element that contains criminal conduct, a criminal consequence and a causal relationship between them It is also more than a moral element that contains every element of a criminal intent towards that criminal act that the perpetrator wanted to achieve with other acts. It is this true multiplicity of concepts that we have introduced that, in the context of the contribution of criminal legislation, is dealt with in accordance with the rule of multiple penalties according to the penal provisions (143/Iraqi penalties), (132/1/French penalties), (32/Egyptian penalties) and (53/1/German penalties).

)[1](It is noteworthy that unilateralism of a criminal offence alone remains a major criterion of the offence, regardless of the multiple consequences of that act. Only the act, the consequences and the causal relationship between the two constitute the strength of the offence. The number of criminal consequences falls outside the context of our research, namely the multiplicity of crimes. Consider Dr. Ramses Behnam: General Theory of Criminal Law, op. cit., p. 967. See also: Dr. Sharif Syed Kamel: General Theory of Wrongdoing in Criminal Law, A Comparative Study of the Moral Element of Unintentional Crimes, op. cit., p. 49

([2]) Most recent criminal legislation, including French legislation with a moral plurality, has also dealt with a criminal transaction similar to a genuine plurality, and this policy finds its main premise in the legislative view of moral pluralism. The latter, though at one time, infects more than his protected criminal interest and the multiple errors committed by the perpetrator in this act. This has led to such legislation as the genuine plurality of crimes rather than morals. This is what is termed the traditional view that was prevalent at the time. See: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 837.

Section II
The extent of correlation between multiple offences, penalties and other cases

The foregoing can only show the reality of the situation of multiple crimes if we stand on some phenomena that can be similar in one form or another to the situation under consideration, especially since the highlighting of the commonalities and the multiple differences between the situation of multiple crimes as shown and the criminal phenomena "such as recidivism," apparent inconsistency of criminal texts "or" post-crime behavior ". It shows the nature of this case and reveals its details, which have had to be dealt with effectively by the law and impose the offender's deterrent penalty [1]. As such, we will show this section as follows:

First: the extent to which the situation of multiple recidivism is linked: Before identifying the differences and similarities between these two types of criminal phenomena, it is necessary to indicate what recidivism is that the perpetrator committed an offence after having already committed one or more crimes in which a final judgement has been pronounced, whereas what is the plurality of the perpetrator's commission of more than one crime in which he has not been convicted [2] Through the above-mentioned substance of both phenomena, the most important differences can be highlighted in all the following respects:

1- **The extent to which the situation of multiple crimes is linked to the return in terms of the conditions for each other's verification:** The number of crimes, as we have shown, needs the sole strength of the perpetrator, the multiplicity of acts and the lack of a judicial judgement in any of these evil acts. While the

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([1]) Bertrand de Lamy: Dérives et évolution du principe de la légalité en droit penal français : contribution à l'étude des sources du droit pénal français,op.cit,p589.

(٤٢)The perpetrator alone is a common denominator between the phenomena of multiple crimes and the state of oud, since in the first case, "Multiple Crimes" Note That We Are in Front Of One Jean Commits More Than One Criminal Act ", in such a way as to bring about a plurality without any judicial judgement in any of them. While only the perpetrator also investigates the case of oud through his return of the perpetrator to more than one criminal offence with a final and final judgement, only the perpetrator in both phenomena would be verified and disagree between them in terms of content or effect. Consider: Dr. Ali Adel Kashif Al-Ghadeh and Professor Marwah Youssef Hassan Al-Shammari: The multiplicity of crimes and its impact on punishment compared to Iraqi, Egyptian and Jordanian legislation, Centre for Koufa Studies, Al-Koufa, No. 26, 2012, p 213،

conditions of recidivism are quite different from those of their predecessors, the conditions here lie solely in the commission of crime after crime and the issuance of a court judgement in the former before the commission of the following offence. In other words, a final judgement of conviction is handed down for a crime and then the perpetrator commits one or more new offences in such a way as to achieve a characterization Characterizing the return against him, as well as requiring the gravity of the new offence to a high degree determined by law [(1).]

2- **The degree of correlation between multiple offences and recidivism is in terms of the aggravation of each other's punishment:** the number of offences, as we have explained, coincides with the perpetrator and does not entail the aggravation of the penalty, but rather the choice of the most severe penalty for the manifestation and the multiplicity of penalties for the real multiplicity While we find the case of recidivism quite different in this respect, the perpetrator is offering to aggravate the new penalty for the offence due to the veracity of recidivism.

3- **The extent to which there is a correlation between a multiplicity of crimes and a return in terms of the criminal gravity inherent in the perpetrator's case:** in the case of a multiplicity of crimes, the perpetrator is less serious than the

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([1]) Remark that the conditions of recidivism as a criminal case are very different from its predecessor conviction ", i.e. the case of multiple offences in particular if we take the requirement of sentencing in the previous offence and that this judgement be made final by convicting the offender against whom the recidivism exists, as well as the requirement to commit a new offence added to the former's record by committing a previous offence. And there's a period between these two crimes, and it's a felony or misdemeanor type. s rights ", all of these conditions are quite different from those required by a plurality situation. Yen, Consideration: Dr. Maamoun Mohamed Salama: Penal Code, General Section, op. cit., p. 509.

(52) As for the circumstance of aggravated recidivism, it is caused by the fact that the perpetrator of the offence has in fact expressed his criminal edition and his indifference to the previous criminal sentence by imposing a penalty on him presumably paid off by deterrence and rehabilitation. But again, he revealed his procedural instincts. For punishment, the criminal legislator found only the aggravation of the punishment after an aggravating circumstance that justified the aggravating punishment. See in detail: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 976. Also consider: Dr. Adel Azer: General Theory in the Circumstances of Crime, World Press Publication, Cairo, 1967, p. 43 ff.

perpetrator in the case of a recidivist [1] The explanation for this is that the perpetrator of a multiplicity committed the wrongful acts simultaneously, thereby expressing gravity in specific time-space, possibly because of the circumstances of their commission, which contributed to their multiplicity, whereas the perpetrator of the recurrence of his new offence, despite a final judgement, expressed a terrible and unconcerned criminal issuance of another judgement[2]

([1]) **It is noted that criminal gravity is the criminal person's condition, which expresses genes gathered in his person as a result of factors, some of which are genetics and environment ", combined with factors originating from the surrounding environment, and others may be merely acquired factors with no source other than the circumstances surrounding its development. Based on this concept of gravity, such as its status in the offender's person, criminal jurisprudence has defined it as a psychological condition formed in an individual due to a combination of "genetic or environmental" factors. For our part, this criminal seriousness, in a very brief sense, is a characteristic of the perpetrator that gives the real impression that he is carrying criminal genes that would lead him to the path of crime. Dr. Ahmed Mohammed Khalaf Al-Momani and Dr. Imad Mohamed Rabi: The impact of criminal gravity on the assessment of punishment in Jordanian legislation, an analytical study compared to Islamic jurisprudence, Journal of Legal and Economic Sciences, Ain Shams University, Faculty of Law, vol. 49, No. 2, 2007, p 27.**

([2]) Like other criminal cases, a state of recidivism is characterized by a number of distinctions, including multiple offences. If we take these types in terms of the comparability of the two offences, we find the recidivism of two types: General criminal recidivism: If the offender returns to the commission of the new offence, any kind shall be achieved without being the same type and nature as the previous offence, i.e. the offence for which he was previously sentenced, while the second type is special **recidivism:** The offender is intended to commit an offence for which he was sentenced by a court judgement, and then to offend the same offence he committed the first time. In terms of time, the return as a criminal case is divided into a life return: It is intended to mean that the state of recidivism is achieved regardless of the time between the previous judgment and the new crime, i.e. there is no consideration of time in this type. Provisional recidivism: It is very different from the latter type. Time is a decisive factor in determining whether or not a recidivist is available. The latter type requires that the commission of the new offence, within a specified period, be calculated from the date of the criminal sentence handed down for the previous offence. However, in terms of the number of offences, the case of criminal recidivism is divided from that angle into two types: The first is simple recidivism, which is achieved when the tightening of punishment for the new crime is based on the existence of only one previous sentence, either repeated or aggravated recidivism: The intensity of punishment for the new offence is based on the existence of more than one previous judicial judgement. Finally, the number varies depending on whether criminal intent is available. The first type is intention: Both offences, i.e. the previous offence of the criminal sentence and the new offence, have criminal intent, as opposed to the second type of recidivism, but the second type of

Secondly, **the extent to which multiple offences are linked to apparent inconsistencies in criminal texts:**

Before beginning to distinguish multiple offences, as we have shown from the case of apparent inconsistency of criminal texts, we refer to the content of the latter case. The case of apparent inconsistency of criminal texts is achieved in any case where it seems at first glance that more than one legal provision applies to the incident committed ,This is mainly due to the multiplicity of factors common to these texts about the same fact, which requires a careful interpretation of the texts so that one of them is applied. The rest is excluded from the inadmissibility of the situation, It is clear from the foregoing that the apparent inconsistency of texts is similar to that of the mock multiplicity of crimes in terms of the multiplicity of criminal texts, which overwhelms both phenomena. However, in the first case, the multiplicity is the multiplicity of texts. In the second case, the multiplicity is the multiplicity of crimes, The difference between them can be that the physical plurality of crimes is based on the commission of a number of separate and incoherent crimes, each of which constitutes a crime punishable by criminal law ,While we find that the apparent inconsistency of the texts we are in front of one crime is more incriminating than the text at first sight, as we have shown, one of these texts is applicable.

It does not remove this distinction if the apparent inconsistency of texts may be somewhat similar to that of a mock multiplicity of crimes. The latter number is a multiplicity of criminal consequences, while the apparent inconsistency of the texts we discuss is in front of one crime. That is, that situation is the product of one criminal act. In contrast, the physical plurality of the crimes in question is a realistic plurality of crimes and not a plurality of legal texts. For example, a person who kills and steals a person here commits more than one crime: murder and theft. This is not available in case of apparent inconsistency of criminal texts because we are in front of one criminal incident to which more than one punitive text applies. Anyone who deliberately kills a person and then represents his body is subjected to two texts, the first of which criminalizes the murder of a living human being. The second criminalizes the murder of a living human being in conjunction with the representation of the victim's body since the two texts cannot be applied

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recidivism is unintended. If the previous and new offences did not have criminal intent or at least one of them. Consider:

Vincent LAMANDA: Amoindrir les risques de récidive criminelle des condamnés dangereux, Rapport à M. le Président de la République,30 mai 2008,p4. http://psysnepap.free.fr/wp-content/uploads/Rapport-LAMANDA-2008-Amoindrir-les-risques-de-recidive-criminelle-des-criminels-danrgereux.pdf

simultaneously in such cases. Still, the most severe text must be applied (1).

Third: The extent to which the situation of multiple crimes is linked to the case of habitual commission of crimes: the case of habitual crime is intended to repeat the wrongful act more than once, in such a way that the perpetrator reveals a special criminal intent of insisting on the perpetration of the wrongful act(2) In all those crimes, the perpetrator reveals intentions to repeat the delinquent act for more than one time without fear or deterrence that prevents it from repeating the same act. We note that this repetition in the commission of the offence is very different from the multiplicity of crimes(3).
This difference takes a number of faces:

1- **In terms of the repetition of the subsequent act**, in the case of habituality, the criminal act must be the sex of the subsequent act and disclose its habituality as the second act, whereas in the case of multiple offences, this unit is not required in the delayed act (4).

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(1) The recent difference between the phenomena of multiple crimes and the apparent inconsistency of criminal texts in the criterion of aggravation of punishment is a dispute that exacerbates the paradox between them; when more than one criminal act is committed and more than one criminal result, the verifier has no effect of aggravating his punishment, whereas whoever investigates a single criminal act conflicts with the provisions on the act is the most severe sentence applicable. See: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 951 ff. See also: Dr. Adel Azer: General Theory of the Circumstances of Crime, op. cit.p. 52.

(2) Noting that the situation of habituality to crimes as one of the most serious criminal cases affecting the individual and having a severe impact on the community peace, as it includes the criminal gravity aspect of the habitual person, which has been dealt with by the Criminal Legislator with no aggravation of the punitive treatment of this offender, The latter is distinguished from other junior offenders, especially since the habit of criminality is reflected in the repeated criminal act of a psychological condition that it can become more and more accustomed to criminality as it creates conditions for its commission. See in detail: Dr. Ashraf Tawfiq Shams al-Din: Explanation of Penal Code, General Section, Sixth Edition, Arab Renaissance House, Cairo, Year 2023, p411.

(3) It is noted that the repetition of criminal acts, as we have shown, is closely linked to the criminal gravity inherent in the perpetrator's person, since these acts reveal what we might call "Criminal indifference of the perpetrator", in the conduct of criminal acts without fear or barrier that they can prevent their commission, as well as the fact that this repetition shows the extent to which the perpetrator's habitual situation differs from that of pluralism; specifically in the perpetrator's commission of more than one act at a time, despite their similarity in the issue of criminal gravity highlighted by both phenomena. See in detail: Dr. Maamoun Mohamed Salama: Penal Code, General Section, op. cit., p. 509.

(4) The repetition of the offender's criminal offences is linked to the criminal gravity inherent in the offender, regardless of whether the criminal offences revealing the criminal gravity are similar or different, in both cases these offences reveal the

2- **In terms of time alone in the case of multiple crimes and habituality**: in the case of habituality to crimes, the factor of time is important in detecting a particular curse. The repetition of the act here must require a long period of time, interspersed with the commission of more than one act revealing the habitual situation. While in the case of multiple crimes, the factor of time is almost irrelevant, all that needs to be done is to commit a number of punitive acts without the need for long periods of time(1)

Fourth :**The extent to which the situation of multiple crimes is linked to the conduct following the crime:** The foregoing indicates the number of offences as one of the criminal phenomena that are largely left to the course of the criminal justice system for those offences committed by a single offender, both in terms of the indictment and the prescribed sentence. As we have also shown, identifying this situation is not simple for the judiciary, especially in terms of the multiplicity of acts in it and the conditions to be met so that we can actually be in a criminal situation (And 2) for further research on this situation and determination as to its essence and nature and how this situation is shaped as we have already shown, Until this clarification is complete, we have coincided with a criminal situation no less serious than that of multiple crimes. which would be distinguished from the latter, the case being "post-crime conduct")3(If we take the similarities

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criminal gravity and require punitive treatment different from other transactions drawn for other offenders. See in detail: Dr. Alphonse Mikhail Hanna: Multiple Crimes Affecting Penalties and Procedures, Future Printing and Publishing House, 1963, 24 and Beyond.

)1(Time attendance varies in procedural significance from one situation to another. In case of habit, time accompaniment is one of the cornerstones of this situation, This is illustrated by the temporal convergence required by the situation in criminal offences. and this is a fundamental disagreement that characterizes it from the plurality of crimes that do not require such a temporal correlation between the multiplicity of wrongful acts of this situation. See: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 109. See further: Dr. Rafat Abdel Fattah Hallah: Multiple Crimes and Consequences Arising From Anah, Comparative Study of Islamic Jurisprudence, op. cit., p58.

)2(Mélanie-Angela Neuilly: Le Théâtre Sériel, l'Autre Scène de Crime : approche Projective Psychocriminologique du Meurtre en Série,Psychologe,THESE pour obtenir le grade de Docteur de l'Université Haute-Bretagne,2008,p6-7.
https://theses.hal.science/tel-00458914/document

)3(Here, it must be pointed out that our criminal legislation of all kinds does not refer to any clear and clear definition of post-crime conduct, despite the latter's importance, especially in order to determine an effect on the crime and the penalty prescribed for it, but through the criminal studies we have seen, and a compilation of the elements of such conduct shows that "It is a criminal act that acquires the secondary character through the original adjective that applies to the criminal act

between these two phenomena, we will have the beginning of a multiplicity of evil acts, as in the case of a multiplicity of crimes, we will note that post-crime behaviour is added to other past conduct that represents the original criminal act)1 (However, they differ from each other in nature, although both acts or behaviours are inextricably linked whether the post-crime behaviour is positive or negative)2(His photographs are also taken as an aggravating circumstance for the original criminal act, as if he were represented by a corpse after the loss of the victim's soul on top of it, or his images of the mitigating circumstance were taken as

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that precedes it entirely. "It is associated with the link of existence and non-existence in such a way as to leave its obvious effect in the original act. Consider: Professor Mustafa Abdelazim Hassan: Multiple Crimes and Penalties in the Egyptian Legal System, op. cit. p36.

)1(It is through the state of post-crime conduct that the most important and important conditions can be set out as follows:

1- A full-fledged offence: this requirement is intended to precede the subsequent criminal conduct by an original offence that has been committed, and this subsequent act has an impact on its occurrence, so that if this offence were not to be seen at all.
2- The association of subsequent criminal conduct with the underlying crime: that of existence and non-existence; The absence of the original offence means that there is no subsequent conduct and vice versa, nor does the requirement for this requirement to be of a single nature or that the period of time should be limited between the date of their occurrence.
3- Subsequent criminal conduct would leave the obvious effect on the predicate offence: this requirement would also mean that the circumstances and circumstances of the subsequent conduct would have had a clear effect on the predicate offence, arguably without the subsequent conduct of the offence the elements of the original offence would not have been completed or Elements of the original crime or its results have been achieved. Dr. Muammar Khalid Salama al-Jabouri: Subsequent Conduct in Completing the Offence is considered in Positive Law and Islamic Law, Hamid Publishing and Distribution House, Amman, 2013, p183 ff.

)2(Notwithstanding the foregoing indication of the seriousness of this post-crime conduct and the importance of its identification, which is no less important than the identification of the original criminal conduct But the lack of regulation and definition of criminal legislation can be characterized by the dangerous gap over the entire penal system, This is due to the danger posed by such subsequent conduct, which may sometimes be involved in the seriousness of the original criminal conduct without taking it into account in its entirety of punitive treatment. Consider in detail: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit.p631.

someone who caused a run-over on the public road)1(Any subsequent criminal conduct also takes the form of an exempt excuse for punishment, as in the case of a person who marries a person who has raped her)2(The clear difference between post-crime behaviour and multiple offences is noted. The last, the multiplicity of crimes, presupposes that more than one inherent act is the component of the criminal incident in all its elements. Each act is independent of the other, without one being related to the other. Contrary to post-crime criminal conduct, which is presumed to be indivisible in relation to the original act, An excuse is exempt, as shown)3(

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(٥٥) We also find here that post-crime criminal conduct influences the punitive treatment determined by the original act, whatever legal description it determines. In other words, this has stabilized most criminal legislation, whether an aggravating or mitigating circumstance. However, it has not passed a uniform legal provision for this influential procedural factor. It has kept it among the legal descriptions to be determined. It may have impacted the penalty prescribed for the predicate offence. Consider in detail: Dr. Abdelfattah Mustafa al-Saifi: Conformity in criminalization is a doctrinal attempt to develop a general theory of conformity, second edition, Arab Renaissance House, Cairo, 1991, p47 onwards.

)2(We note that the excuses are intended to be an argument or a reason that, once available to the perpetrator, affects the perpetrator's legal status, whether more than the penalty prescribed for the crime committed. "exempt excuse or mitigation", the so-called mitigating excuse for punishment, and the excuse, whatever its effect as previously defined, is limited exclusively and not defined, but through the legal text developed by the legislature to regulate it; Hence it cannot be pronounced by the criminal judge without a legal provision here. This exclusive determination of excuses only places the Court before the duty to apply it as soon as its conditions are met. There is no need to be connected to the crime around which these excuses are available. If the penalty is imposed, the latter remains the same, whether it be a felony, a misdemeanour or an offence. Consider: TONGA HASINARIVO Andriniaina: LES CAS D'EXONÉRATION DE LA RESPONSABILITE PENALE, UNIVERSITE D'ANTANANARIVO ème Année, Carrières Judiciaires et Sciences Criminelles, Date de présentation : 04 Octobre 2010,p6.

http://www.biblio.univ antananarivo.mg/theses2/rechercheAction.action?type=contenu&pattern=gestion%20des%20stocks&pageCourante=166

)3(Since they distinguish the phenomena of multiple crimes and the situation of post-crime criminal conduct, they are the physical structure of both phenomena, the latter being what can be inferred from the extent of the differences that can be between them, the first being that the real multiplicity of crimes presupposes the multiplicity of criminal acts, whereas post-crime criminal conduct presupposes that the original conduct was actually committed, Second: the true multiplicity of crimes

Second Research
Contemporary punitive confrontation of a situation of multiple crimes and penalties in criminal reality

Pave and divide:

We have already observed a policy of criminalization of a state of multiple crimes, the features of which have been elaborated by highlighting the conditions in which it must be achieved as a criminal situation, thereby demonstrating its specificity and its distinct nature from other phenomena [1] How criminal legislation has taken it as a procedural position that needs to be defined in both our Iraqi legislation and comparative criminal legislation[2]. Since this plurality of crimes is in the public interest, which is the aim of the Criminal Code through a year of legal texts, criminal offences ", and its determination of criminal offences, this plurality of offences characterized a criminal sanction as a case of criminal phenomena. criminality ", that is to say, a punitive policy

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assumes that several crimes have all taken place independently of each other, Without being linked to the other, while in the case of post-crime criminal conduct, the latter is indivisibly linked to the precedent of the original criminal conduct, in certain circumstances it is an aggravating circumstance of the penalty established for the original act and the other excuse exempted from this penalty. Consider Dr. Sharif Syed Kamel in detail: Explanation of the Penal Code, General Section, op. cit.p631.

([1]) It is remarkable in the criminal policy under consideration that there is a consensus, albeit unregulated, on the need to address such a situation, especially in clarifying the perpetrator's grievance, thereby establishing an objective criminal policy in its criminality, i.e. by laying the legal foundations for confronting the occurrence of such a situation, and not escaping through any legislative gaps that might somehow be exploited, or a punitive criminal policy of imposing a criminal provision commensurate with the criminal seriousness of the perpetrator of that situation in Da 'da and Nilah. See: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit. p959.

([2]) Criminal legislation also dealt with genuine criminal pluralism on objective grounds, indicating what this situation is and the tapes it achieves. This is clearly reflected in the criminal legislation provided to us, particularly by our Iraqi legislator; this shows how important this situation is, in any case, the plurality of offences in the criminal legislature in all the criminal legislation under consideration. Consider this regard: Also consider Dr. Sharif Syed Kamel's explanation of the penal code, general section, and op. cit.p 671.

that complements the criminality of the situation under our comparative study, That policy can be illustrated by highlighting the penalties established for multiple crimes, But this punitive policy is not absolute, that is, the imposition of such sanctions is not unrestricted [1] There are even limitations to the imposition of criminal sanctions, which in essence are exceptions to a pluralistic situation[2] More clarification is needed on the punitive impact of multiple crimes.

We will devote this research to the following requests:

First requirement: Punitive response to the situation of multiple offences and penalties in criminal fact.

Second requirement: limitations on multiple offences and penalties.

First requirement
Punitive response to the situation of multiple offences and penalties in criminal fact

Pave:

We also explained that criminal pluralism varies according to its essence into two types, namely, the first type: physical or real criminal pluralism, and the second type is imaginary or moral pluralism since both types are the expressions of criminal pluralism whose tapes are available in different forms[3]. Although their respective effects differ, they represent

([1]) The penal policy of any criminal legislator only takes into account the effectiveness of this policy in achieving its objectives. s criminal position and to avoid the criminal seriousness of the offender, Penal punishment is imposed using the alleged intent and may be absolute without restriction or imposition, as required by reaching the intended purpose. Looking at Dr. Abdelfattah Mustafa Al-Saifi: Conformity in criminalization is a doctrinal attempt to establish a general theory of conformity, op. cit.p. 56

([2]) The foregoing states that any punishment's purpose lies in the criminal legislator's intention. In order to achieve public and private deterrence, we find that the cases imposed by most criminal legislation, including legislation, are under comparative study. As a restriction on punitive punishment imposed on the exact nature of multiple offences and penalties, it is initially the expression of situations in which multiple offences have not been achieved, which makes it impossible to impose any punitive sanction for such situations. Consider this: Dr. Awad Mohamed Awad: Penal Code, General Section, University Publications House, Alexandria, 1998, p. 586 ff.

)[3](Here, the different punitive policies established for both phenomena are normal, owing to the different effects of each type of multiplicity. Therefore, the introduction of punitive treatment for each type varies according to the type of multiplicity, which indicates the punitive view from which the criminal legislation proceeds and avoids the

a criminal situation requiring an independent punitive pause through which the purposes of punishment in public or private deterrence can be achieved(1). It is the best aim pursued by the criminal legislator to achieve those purposes and even to make it more realistic than theories(2). Therefore, the imposition of penalties for these two types of multiple crimes makes punitive treatment closer to avoiding the criminal effects that can be achieved, but also increases the means of preventing the criminal seriousness in which the perpetrator's person enables any person whose criminal acts are available to be multiplied, whether physical or imaginary(3). This indisputably necessitated a criminal sanction for both types.

We will be working through the following sections:

Section I. Punitive response to the situation of the mock multiplicity of crimes.
Section II. Punitive response to the true plurality of crimes.

Section I
Punitive response to the situation of the mock multiplicity of crimes

In our previous research, we have already known what plurality of crimes is, in particular, the portrayal of it in its so-called "mock multiplicity of crimes", and that this type has the distinctive characteristic of having a plurality of crimes of the sole offence, and of having a plurality of crimes, but of having a multiplicity of penal provisions governing this sole criminal offence (4).

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effects of these criminal cases. Consider: Dr. Alphonse Mikhail Hanna: Multiple Crimes Affecting Penalties and Procedures, op. cit., p. 28 and its dimensions.

[1]() **We also note that this public and private deterrence is not complete unless the punishment is compatible with the crime committed, whatever the nature of the crime. Any imbalance in the balance of this punitive consensus impacts the weakness of the punitive treatment chosen in the public interest, namely, the protection of society against criminal acts.**

(2) beaussonie guillaume: La pluralité d'infractions, problème théorique et pratique, op.cit , p3.

(3) Dr. Mahmoud Najib Hosni: Explanation of the Penal Code, General Section, op. cit .p٥٩٧

(4) Unsurprisingly, such legal situations occur in light of the similarity or overlap of certain criminal acts through the imposition of legal texts that seek to end any legislative loophole that may lead to the offender's impunity. However, of course, this does not exempt the legislator from establishing a criminal policy consistent with the

We will demonstrate this through the following pillars:

First: **The extent of legislative consensus regarding the punitive response to the mock plurality of crimes**: This act attracted multiple legal descriptions, all seeking to apply its criminal model and adapt it to the applicable text. However, one of the acts was solely criminal, leaving behind other penal texts that raised the whirlwind of the mock plurality of crimes despite the unity of the criminal act, The application of only one criminal provision and this genuine characterization of this type of pluralism was the subject of the agreement of the criminal legislation, as we have shown, However, this legislative consensus preceded the statement in the policy of criminalization of mock pluralism or as called the "moral plurality" did not stand at these limits but went beyond the formulation of one punitive policy to put an end to such criminality, Adequate and appropriate punitive treatment is imposed through the imposition of a punitive sanction commensurate with the scale of the criminal situation. This punitive policy has been implemented through an approach consistent with the needs that may be imposed by practical reality , In particular, the legal loopholes that may arise from the manifestly multiple crimes and the criminal legislation of all its policies has come with criminal provisions. This is confirmed by articles 141 (Iraqi penalties), 132/3 (French penalties), 32/Egyptian penalties and 52/1 (German penalties).

Secondly :The criminal legislator's handling of a case of a mock multiplicity of crimes: The essence of this treatment is to choose a punitive method based primarily on the choice or choice of the punitive text that imposes the most severe punishment [1] This is probably because this most severe punitive provision represents the most you can face this kind of multiplicity that we have, that is, the sheer multiplicity of crimes [2]. At the same time, it eliminates the inconsistency

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occurrence of such cases. Dr. Awad Mohamed Awad: Penal Code, General Section, op. cit., p. 589.

([1]) The offender in this type of multiplicity of crimes raises a delicate problem when the criminal legislation under our comparative study reaches the stage of applying the punitive text. Such legislation is at a crossroads in which the fate of the "multiple offender" is determined. On the one hand, he has matured offences from the novice or accidental offender and therefore deserves the most severe penalties by a strict punitive provision. On the other hand, the lesser offence is the criminal returning or experienced offender who was previously convicted of a previous criminal sentence and returned to repeat his criminal conduct with a different outcome despite the previous official warning. Dr. Issam Ahmed Gharib: Multiple Crimes and Its Impact on Criminal Material, op. cit. p43. Also seen: Sajed Thamir Kadim Alkafage: The effect of the true multiple of offences in the penalty: (comparative study, op.cit, p4. See also: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit. p.1010.

([2]) We recall that the punitive confrontation of the manifestation multiplicity by opting for the most severe punitive text achieves a material fact in achieving criminal justice about the criminal offence, which is more than a punitive provision in the application at first glance. Applying punitive provisions was the most effective way to achieve such justice. Consider: Dr. Ahmed Awad Bilal: Principles of Egyptian Penal Code, General Section, op. cit., p. 837. See also: Dr. Ashraf Tawfiq Shams al-Din: Explanation of the Penal Code, General Section, op. cit., p. 542. See also Dr. Alphonse Mikhail Hanna: Multiple Crimes Affecting Penalties

created by this multiplicity of penal provisions on criminal offences. The criminal legislation under our comparative study imposes the punitive penalty for the multiplicity of offences by means of their penal provisions under the Penal Code, as confirmed by articles 141/Iraqi penalties (132/3/French penalties), 32/Egyptian penalties (52/1/German penalties), This means that the above criminal legislation has followed a uniform punitive policy by imposing the most severe punishment, which is called a system (non-collection of penalties and the imposition of the most severe punishment) (1).

Section II

Punitive response to the true plurality of crimes

We have previously shown that the true multiplicity of crimes is based on the commission of a single offence, a number of which are criminal offences separate from each other, without separating them or a criminal sentence (2). This multiplicity requires the realization of three things: the perpetrator alone; and the perpetrator's: The number of crimes committed by the multiplicity and autonomy of their constituent material acts, and the third: We have also made it clear that the criterion of this multiplicity is the multiplicity of criminal conduct as material facts or the

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and Procedures, op. cit., p. 25 ff. See also: Dr. Shukri Al-Dakq: Multiplicity of Rules and Multiple Crimes in the Light of Jurisprudence and the Judiciary, op. cit., p. 329.

(1) In particular, the regime of non-combination of penalties through the choice of the penalty for the offence prevents a conflict between the criminal provisions. This policy of taking the most severe punishment for the offence committed, as a solution to the conflict between the provisions, reflects the legislative concern to introduce the most severe punishment for the aggravated offence as a fundamental criterion in imposing punitive punishment on the offender who has suffered multiple injuries. Consider this matter: Judgement of the Court of Discrimination dated 30/7/2006 and No. 93/CM 13/2006. Further considered: Kurdistan Regional Court of Cassation judgement No. 23/General Criminal Authority/2014 on 15/9/2014. Also considered: Ba 'aa Misdemeanour Court judgement No. 260/Misdemeanor/2016 dated 1/9/2016. Further considered: Judgement of the Egyptian Court of Cassation on appeal of 2,153 years of age 80 SG 4/5/2011. Consider further NOTE DE RECHERCHE Concours réel d'infractions , Direction générale Bibliothèque, Recherche et Documentation, Mars 2017, p20.

(2) Here, we note that the request that no criminal sentence be handed down for the crimes committed constitutes the separation of that criminal case, in any case, a multiplicity of crimes, penalties and other cases, such as recidivism. Perhaps this disagreement leads us to argue that the seriousness of that situation is never less serious than that of other criminal cases. See in detail: Dr. Ashraf Tawfiq Shams al-Din: Explanation of the Penal Code, General Section, op. cit., p. 544

multiplicity of criminal consequences as legal facts [1] Since the offender in this type of multiplicity raises a criminal risk that requires criminal legislation to identify a successful punitive policy in order to eliminate this gravity, by moving away from the traditional policy and towards an actor's strategy of achieving the purposes of punishment in the face of such a criminal situation, the so-called rule "Multiple penalties", as a means of achieving public and private deterrence of multiple crimes in this case in such a way that each criminal act has The composition of physical pluralism is a penalty commensurate with its nature, as stipulated by the legislator in each of these criminal legislation under our comparative study through the articles. (143/a/Iraqi penalties), (132/3/French penalties), (33/Egyptian penalties), (53/1/German penalties), and despite the criminal legislation's consensus on the punitive policy of a genuine plurality of offences through its "multi-penal rule", however, criminal legislation has greatly undermined the inertia of this rule; Presumption of certain conditions that may surround the real plurality of criminality [2].

Regarding each act of a pluralistic nature, a punitive provision is compatible with the nature and composition of the crimes committed.

These cases can be dealt with as follows:

First: Punitive response to multiple crimes associated with the same purpose:

This situation presupposes a physical multiplicity of criminal offences or acts constituting a criminal case that is inextricably linked to each other, such as in the case of a person committing a crime of forgery by a public

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([1]) This criterion, which reveals both the material and the legal nature of the facts, constitutes a common denominator of criminal legislation in the designation and substance of the case. The number of criminal acts and consequences, as well as the absence of a criminal judgment in any of them, is achieving the strength of the case and the best means of punitive treatment. Considered in this regard: Kurdistan Regional Court of Cassation judgement No. 1158/2nd/2015 Criminal Body of 27/12/2015.

([2]) The punitive policy pursued by such criminal legislation is not surprising in the case of the real plurality of crimes because the latter contains various hypotheses that require a realistic treatment of the seriousness resulting from each of the hypotheses of that criminal situation in which we are concerned, as any legislative facets that may lead to the perpetrator's impunity are filled. Views: Kurdistan Regional Court of Cassation judgement No. 23/Penal General Authority/2014 on 15/09/2014, Further considered: Dahuk Criminal Court judgement No. 263/2014 on 24/04/2014. Also considered: Judgement No. 2000/1918 of the 3rd Permanent Court of Internal Security Forces on 09/06/2001.

official to conceal the crime of embezzling public funds or falsifying the currency and then promoting it, or in possession of a weapon without a licence for attempted murder[1]. In all these examples, criminal legislation has applied a punitive policy of imposing a penalty for each offence and ordering the execution of the most severe criminal offence only in such a situation as the sheer multiplicity of offences, as confirmed by the provisions of the criminal legislation under our comparative study (141/Iraqi penalties), (132/3/French penalties), (32/Egyptian penalties) and (52/1/German penalties).[2] [3]

Second: Punitive response to multiple offences unrelated to the same purpose:This situation is achieved when each of the criminal acts constituting the genuine plurality of offences has a separate purpose

(1) ([1]) In this regard, the Kurdistan Regional Court of Cassation's judgement No. 444/2nd Criminal Authority/2009 is considered on 16 February 2010. Further considered: Judgement of the Court of Cassation, No. 6707, of 78 years 15/1/2011 hearing. Also considered: Court of Cassation Appeal Decision No. 15051 of 83 BC 12/8/2019. See also Dr. Sharif Syed Kamel's explanation of the penal code, general section, and op. cit. p674

(2) Here, we note that the choice of the penalty prescribed for the most serious offence is a criterion chosen by criminal legislation for effective harmonization with the level of criminal gravity, which lies in the perpetrator's person. To say otherwise may unduly reduce the punishment prescribed. See: Dr. Ahmed Fatherour: Mediator in the Penal Code, General Section, op. cit., p. 1081.

(3) The proceedings for the referral of criminal proceedings in the event of multiple offences are linked to a single purpose. If attributed to the accused, the proceedings shall be instituted based on one claim in the following cases:

1- If the crimes are the result of a single act.

2- If the offences result from acts linked to each other combined with a single purpose.

3- If the offences are of one kind, the accused falls upon the victim himself, even at different times.

4- If the offences are of one type and committed within one year against multiple victims, provided that they number not more than three in each case, the offences are of the same type if they are punishable by one type of punishment under one criminal provision of one law, as confirmed by the criminal policy of the legislation under our comparative study, Through the above-mentioned text in articles (132/Iraqi penal assets), (2/132/French actions), (32/Egyptian actions) and (53/1/German actions). Consider this: Judgement No. 185/Multiple Crimes/2008 of 25/2/2008. Judgement of the Kurdistan Regional Court of Cassation No. 488/2nd Criminal Court/2012 on 19/8/2012.

than other criminal acts, and the criminal acts are not interrelated and fragmented, I e a separate offence [1] Also, in the event of a person stealing a house and beating the guard who chased him and hit another with his speeding car [2] Here, the penal policy of this case was that each crime would have its own separate punishment, all of which would be carried out by succession. This is the subject of the criminal legislation agreement, which is examined in comparison by the provisions of articles 143/a/Iraqi penalties (132/4/French penalties), 33/Egyptian penalties) and 53/1/German penalties [3] [4] [5]

([1]) We also note that the subjectivity and autonomy of each crime can be achieved for the punitive purpose if imposed independently of each crime. This is in contrast to the case of the first type of multiplicity, in which the crimes committed are connected. The last penalty for each crime is imposed in proportion to the seriousness of the above type. Consider: Dr. Choukri Al-Dakq: Multiplicity of Rules and Multiple Crimes in the Light of Jurisprudence and the Judiciary, op. cit., p. 331. See also Dr. Rauf Obaid: Principles of the General Section of Penal Legislation, op. cit., p. 165.

)[2](NOTE DE RECHERCHE Concours réel d'infractions , Direction générale Bibliothèque,op.cit,p20. See also: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit.p1012.

([3]) Here, the agreement of the criminal legislation under our comparative study on punitive policy on this type of plurality, i.e. the real plurality of crimes by imposing an independent penalty for each crime, is a practical solution to the problem of plurality of criminal manifestations that requires addressing the seriousness of the perpetrator's multiple criminal offences. The judiciary has considered this matter: Judgement of the Central Criminal Court in case No. 94/1/2015, dated 26/7/2015. Consider further. Further considered: Kurdistan Regional Court of Cassation judgement No. 79/Penal Authority/2005 in 27/9/2009. Also considered: Ba 'aa Misdemeanour Court judgement No. 260/Misdemeanor/2016 dated 1/9/2016. See also: Dr. Ali Hussein Alkhalaf and Dr. Sultan Abdul Qader Al-Shawi: General Principles in the Penal Code, op. cit., Also considered: Dr. Ashraf Tawfiq Shams al-Din: Explanation of the Penal Code, General Section, op. cit., p. 547.

([4]) It must be noted that referral in multiple crimes is a general rule. "Each offence shall be referred on an independent basis, in other words, that is to say, a multiplicity of referral decisions depending on the number of offences committed. However, each rule may exclude them since there are certain cases where they have been brought before the Criminal Court on the sole grounds, even though the accused committed a number of offences.

1- If the offences committed result from a single criminal act, which applies to the mock multiplicity of the foregoing offences, then the most severe penalty applies.
2- If the offences are the result of acts related to each other and are collected solely for the purpose (interrelated offences) ", such as those applicable to the perpetrator of the falsification and the use thereof, the accused shall be convicted of two offences but shall be punished by the most severe offence.

Second requirement

Restrictions on multiple offences and penalties

Pave:

The criminal policy to which the criminal legislation is subjected is the subject of our comparative study in relation to the situation of multiple crimes and penalties and is based primarily on clarifying the ambiguity of

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3- If the crimes committed are of a single type and the same defendant has taken place against the victim himself at different times: As the perpetrator committed a number of identical offences criminalized in a single punitive text, the subsequent act occurred in the form of successive instalments aimed at achieving a single criminal result, which applies to the accused who steals a person's home several times, and otherwise is not considered a single-purpose offence

4- If the crimes committed of one kind were committed within one year on multiple victims but not more than three in each case, the perpetrator who deliberately kills a person applies to the same article that criminalizes the act of the perpetrator who kills another out of contempt, as well as collecting those crimes on the sole ground of facilitating the court. This is confirmed by articles (132/a/Iraqi assets), (132/4/French actions), (32/2/Egyptian actions) and (53/54/German actions), noting that an investigation in the case of multiple offences is under the jurisdiction of courts of one degree. If those crimes are indivisibly linked to each other, they are collected solely for the purpose, all referred by a single referral decision. Moreover, the competent court, of course, which has committed one of those crimes within its spatial jurisdiction, Whether all of them are misdemeanour courts or felonies, or if the crimes committed are collected solely by the purpose of some of the offences and the other by the offences This is confirmed by articles 140 (Iraqi assets), 132/3 (French proceedings), 32/Egyptian proceedings (52/1/German proceedings). Consider: Dr. Mahmoud Najib Hosni and Dr. Fawzia Abdel Sattar's revision: Explanation of the Code of Criminal Procedure, sixth edition, Arab Renaissance House, Cairo, 2018, p. 682 et seq. See also: Dr. Shukri Al-Dakq: Multiple Rules and Multiple Crimes in the Light of Jurisprudence and the Judiciary, op. cit .p 332. See further: Dr. Bra Munzir Kamal Abdul Latif: Explanation of the Code of Criminal Procedure, Sinhoori House, Beirut, 2017, p213.

([5]) Nevertheless, she asks what is important, namely, "What governs multiple offences if a child commits them?" and whether what applies to the perpetrator of an extreme multiplicity of his punishments applies to the perpetrators of a non-adult plurality. To answer this question, we find the following: The observer of the criminal philosophy of legislation is the subject of our comparative study. This type of pluralism is achieved if the perpetrator of the verbal acts is a child under puberty at the time of committing two or more offences, Under the terms of articles 67/Juvenile Code No. 76 of 1983 (22/8/French penalties), 109/Egyptian Children's Code (replaced by Act No. 126 of 2008) and 19/German penalties). Consider: Dr. Ramses Behnam: General Theory in Criminal Law, op. cit. p. 886.

that situation in which we are concerned[1]. The disclosure of accurate details concerning multiple offences and penalties and determining appropriate punishment. However, penal legislation took into account that the imposition of the penalties prescribed, namely the multiplicity of penalties, was strictly incompatible with the penal policy pursuedto combat the multiplicity of crimes and penalties. Therefore, it must relax this rule, i.e. the rule of multiple penalties along the lines of multiple offences, by imposing exclusively prescribed restrictions, bearing in mind that these restrictions are not expanded[2].

This is what we will address through the following sections:

Section I: Extent of compliance with the maximum duration of multiple penalties

Section II: Principle of punishment and its effect on the rule of multiple penalties.

(1) In particular, the procedural effect of a plurality of offences against the offender as a general rule is the plurality of penalties in the case of a genuine multiplicity of offences. Moreover, to impose the most severe penalty in the event of the moral multiplicity of such offences, as provided for in the criminal laws under our comparative study; at the same time, however, this legislation has returned from imposing restrictions on the plurality of crimes. This imposition aims to alleviate the severity of the plurality of the perpetrator's pain and what he may suffer when placed in the penal institution. Consider this regard: OFFICE DES NATIONS UNIES CONTRE LA DROGUE ET LE CRIME Vienne, Dispositions législatives types contre la criminalité organisée, NATIONS UNIES New York, 2014,p30.

https://www.unodc.org/documents/legal-tools/Model

legislative_provisions_against_organized_crime_F.pdf

(2) It is the duty of these legislations to adopt a punitive policy with a positive system, with the first two ideas to impose the criminal penalty on the perpetrator of the multiplicity and to bring the right pain, the second of which is what we can call the The "reward system", which is not to expand the scope of application of the rule of multiple penalties and to reduce their severity, in order to create a desire for rehabilitation based on correction of the convict in the future to modify his acts in conformity with the law and to refrain from committing wrongful acts. Consider: Dr. Mohamed Eid al-Gharib: Explanation of the Penal Code, General Section, op. cit., p١٠١١

Section I

The extent of compliance with the maximum duration of multiple penalties

Not exceeding a certain threshold of penalties for deprivation of liberty when it comes to multiple penalties constitutes the first limitation of criminal legislation on the rule of multiple penalties in the event of multiple offences under consideration, as it relates to preventing such multiple penalties from becoming mere reprisals against the perpetrator by imposing multiple penalties which may not end until the perpetrator's life has been sentenced.

Our talk here will be through the following:

First: the extent to which the maximum period of penalties is exceeded:

As for this limitation on the non-excession of multiple penalties, the subject of the criminal legislation agreement is our comparative study, but it differed between them on the extent of the maximum non-excess limit [1]. Our Iraqi legislature has determined the total length of imprisonment or imprisonment for multiple offenders or the total terms of imprisonment and imprisonment together, not exceeding twenty-five years, all of which are carried out successively, as stipulated in article 143 (a) of the Penal Code[2] This is what the French legislature has done, establishing the legal limit in the case of a multiplicity of offences of 30 years, as recognized in article 132/5/French penalties. The German legislature also sets the maximum penalty for the perpetrator in the case of a multiplicity of offenders at 15 years as the total of individual penalties. This is what Article 54/2 stipulates[3]. The Egyptian legislature, in accordance with article 36 of the Penal Code, stipulates that the period of aggravated imprisonment shall not exceed 20 years, even if it

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([1]) It must be pointed out that the penalty of deprivation of liberty affects or deprives the convicted person's freedom, such as life imprisonment, temporary imprisonment or severe or minor imprisonment. Imprisonment ", according to which the convict shall be placed in a penal institution for the period fixed for him by a court order; this penalty, if multiple offences are examined, must not exceed its maximum duration. This is what we find to be the subject of the criminal legislation agreement under our comparative study, notwithstanding the discrepancy between this limit and its duration. See Dr. Alphonse Mikhail Hanna: Multiple Crimes Affecting Penalties and Procedures, op. cit. p 37.

([2]) The Court's judgement No. 185/Multiple Crimes/2008 of 25/2/2008 is considered.

([3]) Catherine Tzutzuiano: L'effectivité de la sanction pénale, Thèse pour le doctorat en droit privé et sciences criminelles présentée et Université de Toulon, 2015,p16. https://theses.hal.science/tel-01405168/file/Effectivite_de_la_sanction_penale_Catherine_Tzutzuiano_2015.pdf

is punishable by a multiplicity of penalties and shall not exceed 20 years' imprisonment and shall not exceed six years' imprisonment alone[1].

Second: Legislator's position on the maximum duration of multiple penalties : Notwithstanding this restriction, the Criminal Code "mitigates the plurality of penalties, but this restriction has not remained stagnant by not exceeding a certain threshold, as criminal legislation excludes the penalty of the fine, i.e., it has not made the imposition of the penalty of the fine for multiple offences, as well as subsidiary penalties[2] Supplementary penalties [3] and precautionary measures [4]. The borders

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([1]) Dr. Ahmed Awad Bilal: Egyptian Penal Code, op. cit., p. 962.

([2]) Subsidiary penalties are also called because they impose legal imprisonment on a convicted person without having to be stipulated in the judgement. In other words, they result automatically and implicitly from a conviction for a particular offence and include deprivation of certain rights and benefits, as provided for in articles 96-99, 98/Iraqi penalties (131/19/French penalties), 24/Egyptian penalties) and 44/German penalties. Consider: Frédéric Lugentz: Peines pécuniaires, Fondements et objectifs des incriminations et des peines en droit européen et international 2013,p489.
https://www.anthemis.be/shop/product/incrimi-fondements-et-objectifs-des-incriminations-et-des-peines-en-droit-europeen-et-international-8081

([3])So-called "conviction" only if stipulated by the court in the conviction. In addition to the original penalty for the ultimate purpose of obtaining further deterrence and rehabilitation, as well as preventing the convict from returning to other crimes, whether it affects the convicted person's freedom such as the prohibition of residence or surveillance or may infect him with an assignment such as confiscation or may have a disciplinary form such as depriving the convicted person of certain rights and privileges, This is stipulated in articles 101, 100/Iraqi penalties (131/12/French penalties), 24/Egyptian penalties (44/German penalties).

([4]) ([1]) It is noted here that precautionary measures are the measures and means used by criminal legislation to combat organized crime and confront cases of criminal gravity inherent in the perpetrator's personality to protect society from such gravity. These measures are characterized by a number of characteristics that distinguish them from other actions aimed at confronting the danger of crime, namely:

1- Legal precautionary measures.
2- Her dismissal shall be under a court order.
3- Its cruelty and pain.
4- Related to Criminal Gravity
5- Future-oriented and indefinite
6- involves treatment, rehabilitation and rehabilitation by removing the perpetrator from the habitat of crime.
7- of a personal nature (offender) and their application on an objective basis (offence)
8- Precautionary measures are governed by equality before the law.
9- Precautionary measures are not linked to penal liability; precautionary measures have multiple types.

- Preventive measures
- Criminal measures
- Social defence measures or special precautionary measures.

have been kept open to implementing these penalties and numerous offences have been established. This has been done by the criminal legislation under our comparative study through the provisions of articles 143/d/Iraqi penalties, 132/5/French penalties and 54/3/German penalties(1).

Section II

Principle of punishment and its effect on the rule of multiple penalties

The principle of punishment is one of the limitations set out in criminal legislation as an exception to the rule of multiple penalties in the form of a multiplicity of offences, as understood in the foregoing. In this way, it requires us to verify, even promptly, the criminal legality of the criminal legislation under consideration, the conditions for its application, or the competent judicial authorities to release it (2).

This is what we will show by the following:

First: His general consideration of the aggravated penalty: "The principle of punishment" here is to impose the heaviest penalty of punishment, where the heaviest penalty detracts from the lesser penalty. For example, the perpetrator has been sentenced to 10 years'

The latter is divided into two sections: the first in substance and includes personal or in-kind measures. The second is either rehabilitation, incapacitating or deportation measures. Consider: Dr. Jamal Ibrahim Al Haidari: Modern Punishment Science, Sinhoori Office, Beirut, the year 2018, 93 and its dimensions. Also seen:
OFFICE DES NATIONS UNIES CONTRE LA DROGUE ET LE CRIME Vienne, Dispositions législatives types contre la criminalité organisée,op.cit,p30

(1)The main objective of adhering to such legislation is to achieve the aims of punishment, namely, to combat crime, to achieve justice, public and private deterrence, and to reform the perpetrator. According to the views of the supporters of the first traditional school, the purpose of punishment is not to repeat and imitate the offender). This means that its function is to defend society from the danger of the crime and warn the offender and all people of the ill-punishment of the offence in order to avoid it. According to the ideas of the modern traditional school, punishment aims to achieve justice and public deterrence. In contrast, the proponents of the posture school preferred to eradicate the criminal factors that were the main reason for pushing the perpetrator to commit wrongful acts through treatment, rehabilitation, and refinement, which is the main objective of modern criminal policy.

(2) The criminal legislation that is the subject of our comparative study does not merely comply with the maximum duration of multiple penalties as a procedural limitation on the number of unrelated offences and does not collect them alone. Moreover, its contemporary criminal policy sought to create a second restriction to curb the situation of multiple offences and penalties under the title of "punishment" or "aggression or amalgamation of punishment". See: Dr. Ahmed Awad Bilal: Egyptian Penal Code, General Section, op. cit., p. 964 ff.

imprisonment and four years' imprisonment. Hence, he carries out the most severe sentence of imprisonment, which is the lowest penalty Especially since the term of imprisonment has been met by the term of lighter imprisonment, nothing from the latter shall be carried out after the expiration of 10 years' imprisonment(1).

Second: The criminal legislator's attitude towards the principle of the imposition of the penalty: After indicating the concept of the imposition of the penalty and how the essence of this restriction lies in the fact that the execution of the first sentence below the second imposes the execution of the most severe penalty. In this sense, we have come to know the position of the criminal legislator, the details of which are obtained through the presentation of the criminal policy of the legislation under our comparative study. We find that our Iraqi legislature, as well as comparative criminal legislation, a uniform criminal policy, has been taken about the "punishment" The provisions of articles 143/c/Iraqi penalties (132/6/French penalties), 55/1/German penalties (35/Egyptian penalties) (2).

Third: The conditions to be met in order to ensure that the penalty is imposed: the principle of the penalty shall be a restriction on the multiplicity of penalties, which is similar to the latter in terms of the inadmissibility of

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(1) In other words, the essence of this system, as indicated above, is fulfilling the lighter sentence than the more severe one. Consequently, the rule that the penalty in question must be imposed is an exception to the rule of multiple penalties for multiple offences. This requires that the position of the comparative criminal legislation under our consideration be determined by such controls and restrictions as are governed by the Criminal Code and which, by their nature, are in the interests of the accused. Professor Ihab Abdelmotaleb: Modern Criminal Encyclopedia in the Commentary to the Penal Code, op. cit p. 335.

(2) It should be noted that the agreement of comparative criminal legislation through codifying the rule of the penalty is a consequence of his genuine desire for such legislation by drawing up a modern criminal policy with the ultimate aim of reforming the criminal, not just pain. In particular, the purpose of the imposition of the sentence is to combat crime, achieve justice, and remedy the offender. Hence, the procedural benefit of legalizing the penalty is that it lifts the punitive weight of the offender's ankle. This is done by carrying out the most severe punishment without the lighter punishment, and this is undoubtedly the majority of the criminal legislation aimed at taking into account human rights and combating the traditional criminal policy that has been unbridled in the deprivation of those rights. See Detail: Dr. Sharif Syed Kamel: Explanation of the Penal Code, General Section, op. cit., p. 672.

imposition without the conditions established by the legislator in the light of his criminal policy on the latter case of multiple offences. These conditions include: The first condition is that the penalty in question consists of a deprivation of liberty. The penalty shall not be imposed if it is a lesser penalty than a felony. The second requirement is that the offence for which the penalty imposed by the offender is imposed shall be committed before the heavier penalty is imposed in order not to encourage further offences. The third condition verifies that the penalty of imprisonment is as much as the prison sentence for an offence that occurred before the pronouncement of the heaviest penalty, i.e., the fourth sentence, which relates to the fact that the forehead falls only between a harsher sentence and a lighter one, i.e. The "Jabba" does not have equal penalties in pain, as it should be noted here that "The penalty shall not fall from the penalty of imprisonment. It is the only penalty that may be imposed. If the sentence is imposed as a penalty of deprivation of liberty, Like being imprisoned here, the Jibb loses one of its conditions for the Jibb to be punishable by a felony, namely imprisonment ([1])

Conclusion

With God's concurrence and help, this research, "The Impact of Multiple Crimes on the Policy of Criminalization and Punishment," has been completed. Here, the researcher has to clarify the conclusion of this research to the extent that it is adequate without repeating the above-

([1]) The question of the competent authority's determination to apply the rule of punishment has attracted a number of opinions in contemporary jurisprudence, especially since these opinions are not at their own pace. Each of them considers that it is the application of the penalty to fulfil the desirability:

- **The first** directs that the question of applying his rule of the penalty shall be determined by the court which sentenced him to the heaviest penalty.

- **Second:** While the authors have gone against the precedent, the substance of this article makes the application of its rule punishable under the jurisdiction of the correctional institution, and the courts have no role in its application. This is confirmed by the judiciary in the legislation, which is the subject of our comparative study through judgements in this regard. "The imposition of sentences is to be prosecuted, which is to be vested with the authority to enforce sentences and nothing to do with the courts.

Third Rayon: The authors of this rayon went in a direction quite different from that held by previous opinions regarding the need to appoint a judge within the correctional institution called the Enforcement Judge.

Examine the judgement of the Court of Cassation, Appeal No. 38273 of his age 74 4/12/2010 hearing.

prone by reviewing the most important findings and recommendations of the research.

First: The results of the study: Through our tagged study, the researcher has reached a set of results that can be summarized in the following points:

1- The study explained that criminal jurisprudence did not agree on a uniform definition of the situation of multiple offences but rather dealt with that case in the course of our examination, all of which revolved around a single meaning, as the study also showed, the position of criminal legislation in its different similarities that the situation of multiple offences and penalties "A defendant commits more than one act of wrongdoing, whether the act takes place on one sex or the other, in a single unit of time or differently before one of them is decided by a criminal judgement.

2- The study showed that multiple crimes and penalties must be achieved to confront this exciting criminal situation. The first is to investigate the perpetrator alone. The second is the multiplicity of acts that the Criminal Code establishes as criminal offences. The third, as well as the previous two, is the requirement that one of the offenders' offences should not be sentenced.

3- The study showed us that the situation of multiple crimes and penalties has more than one image or appearance that stands out to us in our criminal reality. The first of these images is called the mock or moral multiplicity of crimes, and the second is the actual or physical multiplicity of crimes, each of which has to be established in procedural reality.

4- The study revealed that the situation of multiple crimes and penalties can be similar in one form or another to other criminal cases, especially since the highlighting of the commonalities and multiple differences between the situation of multiple crimes and those other cases shows us the nature of that situation and reveals its exact details.

5- The study explained to us that our Iraqi legislature and the criminal legislation under our comparative study have adopted an agreed criminal policy on the punitive penalty for multiple offences, in particular, the statement of punitive punishment for multiple offences by choosing the punitive provision that imposes the most severe punishment, which applies to the punitive penalty for the real multiple offences of one purpose and related to each other offences ", while the punitive penalty for multiple offences is for separate purposes and not related to each other, each offence shall have its separate punishment, all of which shall be punishable by succession.

6- The study showed us that the rule of multiple penalties is not absolute but has been restricted to reduce its impact. Any rule of multiple penalties is similar to multiple offences by imposing restrictions provided for in our Iraqi legislation and the criminal legislation under our comparative study. Penalties ", taking into account that these restrictions are not expanded, whether in terms of the obligation to maximize the duration of multiple penalties or the imposition of a penalty.

Second: Recommendations: After highlighting the study's, it is time to outline the most important recommendations recommended by the researcher. We hope to find a listening ear by the Iraqi legislator and comparative criminal legislation. These recommendations can be summarized as follows:

1- The researcher recommends that the criminal legislation under consideration should standardize an exhaustive definition of the situation of multiple offences, which we have reached: "The accused commits more than one act of wrongdoing, whether it occurs on one sex or the other, in a single or differentiated time before one of them is decided by a criminal judgement."
2- The researcher supports the plan of criminal legislation under our comparative study, which agreed on a number of conditions to be met to be in front of a situation of multiple offences. The first is to investigate the perpetrator alone. The second is to investigate the multiple criminal offences punished by the criminal legislature and prepare offences according to criminal law in both material and personal terms. The third is the absence of a criminal sentence.
3- The choice of the penalty prescribed for the most severe offences for multiple offences with a single and interrelated and indivisible purpose serves as a criterion chosen by the criminal legislation under our comparative study since it effectively aligns it with the magnitude of the criminal gravity, which lies in the perpetrator's person to impose two penalties instead of one because of the perpetrator's intention of multiplicity, even if the crimes committed were interrelated and combined solely for the purpose, as well as to achieve the special deterrence of the perpetrators of multilateralism.
4- The researcher supports the criminal legislation plan under our comparative study to pursue an agreed-upon punitive policy regarding the punitive sanction of multiple offences with separate purposes and unrelated to each other. In this case, the policy is that each offence shall have its independent punishment, which shall be carried out in succession.
5- The researcher recommends that the Iraqi legislature give effect to the text of article 143 (c) and close the legal vacuum created by the silence of Penal Code No. 111 of 1969. The last provision, which relates to the rule of imposition of punishment, is wobbled by applying this restriction.

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