

Scope of the Applicability of Criminal Law to Crimes Committed on Board Ships: A Comparative Study Between International Treaties and National Legislation of Islamic States

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Abstract

The topic of the **scope of applicability of criminal law to crimes committed on board ships** is a significant issue in criminal law. It focuses on examining the extent to which national and international laws address offenses occurring on ships, particularly in international waters. This study aims to conduct a **comparative analysis** between **international treaties** and **national legislation** in Islamic states to clarify the **legal framework** governing such crimes. Ships represent a **unique legal environment** where national and international jurisdictions overlap in a complex manner. With the **growth of maritime traffic and international trade**, the need for a **clear legal framework** defining criminal jurisdiction becomes increasingly important to ensure justice and combat crimes. This study seeks to answer the **key question: To what extent do national criminal laws apply to crimes committed on board ships, and what role do international treaties play in regulating these jurisdictions?** The central focus of this research revolves around: **How can national legislation in Islamic states be reconciled with international treaties in defining the scope of criminal law applicability to crimes committed on ships.** A **descriptive-analytical approach** has been adopted in this study, involving the analysis of **international and national legal texts**, with a particular focus on **Islamic states**. These texts have been compared to identify their **strengths and weaknesses**. Additionally, **legal precedents** and **jurisprudential interpretations** related to the subject have been examined. The study has reached several important conclusions based on an analysis of the national legislation of various Islamic states. The key findings include:

- **Egyptian Legislation:** Based on the **principle of territoriality**, Egyptian law generally applies within the country's borders. However, it grants **limited jurisdiction** to prosecute crimes committed on ships outside **territorial waters** in alignment with **international agreements**, such as the **1982 United Nations Convention on the Law of the Sea (UNCLOS)**.
- **Saudi Legislation:** The Saudi legal system is primarily based on **Islamic Sharia**, which influences the application of **hudud (fixed punishments)** and **qisas (retributive justice)** for crimes committed on ships. However, Saudi law also aligns with **international treaties**, particularly regarding **transnational crimes**.
- **Indonesian Legislation:** Indonesian law is relatively **flexible** in addressing crimes committed on ships, as it follows **international legal principles**, especially in the fight against **piracy and organized maritime crimes**.
- **Iranian Legislation:** Iranian law combines **Islamic Sharia and international law** in defining **criminal jurisdiction**, with a particular emphasis on **crimes affecting national security**.

Keywords: Crimes Committed on Board Ships, Maritime Crimes, Islamic States, International Treaties.

Introduction

The issue of the **scope of applicability of criminal law to crimes committed on board ships** concerns the determination of the **authority responsible for law enforcement and prosecution** in situations where multiple jurisdictions may overlap. This issue is particularly complex due to the **unique nature of ships**, which serve as **floating territories** that may move through the **territorial waters** of different states or operate in **international waters**, raising questions about the **competent judicial authority**.

This situation raises important questions regarding the **principles governing state jurisdiction and the application of national laws** in such cases, as well as how to ensure the **rights of individuals involved in maritime crimes**. **International treaties** and **national legislations**, including those of **Islamic states**, play a crucial role in determining how these issues are addressed. For example, the **1982 United Nations Convention on the Law of the Sea (UNCLOS)** defines the **limits of state jurisdiction** in both **territorial and international waters** and imposes obligations on states to **maintain security and safety at sea**. The **legal challenges** in this matter are **numerous and interwoven**. One major challenge is the **legal plurality** within **Islamic states**. Some countries **fully base their legal systems on Islamic Sharia**, while others **combine Sharia with statutory laws**. This **diversity** leads to **significant variations** in how maritime crimes are addressed from one country to another, especially when these crimes have a **transnational nature**.

Secondly, **contradictions between national legislation and international treaties** present a significant challenge. Many **Islamic states** are parties to international treaties such as the **1982 United Nations Convention on the Law of the Sea (UNCLOS)**, which establishes **clear rules** regarding state jurisdiction in **international waters**. However, some provisions of these treaties may **conflict with national laws** based on **Islamic Sharia**, creating **legal inconsistencies and complexities** in law enforcement.

Thirdly, the **lack of legal uniformity** among **Islamic states** in addressing maritime crimes poses another major issue. While some countries rely **exclusively on their national laws**, others **fully adhere to international treaties**. This **disparity** leads to **jurisdictional conflicts**, particularly in cases involving **ships flying different national flags** or navigating through **the territorial waters of multiple states**.

International treaties, such as the **United Nations Convention on the Law of the Sea (UNCLOS)**, aim to establish a **unified legal framework** for addressing maritime crimes. However, these treaties face **significant challenges** in **Islamic states**, where some of their provisions may **conflict with prevailing cultural and religious values**. For instance, Islamic states may struggle to enforce **provisions related to offenses that are not considered crimes under Islamic Sharia** or those that impose **penalties deemed incompatible with Islamic principles**.

Research Questions

1. How is criminal law applied to crimes committed on board ships, whether national or foreign?
2. What are the different legal frameworks governing this application in terms of jurisdiction and location?

Sub-questions

1. What is the applicable law regarding tort liability in maritime ship collisions?
2. How is criminal law applied territorially to crimes committed on board ships?

Research Hypotheses

The application of **criminal law** to crimes committed on board ships, whether **national or foreign**, is subject to a **complex interaction** between **national laws** and **international treaties** governing maritime crimes. This study hypothesizes that **such application primarily relies on the "law of the flag state"** while considering **exceptions related to the coastal state's sovereignty** or cases where the crime affects **national security**. Additionally, **international treaties** play a crucial role in **harmonizing the legal framework** for these crimes. However, **legislative differences** among states, particularly **Islamic**

states, and the standards set by international agreements may create challenges in achieving a balanced and effective criminal justice system.

Research Objectives

1. **Analyze the international and national legal framework** governing maritime crimes.
2. **Identify legal challenges** faced by Islamic states in applying criminal law to maritime offenses.
3. **Find common ground between Islamic Sharia and international law** regarding jurisdiction over crimes committed on board ships.
4. **Enhance the understanding of maritime laws** in Islamic states.
5. **Propose effective legal solutions** to address inconsistencies and jurisdictional conflicts.

Research Significance

1. **Bridging the legal gap** in Islamic states regarding the prosecution of maritime crimes.
2. **Achieving a balance between Sharia principles and international legal standards.**
3. **Enhancing maritime security** within Islamic states by clarifying legal jurisdiction.
4. **Supporting the unification of maritime legislation** among Islamic countries.
5. **Strengthening international justice and the global legal standing of Islamic states.**

Previous Studies

- Al-Najjar, Mohammed. *Criminal Legislations in Islamic States: A Comparative Study*. Cairo: Dar Al-Fikr Al-Arabi, 2015.

This book presents a **comparative study of criminal legislation** across various **Islamic states**, highlighting their **differences and similarities**. Dr. Al-Najjar examines the **different criminal laws** followed by these states and analyzes their influences from both **Islamic Sharia and international legal standards**. The book explores multiple aspects of **criminal law**, including **offenses and penalties, criminal procedures, and human rights protections**.

The book aims to **understand how criminal legislations are applied** in **Islamic states** and how **religious laws interact with modern civil laws**. It also discusses the **challenges** these states face in **harmonizing their legal systems** with **international obligations**, particularly regarding **human rights and international legal principles**.

Comparison with Our Topic:

Our research, which examines the "**Scope of Criminal Law Jurisdiction over Crimes Committed on Ships**" through a **comparative study of international treaties and national legislations in Islamic states**, differs in several key aspects compared to Dr. Al-Najjar's book:

1. **Focus on Maritime Crimes** – While Dr. Al-Najjar's book covers **general criminal legislation in Islamic states**, our research specializes in **maritime crimes**, a field requiring unique analysis due to the **transnational nature** of these crimes and the **complex legal environment** surrounding them.
2. **Comparative Study with International Treaties** – Our research **compares national legislations with international legal standards**, particularly those outlined in treaties such as the **United Nations Convention on the Law of the Sea (UNCLOS)**. This **international dimension** adds a layer of analysis that was **not a primary focus** in Dr. Al-Najjar's book, which centered on national laws.
3. **Emphasis on Practical Legal Application** – While Dr. Al-Najjar's work provides a **broad theoretical analysis of criminal laws in Islamic states**, our research focuses on the **practical enforcement** of these laws concerning **crimes**

committed on ships. This includes an examination of **law enforcement mechanisms, legal procedures, and the challenges** of ensuring justice in maritime contexts.

4. **Unique Perspective on the Maritime Legal Environment** – Maritime crimes have **distinct characteristics**, such as **overlapping jurisdictions** and the **intersection of national and international laws**. Our study delves deeply into **how these issues are handled** within the **national legislations of Islamic states** in comparison to **international legal standards**.

- **Dr. Roshdi, Mahmoud. Maritime Criminal Law.** Cairo: Al-Nahda Al-Masriya Library, 2008.

This book provides a comprehensive study of maritime criminal law, highlighting the legal and procedural foundations related to crimes committed at sea. Dr. Roshdi explains the rules governing **jurisdiction over maritime crimes**, whether they occur within a country's territorial waters or in international waters. The book analyzes national laws regulating maritime crimes, as well as relevant international agreements, such as the **United Nations Convention on the Law of the Sea (UNCLOS)**.

The book also addresses specific crimes, such as **piracy, maritime smuggling, and human trafficking**, while discussing the **criminal procedures involved in investigation and prosecution**. Dr. Roshdi emphasizes the crucial role of **international cooperation** in prosecuting maritime crimes and ensuring justice, providing case studies and highlighting challenges in enforcing maritime criminal law.

Comparison with Our Research

Our research on "**The Scope of Criminal Law Jurisdiction over Crimes Committed on Ships**" differs from *Maritime Criminal Law* in several ways:

1. **Comparative Analysis of National Legislations:** Our research focuses on comparing **national legislation in Islamic countries** with **international standards**. While Dr. Roshdi's book covers the general aspects of maritime criminal law, our study provides a specialized analysis of **how Islamic law and national regulations interact with international laws**, offering a deeper understanding of legislative differences and challenges.
 2. **Focus on Legal Frameworks for Criminal Penalties:** While Dr. Roshdi's book provides a broad overview of **criminal procedures for maritime crimes**, our research specifically examines the **legal frameworks related to criminal penalties**. We analyze how criminal law applies to crimes committed aboard ships and **highlight the differences between national and international legal approaches**.
 3. **Special Emphasis on Islamic Legislations:** Our research adds an extra dimension by **studying the influence of Islamic law on maritime criminal legislation**. While Dr. Roshdi's book generally focuses on maritime criminal law **without detailed reference to religious laws**, our study offers specific insights into **how Islamic jurisprudence impacts maritime criminal law enforcement**.
 4. **Practical Application and Law Enforcement Procedures:** Our study **closely examines** the implementation of maritime criminal law by analyzing **case studies and enforcement challenges in Islamic countries**. We aim to provide **practical solutions and recommendations** to improve the application of criminal justice in maritime contexts, a practical aspect that may not be explored in detail in Dr. Roshdi's book.
- **Barker, Clement. "Crimes at Sea: Law and Practice." London: Routledge, 2011.** This book explores various aspects of maritime law, with a particular focus on crimes committed at sea and the legal procedures used to combat them. Clement Barker provides a comprehensive analysis of international and national laws related to maritime crimes, such as piracy, smuggling, and human trafficking. The book also examines the practical and legal measures adopted by states and international organizations to combat these crimes, highlighting the legal challenges they face in law enforcement.

Additionally, the book emphasizes **international cooperation** in combating maritime crimes, discussing **significant legal cases** and the legal frameworks governing these operations. Barker addresses **jurisdictional issues**, detailing how **jurisdiction is determined** in international and territorial waters, along with **laws concerning victim protection and fair trials for the accused**.

Comparison with Our Research Topic:

Our study, which focuses on **"The Scope of Criminal Law Jurisdiction over Crimes Committed on Ships"** through a comparative study of international treaties and national legislations in Islamic countries, differs from Barker's *Crimes at Sea: Law and Practice* in several ways:

1. **Focus on Islamic Legislations:** While Barker's book covers various aspects of international maritime law and provides a broad overview of national laws, our research specifically focuses on **criminal legislation in Islamic countries**. We analyze how these laws interact with international legal frameworks and explore the **influence of Islamic law** on the maritime criminal justice system.
2. **Comparative Legal Analysis:** Our research provides a **comprehensive comparative analysis** between **national legislations in Islamic countries** and **international standards**, whereas Barker's book primarily focuses on **the practical application of laws** without emphasizing **cultural and religious differences** in legal systems. This comparative approach offers a deeper understanding of the **challenges and harmonization** between Islamic and international legal frameworks.
3. **Practical Applications and Legal Procedures:** While Barker's book outlines general legal frameworks, our research delves deeper into the **practical application of criminal law** to crimes committed aboard ships. We focus on **specific criminal procedures, enforcement challenges, and jurisdictional complexities** within both **Islamic and international contexts**.
4. **Providing Recommendations and Solutions:** In addition to legal analysis, our research includes **practical recommendations and solutions** to enhance the enforcement of criminal justice in maritime crimes. We aim to propose **measures to improve international cooperation** and help develop **national legislation** in alignment with international standards.

Research Methodology

This study adopts the **descriptive-analytical method** as the primary framework for examining the subject. This approach involves providing a **detailed and comprehensive description** of the **laws, treaties, and legal concepts** related to the applicability of **criminal law to crimes committed on ships**, while also analyzing this information to gain a **deeper understanding** of the various aspects of the issue. The methodology aims to **connect the international legal framework** with the **national legislations** of Islamic countries, identifying **commonalities and discrepancies** between them.

The research data was collected using the **library-based research method**, relying on a diverse range of **legal books, scholarly articles, and academic theses**. These sources include **studies on maritime law, national legislations of Islamic countries, and international treaties**, such as the **1982 United Nations Convention on the Law of the Sea (UNCLOS)**. These sources were thoroughly analyzed to present **legal texts** and understand the **rules governing crimes committed on ships**, with a particular focus on **aligning these rules with Islamic law provisions**.

Research Structure

The **first chapter** of this study forms the **theoretical foundation** of the issue at hand, addressing the **fundamental legal concepts** related to **ships, maritime crimes, and international treaties** that regulate these matters. The **first section** focuses on providing a **precise legal definition** of a **ship**, along with a **detailed explanation** of its **legal characteristics**, which establish it as an **independent entity** within the **international legal framework**.

The **second section** examines **maritime collisions** from multiple perspectives, categorizing maritime incidents based on their different types, such as collisions caused by **human error** or **unforeseen natural circumstances**. This section discusses the **conditions under which a maritime collision is considered a legally significant event**, requiring the application of **specific laws and regulations** to address its consequences. It also highlights the **legal responsibilities** of the involved parties, analyzing how **national and international laws** handle such cases.

Chapter Two

Explores the role of **international treaties** in regulating **legal liability** for maritime collisions. It analyzes how **harmonization** between **domestic laws** and **international treaties** helps standardize legal rules and **prevent conflicts** between different legal frameworks. This chapter examines **key international treaties** governing maritime issues, such as the **United Nations Convention on the Law of the Sea (UNCLOS)** and presents **case studies** illustrating the **challenges** that may arise in the practical application of these laws.

First section

First Requirement: Crimes Committed on Ships

Crimes committed on ships are among the most significant legal challenges facing national and international criminal justice systems due to the unique nature of ships as mobile units operating in maritime environments with distinctive characteristics. Ships are not merely meaning of transportation; they also serve as hubs for human gatherings and trade, potentially becoming venues for crimes of a criminal, economic, or even political nature.

Criminal offenses on ships include acts of violence such as murder or physical assault, which may arise from conflicts between crew members or passengers. The confined nature of the space, along with psychological and environmental conditions, can contribute to escalating tensions, increasing the likelihood of such incidents occurring¹. However, economic crimes that put states' economic and security systems in jeopardy include trafficking in illegal goods like drugs and weapons and smuggling customs. International trade has increased, making ships a prime target for criminal networks that use them to smuggle illegal goods or people, creating complicated cross-border legal problems. Maritime piracy jeopardizes ships and their occupants while also upsetting the stability of international trade, especially in vital maritime routes². National legislations often rely on the principle of the ship's flag state, meaning that a ship is considered part of the territory of the country whose flag it flies. As a result, the laws of that country apply to crimes committed on board, regardless of the ship's location. However, crimes of an international nature, such as piracy and human trafficking, are regulated under international treaties and agreements, such as the United Nations Convention on the Law of the Sea (UNCLOS). This convention provides a legal framework for international cooperation in addressing these crimes.

Despite this legal framework, there are a number of practical implementation issues. The overlap of jurisdictions between states is one of the biggest problems, especially when crimes are committed in international waters or aboard ships that are flying different flags. Furthermore, obtaining justice is hampered by national legislative differences, particularly in Islamic nations where legal systems combine statutory and Islamic Sharia law. This frequently results in differences in how crimes and the punishments associated with them are interpreted³.

Modern laws rely on legislators to explicitly define the territorial waters of a state within legal texts. For example, the Iraqi legislator determined the territorial waters of the Republic of Iraq in Article 2 of Law No. 71 of 1958, setting the limit at twelve nautical miles seaward, measured from the lowest tide mark along the Iraqi coast. The law states: *"The Iraqi territorial sea extends twelve nautical miles seaward, measured from the lowest tide mark along the Iraqi coast."* This section of the sea is considered an extension of the state's territory and falls under its sovereignty. Consequently, crimes committed within this area are subject to the laws of that state. The principle of territoriality refers to the application of criminal law to all offenses committed within the state's territory, regardless of the nationality of the perpetrator. This is explicitly stated in Chapter 10 of the Moroccan Penal Code: *"The Moroccan Penal Code applies to all individuals within the territory of the Kingdom, including nationals, foreigners, and stateless persons."* This provision means that the criminal law applies universally within the country. It applies to Moroccan nationals, whether they hold original or acquired citizenship, as referred to in the law as "nationals." It also applies to individuals holding foreign citizenship, whether they reside permanently, temporarily, or are merely passing

¹ Saeed, Mohammed, 2004. *Studies in the Jurisprudence of Criminal Law*, D.M., Dar Al-Thaqafa for Publishing and Distribution, p. 33.

² Hassan, Jokhdar, 1993. *Explanation of the Jordanian Code of Criminal Procedure*, Amman, no publisher, p. 123.

³ Ahmed Saad Mohammed, Rashid, 2000, *The Concise Guide to the Crime Scene and Physical Evidence*, Cairo, Dar Al-Nahda Al-Arabiya, p. 54.

through, such as tourists, as referred to in the law as “foreigners.” Additionally, the law applies to individuals without any national affiliation, as explicitly stated as “stateless persons.”¹

The principle of territoriality of laws is applied absolutely to all individuals residing within the territorial boundaries of a state, regardless of whether they are citizens or foreigners. Given the significance of this principle, various countries have incorporated it into their criminal legislation. For instance, the Moroccan Penal Code explicitly states this in Chapter 10: *“Moroccan criminal legislation applies to all individuals within the territory of the Kingdom, including nationals, foreigners, and stateless persons, subject to the exceptions established in domestic public law and international law.”*² This provision is explicitly affirmed in Article 11 of the Moroccan Penal Code, which states: *“The territory of the Kingdom includes Moroccan ships and aircraft wherever they may be, except in cases where they are subject to foreign legislation under international law.”*³ Limiting a state's authority, according to the principle of territoriality, to crimes committed within its borders could lead to some criminals escaping punishment. Therefore, states have not restricted their sovereignty solely to their actual territory but have extended their jurisdiction beyond it. One manifestation of this expansion is the notion that a state's territory extends beyond its physical boundaries, applying to ships flying its flag and aircraft bearing its nationality. As a result, these are considered as a de facto, symbolic, or notional extension of the state's territory⁴. The maritime territory also includes commercial and military ships, as well as the naval fleet, which is considered part of the state that owns it and whose flag it carries⁵. The sovereignty of a state also extends to the seabed of its territorial sea. This was affirmed by the 1958 Convention on the Territorial Sea and the Contiguous Zone, which stated in Article 2 that “the sovereignty of the coastal state extends to the seabed and subsoil of the territorial sea.” However, international custom has established the recognition of a state's full sovereignty over the airspace above its land and maritime territory. The 1919 Paris Convention on Air Navigation confirmed this customary principle, stating in its first article that “every state has complete sovereignty over the airspace above its land territory, as well as the airspace above its territorial sea, extending indefinitely in height.”

Ships and aircraft are considered extensions of the territory of the state whose nationality they bear, whether the ship is in the state's territorial sea or on the high seas, or whether the aircraft is in the state's airspace or the airspace above the high seas. This principle is also affirmed by Moroccan legislation in Article 11 of the Penal Code, which states: *“The territory of the Kingdom includes ships and aircraft wherever they may be, except in cases where they are subject to foreign legislation under international law.”*

The Moroccan legislator, when regulating the rules of jurisdiction for Moroccan criminal courts in Articles 704, 705, and 706 of the Code of Criminal Procedure, affirmed the jurisdiction of these courts over all crimes committed within the territory of the Kingdom of Morocco, regardless of the nationality of the perpetrator, even if some elements of the crime occurred in a foreign country. This jurisdiction was also extended to acts of complicity, even if committed abroad and even if the perpetrator is a foreigner. Moreover, since evidence, including material proof and witnesses, may be located at the crime scene, assigning territorial jurisdiction to courts within the relevant geographical area aligns with the proper administration of justice⁶. Article 11 of the Penal Code extends jurisdiction as follows: *“The territory of the Kingdom includes Moroccan ships and aircraft wherever they may be, except in cases where they are subject to foreign legislation under international law.”* The principle is that when a crime occurs on a ship at sea or on an aircraft in flight, there is generally no difficulty in applying what is commonly referred to as the law of the flag, meaning the law of the state whose flag the ship or aircraft carries. However, if the crime is committed while the ship is docked in a foreign port or the aircraft is stationed at a foreign airport, a conflict may arise between Moroccan law and the law of the country where the crime took place.⁷

¹ Mohammed Al-Arousi, 2011, *The Abridged Explanation of Criminal Law*, D.N., p. 143.

² **Abdel Fattah, Khidr**, 1985, *Crime: Its General Provisions in Contemporary Trends and Islamic Jurisprudence*, Riyadh, Public Administration Institute Press, p. 41.

³ **Mohammed Ghanam, Ghanam**, 2011, *General Principles in the Federal Criminal Procedure Law*, College of Graduate Studies and Research, University of Sharjah, p. 102.

⁴ **Hassan Sadiq, Al-Marsafawi**, 1974, *Criminal Liability in Arab Legislations*, Cairo, Dar Al-Nahda Al-Arabiya, p. 57.

⁵ **Abdul Sattar, Al-Bazarkan**, 2004, *Explanation of the Penal Code: General Section Between Legislation, Jurisprudence, and Judiciary*, First Edition, No Printing Location, p. 100.

⁶ Ahmed, Younis, 1984, *Judicial Organization in Criminal Law*, Arab Journal of Social Defense, Issue 17, p. 16.

⁷ Abdul Karim, Maaziz, 2014, *Elements of Crime in Law*, Journal of Humanities and Social Sciences, p. 29.

Marine Collision of Ships

Marine collision of ships is one of the most significant maritime incidents with complex legal dimensions, as it directly impacts the involved parties and the maritime legal system. In the legal framework, the causes of marine collisions vary between human factors, such as negligence or lack of professional competence of the ship's crew; technical factors related to the maintenance of ships and their equipment; and natural factors, such as storms and fog. These causes directly affect the determination of legal liability for each party. For example, if the collision is due to human error, the entity responsible for the vessel bears the legal consequences. However, if the collision is caused by force majeure, such as unforeseen weather conditions, the involved parties may be exempt from liability¹. When a collision occurs in international waters, international standards apply, such as those outlined in the 1982 United Nations Convention on the Law of the Sea. This convention obligates states to cooperate in ensuring a fair investigation of maritime accidents and determining liabilities. The convention highlights the importance of the flag state principle, where a vessel is subject to the laws of the state whose flag it flies unless the collision has affected another state's interests or occurred within its territorial waters². Despite the existence of a legal framework regulating maritime collisions, practical challenges remain. These challenges include issues such as slow legal procedures, variations in national laws between countries, and the difficulty of achieving consensus among disputing parties. For example, in Islamic countries, the application of maritime laws may be influenced by Sharia principles, adding an additional layer of complexity to disputes related to collisions.³ It is well known that one of the consequences of the principle of territoriality in criminal law is that a state's law does not apply to crimes committed outside its territory. However, this can sometimes lead to unacceptable results, necessitating legislative intervention to prevent such outcomes through exceptions to the general principle. Legislators have recognized that certain crimes may affect the sovereignty and existence of the state, threaten its security, or harm its financial reputation—matters closely tied to its political or financial sovereignty. As a result, the state gains jurisdiction over these crimes, a principle known as the **exception based on objective jurisdiction (territorial exception)**⁴. The legislator also found that strictly adhering to the principle of the territoriality of criminal law could lead to criminals escaping justice and avoiding punishment by fleeing from the territory of the state where the crime was committed to the territory of another state before legal proceedings are initiated or before the sentence is executed. This concern, driven by the necessity of international cooperation in combating crime, led to the establishment of the **extradition system**⁵. This could allow criminals to escape punishment if they flee from the country where they committed the crime to their home country. This issue prompted the legislator to create an exception to the principle of territoriality by subjecting individuals who commit crimes abroad to the jurisdiction of their own country's legal system. This applies if they return to their home country before being sentenced for that crime or before the sentence is executed. This means that the law provides an exception regarding the state's jurisdiction over crimes committed by its nationals abroad and its right to prosecute and punish them, referred to as **"personal jurisdiction."** Additionally, the legislator recognized that certain crimes have taken on an international dimension of danger, necessitating global cooperation in combating them. This led to the inclusion of legal provisions that, as an exception to the principle of territoriality, allow a state to assert jurisdiction over specific crimes, even if they were committed in the territory of another state. This means that the law grants an exception by allowing the prosecution of certain designated crimes, as long as the perpetrator is apprehended within the territory of the state (the state of the law), regardless of where the crime was committed.

The Second requirement: The Concept of International Treaties

In the maritime context, international treaties serve as a vital tool for regulating navigation and resolving disputes that may arise from maritime crimes and incidents. One of the most significant treaties in this regard is the **1982 United Nations Convention on the Law of the Sea (UNCLOS)**, which is considered the most comprehensive legal framework for governing maritime activities. This convention clearly defines the **rights and obligations** of states in **territorial and international waters** and regulates issues such as **combating maritime piracy, marine pollution, and cooperation in maritime disaster situations**. International treaties also provide **mechanisms for resolving disputes** between states, relying on the principle of

¹ Mahmoud Naguib, Hosni, 1988, *Explanation of the Code of Criminal Procedure*, 2nd Edition, Cairo, Dar Al-Nahda Al-Arabiya, p. 143.

² Ishaq Ibrahim, Mansour, 1974, *Exercise of Authority and Its Effects in Criminal Law*, Dar Al-Raed Printing, p. 112.

³ Abdul Amir, Al-Aqili, 2009, *Explanation of the Code of Criminal Procedures*, Baghdad, Al-Sanhouri Library, p. 79.

⁴ Mahmoud Taha, Jalal, 2005, *Fundamentals of Criminalization and Punishment in Contemporary Criminal Policy*, Cairo, Dar Al-Nahda Al-Arabiya, p. 44.

⁵ Omar Al-Saeed, Ramadan, 1993, *Principles of Criminal Procedure Law*, Vol. 1, Egypt, Cairo University Press, p. 150.

equal sovereignty among parties and obligating them to settle disputes through **peaceful means**. For example, in cases of **crimes committed on board ships or maritime collisions**, international treaties establish the applicable rules for ships, whether they are in the **territorial waters of a state** or **international waters**. These regulations enhance **international cooperation**, ensuring that offenders do not escape justice while strengthening the **safety and security of maritime navigation**.¹

In many countries, treaties (and even customary international law in some cases) automatically become part of national law without the need for specific legislation to "implement" those treaties. This is especially true in countries whose civil law systems are inspired by **French legal traditions**, as seen in **French-speaking African nations and Egypt**, for example. Thus, if traditional or customary **international law** establishes **universal jurisdiction**, the courts of these countries must have sufficient legal grounds to initiate legal proceedings. Similarly, many **Latin American and European countries** have laws that generally refer to ratified treaties. For instance, **Panama's Penal Code** explicitly provides for²: Regardless of the law of the place where the act was committed and regardless of the nationality of the accused, **Panama's criminal law applies** to anyone who commits a punishable act as stipulated in international treaties ratified by the Republic of Panama." Thus, in principle, a person who commits **torture abroad** can be prosecuted in **Panama** based on the **Convention Against Torture**. This approach is also followed in **Austria, Bolivia, Brazil, Costa Rica, Cyprus, the Czech Republic, Denmark, Ecuador, El Salvador, Ethiopia, France, Georgia, Germany, Guatemala, Honduras, Paraguay, Peru, Russia, Spain, Sri Lanka, Switzerland, Uruguay, and other countries**.³

Many countries grant their courts the authority to prosecute individuals who commit crimes abroad against their citizens (a principle known as "*passive nationality jurisdiction*" or "*negative personality jurisdiction*"). In such cases, it is usually required that the act in question be considered a crime in both the country where it occurred and the prosecuting country and that the perpetrator has not already been punished for it.

Section Two: Types and Conditions of Maritime Collision of Ships

Maritime collisions involving ships are among the most legally complex issues in maritime law. Some collisions result from force majeure, such as severe weather conditions or natural disasters that make the collision unavoidable. In such cases, affected parties may be exempt from liability if they can prove that the incident was beyond human control and that no preventive measures could have been taken to avoid it. This type of incident raises legal debates about whether force majeure justifies full exemption from liability or merely reduces it. The conditions that render a maritime collision legally significant begin with physical contact between the hulls of the involved ships, whether the contact is minor or severe. The presence of actual contact distinguishes a collision from other maritime incidents. If the collision takes place within a state's territorial waters, that state's laws apply. However, if it occurs in international waters, international treaties, such as the 1982 United Nations Convention on the Law of the Sea, serve as the primary legal reference⁴. Another condition is the determination of fault or negligence by one or more parties. Negligence or failure to comply with navigation rules is among the main reasons that hold the responsible parties legally accountable. Additionally, there must be a causal relationship between the committed error and the collision, proving that the incident would not have occurred without that fault or negligence.⁵

International cooperation is a crucial element in combating maritime crimes and enforcing criminal law in international waters. Maritime crimes such as piracy, smuggling, and human trafficking pose challenges that require joint efforts from states and international organizations. Through international agreements such as the United Nations Convention on the Law of the Sea (UNCLOS) and mutual legal assistance treaties, countries work to strengthen cooperation and coordinate efforts to effectively

¹ **Mahmoud Othman Al-Bushra**, 1979, *Criminal Responsibility for the Act of Others*, PhD Thesis, **Cairo University**, p. 150.

² **Mohammed Ali Al-Keek**, 1989, *Fundamentals of Reasoning in Criminal Judgments*, **Alexandria**, Al-Ishaa Printing Press, p. 34.

³ Omar, Salem. (2003). *Criminal Liability of Individuals According to the Penal Code*. Alexandria: Dar Al-Nahda Al-Arabiya, p. 137.

⁴ **Sharif, Mohammed Hassan**. (2002). *The General Theory of Criminal Evidence*. Cairo: Dar Al-Nahda Al-Arabiya, p. 103.

⁵ **Walid Saydina Walid Brou, Al-Hadrami**. (2007). *Crime Scene: Collection and Preservation of Evidence*. Riyadh: No Publisher, p. 54.

combat these crimes¹. Countries also cooperate through international organizations such as the International Maritime Organization (IMO) and the International Criminal Police Organization (Interpol) to enhance legal capacities and coordinate investigations and prosecutions. International cooperation includes information and intelligence sharing, coordination of maritime patrols, and mutual legal assistance in investigations and prosecutions². The application of criminal law in terms of location is one of the fundamental pillars that reinforce state sovereignty and enable it to protect order and security within and beyond its borders.

The concept of the application of criminal law in terms of location is one of the fundamental principles that define the scope of criminal laws based on the place where a crime is committed. This concept reflects how criminal laws are structured to cover crimes occurring in various locations, including national territories and international waters, and encompasses several key principles and legal practices. All crimes committed on board a ship is subject to the law of the ship's nationality, meaning the flag of the state the ship is flying while in the high seas³. The Brussels Convention of May 10, 1902, addressed the principle of the flag state. Article 1 of the convention stipulates that in the event of a collision or any other navigational incident involving a sea-going vessel that may result in criminal or disciplinary liability for the captain or any other person serving on the ship, no proceedings may be initiated except before the judicial or administrative authorities of the state whose flag the vessel was flying at the time of the collision or navigational incident⁴. Article 97 of the **United Nations Convention on the Law of the Sea (UNCLOS) (1982)** reaffirmed this principle, stating that in the event of a collision or any other navigational incident involving a ship on the high seas that results in criminal or disciplinary liability for the captain or any other crew member, no criminal or disciplinary proceedings may be initiated against that person except before the **judicial or administrative authorities of the flag State or the State of which the person is a national**.

Warships on the high seas enjoy complete immunity from the jurisdiction of any state other than the flag State, in accordance with Article 95 of the United Nations Convention on the Law of the Sea. Regarding the presence of warships in territorial waters, the right of warships to innocent passage without prior authorization or notification has been a subject of debate. Some deny this right, while others argue that warships should be allowed passage if it is necessary for international navigation. The 1982 United Nations Convention on the Law of the Sea did not definitively resolve this dispute; however, the interpretation of its provisions suggests recognition of the right of innocent passage for warships through territorial seas, provided that the passage is continuous and expeditious (Article 18 of the Convention).⁵

All national vessels are generally subject to the provisions of the Federal Penal Code (Article 18), except in certain exempted cases:

- If the effects of the crime extend to the state.
- If the crime, by its nature, affects state security, disturbs public peace, or violates public morals or good order in its ports or territorial waters.
- If the ship's captain or the consul of the flag state requests assistance from local authorities.
- If the perpetrator or the victim is a citizen of the state.
- If the vessel is carrying materials or items that are internationally prohibited for trade, possession, or circulation.⁶

¹ **Mohammed Ali, Al-Keek.** (1989). *The Fundamentals of Reasoning in Criminal Judgments*. Alexandria: Al-Ishaa Press, p. 56.

² **Al-Faqi, Ibrahim.** (2013). *International Cooperation in Combating Maritime Crimes*. Amman: Dar Wael Publishing, pp. 125-128.

³ **Mohammed Shalal Habib, Alani.** (2012). *General Provisions in the UAE Federal Penal Code*. Sharjah: University Library, p. 177.

⁴ Abdel Raouf, Al-Mahdi, 2009, *Explanation of the General Rules in Criminal Law*, Cairo, Bar Association in Giza, p. 119.

⁵ Maher Abdul, Shweish, 1988, *General Provisions in Iraqi Criminal Law*, University of Mosul, Faculty of Law, p. 68.

⁶ Haleem, Al-Zuhairi, 2013, *The Legal Basis of Criminal Responsibility*, Iraq, Al-Mutanabbi Legal Publications, p. 117.

The first requirement: Liability arising from ship collision

Liability in maritime collisions is generally divided into two main types: tort liability and contractual liability. Tort liability arises from any fault or negligence that leads to a collision, where the responsible party bears compensation for damages caused to ships, cargo, or affected individuals. Liability is determined based on the degree of negligence or fault that caused the incident, and parties are exempted from liability if the collision was due to force majeure or unavoidable circumstances. In a contractual context, a ship or its owners may be held liable for damages resulting from a collision if there are contractual obligations governing the relationship between the parties. For example, if a marine insurance contract covers damages caused by a collision, the insurance company assumes part of the financial liability¹.

National and international laws establish clear frameworks for addressing liability arising from maritime collisions. At the national level, countries apply their laws that regulate liability within their territorial waters. On the international level, conventions such as the 1910 Brussels Convention for the Unification of Certain Rules of Law of Collisions at Sea serve as a foundation for determining liability among parties. This convention states that compensation for damages is allocated based on each party's degree of fault in causing the collision. However, determining liability in maritime collisions can present legal challenges when incidents occur in international waters or involve ships from different countries. In such cases, principles of international law—such as the flag state principle—or bilateral agreements between nations are used to establish jurisdiction and applicable law. International conventions also facilitate the application of the nationality principle through cooperation between states in areas such as extradition, information exchange, and mutual legal assistance.

The second requirement: Conditions of Maritime Collision

One of the fundamental conditions for a maritime collision is the occurrence of a **physical collision** between two or more ships. This collision may take place while the ships are in motion, whether all are sailing, or one is stationary. The key requirement here is that the collision must be **physical and tangible**, meaning there must be **direct contact** between the hulls of the involved ships, regardless of the extent of the resulting damage.

The **second condition** relates to the presence of **fault or negligence** by one or more of the involved parties. Fault may be **human-related**, such as misjudging the navigation course or failing to comply with international maritime rules, or it may be **technical**, resulting from malfunctions in navigation systems or engines. In this context, identifying fault and negligence is crucial for **determining liability**, where the party responsible for the accident due to their fault or negligence bears the greater share of responsibility.

The **third condition** is that the incident must have occurred within a **legal framework subject to maritime regulations**. If the collision occurs **within territorial waters**, national laws apply. However, if it takes place **in international waters**, international rules and treaties, such as the **United Nations Convention on the Law of the Sea (UNCLOS)**, apply. This condition underscores the importance of **determining the geographical location** of the collision and its impact on the applicable legal framework.²

Maritime collision conditions are not only a **legal tool** for determining liability but also a **mechanism for regulating maritime navigation and ensuring safety**. Compliance with these conditions contributes to **justice** and reduces **legal disputes** between affected parties, particularly in cases with **international dimensions** where national laws intersect with international treaties. Strengthening adherence to maritime rules and standards is essential for ensuring a **safe and stable maritime environment** for all parties³. In this context, **the principle of universality** is one of the key legal doctrines that allows a state to **apply its criminal laws to offenses regardless of where they occur, the nationality of the offender, or the victim**. This principle reflects the **international community's commitment** to combating crimes that threaten **global peace and security**. The universality principle aims to **prevent impunity** and ensure that serious crimes are met with **deterrent penalties** anywhere in the world.

¹ Mohammed, Al-Fadil, 2000, *The Concise Guide to the Principles of Criminal Trials*, Damascus, University of Damascus Press, p. 48.

² Mohammed Mohiuddin, Awad, 2000, *Sudanese Criminal Procedure Law*, Sudan, Al-Matba'a Al-Alamiya, p. 52.

³ Ahmed, Fathi Sorour, 1977, *Legitimacy and Criminal Procedures*, Cairo, Dar Al-Nahda Al-Arabiya, p. 61.

Section three: The Applicable Law on Tort Liability in Maritime Collisions

The first requirement: Subjecting Tort Liability to Local Law

Local law is considered the primary reference for regulating liability when maritime accidents occur within a state's territorial waters. The application of local law is based on the principle of national sovereignty, which grants the state exclusive authority to regulate maritime incidents within its jurisdiction. This includes determining liability, allocating damages, and establishing compensation for affected parties. For instance, if a maritime collision occurs within a particular state's territorial waters, national laws are applied to determine the responsible party based on the principles of tort liability outlined in local legislation. However, disputes may arise regarding the application of local law in cases where incidents extend beyond national borders, such as those involving foreign vessels or occurring in international waters. In such situations, local laws may intersect with international legal frameworks, leading to legal challenges in determining jurisdiction and the applicable law. International agreements, such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), provide a framework for determining jurisdiction in such cases, though they do not entirely override the role of local law¹.

Subjecting tort liability to local law faces additional challenges in Islamic countries, where laws derived from Islamic Sharia may intersect with statutory laws in addressing maritime accidents. This overlap can lead to varying interpretations of liability and compensation, especially in cases involving foreign parties. Despite these challenges, local law remains a fundamental tool for regulating tort liability in maritime incidents. Enhancing cooperation between nations and developing national legislation in line with international standards can help achieve a balance between national sovereignty and international obligations, thereby improving the effectiveness of the maritime legal system in handling tort liabilities.

The issue of setting standards for territorial waters remained a subject of dispute for a long time. Initially, it was determined based on the "line of sight" principle, as stated in the treaty between Algeria and England in 1602. Another perspective later emerged in 1703, defining territorial waters based on the maximum range of a shore-mounted cannon, which was approximately three nautical miles or 5.5 kilometers, reflecting a state's ability to defend itself at the time². One view defines the territorial sea as **three nautical miles**, while another sets it at **100 nautical miles**. However, the prevailing opinion is that the extent of the territorial sea is **12 nautical miles**, based on the **United Nations Convention on the Law of the Sea (UNCLOS)**, also known as the **Jamaica Convention**, which was signed on **December 10, 1982**, and entered into force in **1994**. The convention consists of **320 articles and six annexes**, providing a comprehensive codification of the law of the sea. It resolved many disputes among states regarding territorial sea regulations, particularly those concerning the **nature of each state's rights over its territory, the definition of territorial sea boundaries, and its extent**.³

The **territorial sea** has been considered part of the **coastal state's territory**, covered by water. **Article 2** of the **United Nations Convention on the Law of the Sea (UNCLOS)** states:

(a) The sovereignty of a coastal state extends beyond its **land territory and internal waters**, or **archipelagic waters** in the case of an **archipelagic state**, to an adjacent maritime zone known as the **territorial sea**.

(b) This **sovereignty extends to the airspace above the territorial sea, as well as to its seabed and subsoil**.

(c) The sovereignty over the territorial sea is exercised **subject to the provisions of this convention and other rules of international law**.

As for the **starting point of territorial waters**, it was defined in the **1958 Convention on the Territorial Sea**, which states⁴: "The natural baseline used to measure the breadth of the territorial sea is the low-water line along the coast, as indicated on official charts. If an island is located off the coast at a distance not exceeding the breadth of the territorial sea, it shall be considered as part of the territorial sea."

¹ Amin Mustafa, Mohamed, 1995, *The Science of Criminal Punishment: Between Theory and Application*, Alexandria, Egypt, Dar Al-Jami'a Al-Jadida Publishing, p. 118.

² Hassan, Jokhdar, 1993, *Explanation of the Jordanian Code of Criminal Procedure*, Amman, no publisher, p. 128.

³ Mohammed Ali, Al-Zamili, 2004, *General Criminal Law*, Iraq, Al-Mutannabi Library for Publishing and Distribution, p. 32.

⁴ Omar Al-Saeed, Ramadan, 1993, *Principles of Criminal Procedure Law*, Vol. 1, Egypt, Cairo University Press, p. 158.

The **territorial sea** is the maritime belt that extends from the **baseline** (usually the coastline) to a specific distance determined by international laws, typically **12 nautical miles**. This zone is considered part of the **coastal state's territory**, where it exercises full **sovereignty**, including **criminal jurisdiction**¹. The **baseline** is usually determined along the coast at the **lowest tide level**. From this baseline, the **territorial sea** is measured. According to the **1982 United Nations Convention on the Law of the Sea (UNCLOS)**, a state's **territorial waters extend up to 12 nautical miles** from the baseline. However, **exceptions or bilateral agreements** may modify this distance in certain cases.

The state exercises **full sovereignty** over its **territorial sea**, meaning that all **national laws**, including **criminal laws**, apply within this zone. This sovereignty also extends to **the airspace above the territorial sea, the seabed, and the subsoil**.

The second requirement: The Impact of National Laws on the Principle of Applying Local Law

The principle of applying local law faces significant challenges when dealing with incidents of an international nature. Maritime collisions involving ships flying flags of different countries can lead to overlapping legal jurisdictions, complicating the process of determining the applicable law. In such cases, national laws serve as the starting point for determining liabilities, but final resolutions often require cooperation with other legal systems or reliance on international treaties.

National laws in Islamic countries add a unique dimension to this principle, as some nations derive their legal frameworks from Islamic Sharia law, while others incorporate a combination of Sharia and secular laws. This overlap can influence how local law is applied, particularly when a maritime incident has an international aspect and involves parties from countries with differing legal systems. Countries that ratify international agreements, such as the United Nations Convention on the Law of the Sea (UNCLOS), commit to applying these treaties' provisions in international incidents. However, national laws determine how these treaties are integrated into the domestic legal framework, potentially leading to variations in practical application among different countries².

International organizations such as the International Maritime Organization (IMO) play a crucial role in facilitating cooperation among states to combat maritime crimes and ensure the fair and effective application of laws. National commercial vessels operating within the territorial sea are subject to the criminal laws of the coastal state. This includes crimes related to smuggling, human trafficking, and environmental offenses. Challenges may arise in enforcing criminal jurisdiction over crimes committed on board international commercial vessels passing through the territorial sea. In such cases, international laws and bilateral treaties are relied upon to resolve disputes and uphold justice.

The third requirement: Application of Domestic Law considering International Treaties

National laws are usually applied to maritime incidents that occur within a state's territorial waters. International treaties, such as the 1982 United Nations Convention on the Law of the Sea (UNCLOS), provide a general legal framework for regulating the relationship between national and international laws. This convention clearly defines the rights and obligations of states, particularly concerning territorial waters, the exclusive economic zone, and international waters, while ensuring respect for state sovereignty over its territory³. The interaction between national laws and international treaties is not without challenges. Among the most prominent of these challenges are weak coordination between national legal systems, a lack of expertise in applying international laws, and delays in incorporating treaties into domestic legal frameworks.

In countries that follow a direct application approach, treaty provisions become part of national law immediately upon ratification, making them directly enforceable in courts. On the other hand, in countries requiring legislative incorporation, treaty provisions must be converted into national laws before they become binding and enforceable. This difference impacts the effectiveness of treaty implementation in practical cases, particularly in maritime matters that require an immediate legal response⁴. In cases involving maritime collisions or crimes committed on board ships, the applicability of a treaty is determined by several factors, including the location of the incident, the flag of the vessel, and the nationality of the parties involved. For example, if a collision occurs in international waters between ships flying the flags of different states,

¹ Mostafa, Al-Saifi, 2008, *Penal Code: General Theory*, Alexandria, Dar Al-Huda for Publications, p. 129.

² Abdul Fattah, Al-Saifi, 1990, "General Provisions of the Criminal System," Saudi Arabia, King Saud University Press, p.86.

³ Ben Sheikh, Hussein. (2014). *Lessons in General Criminal Law*. Algeria: Houma Publishing, Printing, and Distribution House, p. 125.

⁴ Alia, Samir, 2002, *Explanation of the Penal Code, General Section*, Beirut, Majd University Institution for Studies, p. 20.

international treaties such as the United Nations Convention on the Law of the Sea (UNCLOS) apply to determine liabilities and resolve disputes. Conversely, if the incident occurs within a state's territorial waters, national laws apply unless the treaty specifies otherwise¹. International agreements, such as the United Nations Convention on the Law of the Sea (UNCLOS), regulate relations between states concerning criminal jurisdiction. These agreements establish mechanisms for extradition and the exchange of information between the judicial authorities of the relevant states.

One of the major challenges lies in the fundamental differences between national legislations and the international standards outlined in treaties. National laws are often based on specific legal traditions or religious systems, as is the case in many Islamic countries where laws are derived from Sharia. In contrast, international treaties rely on general principles that reflect the secular nature of the international legal system, which can create difficulties in reconciling the two frameworks.

Conclusion

Maritime crimes pose a significant challenge to states and the international community due to their complex nature and the involvement of multiple parties. By strengthening international cooperation, developing national legislation, and enhancing the capabilities of relevant authorities, countries can effectively combat these crimes and ensure justice. International courts and treaties play a crucial role in this context, making international collaboration indispensable for addressing maritime crimes.

A. Findings

- 1. Criminal Jurisdiction in Saudi Arabia and the Influence of Islamic Law:**
In Saudi Arabia, laws governing crimes committed on ships are primarily derived from Islamic law, which serves as the main source of legislation. Although Saudi Arabia is a party to some international treaties, such as the United Nations Convention on the Law of the Sea (UNCLOS), its national laws may adopt stricter positions on crimes affecting morality or national security. For example, maritime piracy or smuggling offenses may face severe punishments if deemed a serious threat to society.
- 2. Iran: A Combination of Islamic Law and Modern Civil Law:**
Iran's legal system blends Islamic law with civil law. Under Iranian criminal law, maritime crimes committed within territorial waters are prosecuted according to national laws, which often incorporate principles derived from Islamic jurisprudence. Additionally, Iran is a signatory to UNCLOS, meaning it adheres to certain international rules, such as the principle of the flag state. However, contradictions may arise between national legislation and international obligations, particularly in criminal matters.
- 3. Egypt: An Advanced Legal System and Alignment with International Treaties:**
Egypt's legal system is influenced by Islamic law and the French civil code. Egyptian laws apply criminal jurisdiction over crimes committed on ships within territorial waters or aboard vessels flying the Egyptian flag. Egypt also upholds international maritime treaties, including UNCLOS, making its legal framework more adaptable to handling international cases.
- 4. United Arab Emirates: An Integrated Approach Between National and International Laws:**
The UAE adopts a legal framework that integrates Islamic law with modern civil legislation. For maritime crimes occurring within UAE territorial waters, national criminal laws apply. Additionally, the UAE is a party to various international treaties, such as the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation. This approach highlights the UAE's commitment to implementing international legal standards while preserving local legal traditions.
- 5. Turkey: Secular Legal Framework with Limited Islamic Influence:**
In Turkey, which operates under a secular legal system, maritime crimes are governed by the Turkish Penal Code, which is primarily based on European legal principles. Despite being a majority-Muslim country, Islamic law does not play a major role in Turkish legislation. As a member of international treaties such as UNCLOS, Turkey aligns its legal framework with global legal standards.

¹ Ahmed, Younis, 1984, *Judicial Organization in Criminal Law*, Arab Journal of Social Defense, Issue 17, p. 7.

6. **Pakistan: The Influence of Islamic Law and International Commitments:** Pakistan enforces national criminal laws derived from Islamic law while simultaneously being a member of international conventions, including UNCLOS. In maritime criminal cases, Pakistan applies a dual legal system, balancing international commitments with Islamic legal principles, particularly in moral and criminal matters.
7. **Indonesia: A Hybrid Legal System with Local Islamic Influence:** Indonesia's legal framework is a mix of Dutch colonial civil law and Islamic law, which is applied in certain Muslim-majority regions. Maritime crimes are governed by national laws, but adherence to international treaties, such as UNCLOS, ensures that local regulations align with global maritime standards.
8. **Morocco: Civil Law Influence with Islamic Law Considerations:** Morocco's legal framework for maritime crimes is primarily based on the French civil law system, with some aspects influenced by Islamic law. The country is committed to implementing international maritime regulations, ensuring that its legal system can effectively address cases with international implications.
9. **Malaysia: Application of Islamic Law in Morality-Related Crimes:** Malaysia employs a dual legal system where Islamic law is applied to morality-related offenses, while civil law governs other crimes. Maritime crimes are prosecuted under national laws within territorial waters, while international treaties regulate navigation and maritime security.
10. **Iraq: Challenges in Balancing Islamic Law and International Legal Obligations:** Iraq's maritime criminal laws are influenced by both Islamic law and civil law. The Iraqi Penal Code applies to crimes committed on Iraqi-flagged ships, while international treaties, such as UNCLOS, regulate cases with international dimensions. The primary challenge lies in reconciling international obligations with religious legal principles.

B. Recommendations

1. **Standardizing Legal Definitions of Ships in Islamic Countries to Align with International Treaties** It is recommended that Islamic countries adopt a unified and comprehensive definition of ships that aligns with international treaties such as the United Nations Convention on the Law of the Sea (UNCLOS). This standardization would help reduce legal discrepancies and enhance international cooperation in addressing maritime crimes.
2. **Ensuring National Laws Align with International Treaties:** Islamic countries should amend their legal frameworks to ensure consistency with international treaties related to maritime crimes. For instance, aligning national laws with the Convention for the Suppression of Unlawful Acts Against the Safety of Maritime Navigation and the Convention against Human Trafficking at Sea.
3. **Strengthening the Legislative Framework for Crimes in International Waters:** Since international waters fall outside the jurisdiction of any single state, Islamic countries are encouraged to adopt laws governing maritime crimes based on the principle of flag state jurisdiction while incorporating Islamic law where necessary.
4. **Establishing Specialized Maritime Crime Courts:** It is recommended that Islamic countries establish specialized courts for maritime crimes to provide a strong legal framework for addressing such cases efficiently. These courts can rely on national laws while respecting international commitments.
5. **Enhancing Regional Cooperation Among Islamic Countries:** Islamic countries should establish regional agreements to unify laws related to maritime crimes. Such agreements can improve judicial cooperation and combat crimes occurring in territorial and international waters.
6. **Applying Principles of Justice in Maritime Crimes as per Islamic Law:** Maritime crime penalties should be designed to ensure justice and deterrence while respecting Islamic values and principles. This approach can create a balance between national laws and international standards.
7. **Strengthening Cooperation with International Organizations:** Islamic countries should enhance cooperation with international organizations such as the International Maritime Organization (IMO) and the United Nations Office on Drugs and Crime (UNODC) to facilitate information exchange and address common challenges in maritime crime.

8. **Updating National Legislation to Address Emerging Crimes:** Islamic countries should conduct periodic reviews of their national legislation to include new maritime crimes, such as cybercrimes affecting ships or navigation systems.
9. **Integrating Islamic Law into Maritime Regulations Flexibly:** Islamic countries should integrate Islamic legal principles into maritime laws in a flexible manner that respects religious values without conflicting with international obligations.
10. **Revising Legal Provisions Defining the Responsibilities of Captains and Crew Members:** It is recommended that national laws in Islamic countries clarify the legal responsibilities of ship captains and crew members to ensure accountability in the event of crimes while considering their professional duties.
11. **Enhancing the Role of Embassies and Consulates in Maritime Crimes:** Islamic countries should strengthen the role of embassies and consulates in supporting their citizens involved in maritime crimes outside territorial waters and ensuring they receive fair trials.
12. **Raising Awareness in the Maritime Community About Maritime Laws:** Awareness campaigns should be organized for maritime sector workers to educate them about national and international maritime laws. This would help reduce crime rates and improve legal compliance.

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