

## Impersonation From An Islamic Sharia Perspective And Its Impacts On Health And Sustainable Development

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### ABSTRACT

The research aimed to define the crime of impersonation from an Islamic Sharia perspective, its ruling according to Islamic jurisprudence, its penalties, and to articulate its impacts from both the Sharia and legal perspectives. The study employed a descriptive methodology, relying on an analytical approach, and yielded several significant findings, including:

Impersonation involves using someone else's identity for fraudulent purposes, such as accessing confidential information or acquiring properties that do not belong to the perpetrator. The manifestations of impersonation include using false names or titles to usurp others' rights. The Saudi law specifies conditions unique from other systems, including that the impersonated identity must belong to individuals in positions of authority, such as security personnel, military personnel, politicians, or well-known public figures. Under Islamic Sharia, impersonation is strictly forbidden as it can cause harm to the impersonated individual and might allow the perpetrator to gain undeserved benefits. The penalties for impersonating an ordinary person differ from those for impersonating a military figure in Saudi law, with penalties varying based on the severity of the crime and its negative consequences. Causes for exemption from penalties for the crime of impersonation under Islamic Sharia include death, repentance, pardon, and statute of limitations. The crime of impersonation has a detrimental impact on the economy and sustainable development.

### RESEARCHERS RECOMMEND

1. Exercise caution in dealing with individuals due to the prevalence of impersonation cases.
2. Impose stricter penalties on those impersonating others.

**Keywords:** *Crime; Impersonation; Islamic Jurisprudence; health*

### 1. INTRODUCTION

Islamic Sharia is suitable for all times and places, and thus, over the ages, Muslim jurists have found solutions for every problem and event, considering all people regardless of their different environments and customs. They have never been incapable of providing jurisprudential solutions within the framework of Sharia and its gracious spirit. The contemplative will see that Sharia, in its perfection, was established by the wise, knowledgeable, and expert legislator (Does He who created not know, while He is the Subtle, the Acquainted?) [Al Mulk: 14].

Islamic Sharia has warned against all forms of deception and impersonation, including impersonation, which is a type of fraud carried out by an individual to create a false identity in transactions, social networks, or through the use of fake identities on social media accounts. Typically, a specific group is targeted as victims to deceive them for financial gain, to blackmail the victim in various ways over different matters, or simply as a form of phishing or fulfilling certain wishes.

**Research Problem:** The main question of the study can be formulated as follows: What is the reality of the crime of impersonation from the perspective of Islamic jurisprudence, and what are its penalties and causes for exemption?

**Research Objectives:** Based on the previous inquiries, the objectives of the study can be formulated as follows:

- To define the crime of impersonation.
- To establish the jurisprudential foundations of the crime of impersonation.
- To explain the penalties for the crime of impersonation and its causes for exemption.

**Study Methodology:** The study relies on an inductive approach. It involves tracing the issue under research from the specialized writings that have covered and analyzed it.

**Study Plan:** The study consists of an introduction, two topics, a conclusion, and an index:

**Introduction:** it addresses the research problem, its objectives, its importance, its methodology, and its plan, and includes two topics, a conclusion, and a reference index.

**Topic One:** Definition of the crime of impersonation.

**Topic Two:** Penalties for the crime of impersonation, its causes for exemption, and its impact on the economy and sustainable development.

**Topic One:** Definition of the crime of impersonation.

## 2. FIRSTLY: DEFINITION OF THE CRIME

In linguistic terms, "crime" is derived from the Arabic term *jurm*, meaning transgression, and *jurm* also signifies sin, with its plural forms being *ajrām* and *jurūm*. [7]

Crime is defined in Islamic law as a prohibited act for which Allah has prescribed either a fixed penalty (*ḥadd*) or a discretionary penalty (*ta'zīr*). [8]

In legal terminology, a crime is defined as a voluntary act prohibited by law for which the perpetrator is subject to criminal penalty. [9]

## 3. SECONDLY: DEFINITION OF IMPERSONATION

Impersonation is the use of another person's identity or assuming it, for fraudulent purposes such as accessing confidential information or acquiring property that does not belong to them [11].

**Forms of the Crime of Impersonation:** Impersonation poses a significant risk, and among the most important forms of the crime of impersonation are false assumption of people's names or incorrect attributes, such as impersonating military personnel or an engineer to seize others' rights, assuming a twin's identity, or impersonating someone else's vehicle plate to evade fines [2].

## 4. CONDITIONS OF THE CRIME OF IMPERSONATION IN SAUDI LAW INCLUDE THE FOLLOWING

1. The impersonated identity must belong to authoritative figures, such as security personnel, military personnel, politicians, or a well-known public figure.
2. The criminal must have derived personal benefits or financial gains from the act of impersonation, not merely making claims without action.
3. The criminal must have intent behind his action; this intent could be for personal, political, or other purposes [5].

**Elements of the Crime of Impersonation:** The elements of the crime of impersonation include both material and moral elements as follows:

The material element: consists of the act, the criminal result, and the causal link between the act and the result.

The moral element: comprises two components, the criminal intent and the criminal purpose [11].

**Second Topic: Penalty for the Crime of Impersonation, its Causes for Exemption, and its Impact on the Economy and Sustainable Development.**

### Penalty for the Crime of Impersonation in Islamic Jurisprudence

Impersonation is forbidden in Islamic Sharia because it may cause harm to the person whose identity is impersonated and may allow the impersonator to obtain undeserved benefits [1].

#### **Evidence from the Quran, Sunnah, and Reasoning:**

**Quran:** Allah Almighty says, "Indeed, He does not love the aggressors." (Al-Baqarah: 190). This verse indicates the prohibition of all forms of aggression, including the aggression involved in impersonating another person.

#### **Sunnah:**

- A hadith from the Prophet Muhammad -SAW- states, "There should be neither harming nor reciprocating harm." [6]
- The Prophet -SAW- also said, "Whoever cheats us is not one of us." [4]
- Additionally, he said, "You must be truthful, for truthfulness leads to righteousness, and righteousness leads to Paradise. A man will keep on being truthful and striving for truthfulness until he is recorded as truthful by Allah. Beware of lying, for lying leads to wickedness, and wickedness leads to the Hellfire. A man will keep on lying and striving for falsehood until he is recorded as a liar by Allah." [4]

These hadiths indicate the criminalization and prohibition of cheating, lying, and the harm they cause.

**Reasoning:** It is reasoned that an impersonator acts to gain something undeserved, which is an act of lying, aggression, and forbidden injustice [3].

#### **Penalty for the Crime of Impersonation in Islamic Jurisprudence**

Impersonation in Islamic Sharia is prohibited because it can cause harm to the person impersonated and may enable the impersonator to gain something undeserved [1].

#### **Evidence from the Quran, Sunnah, and Reasoning:**

**Quran:** Allah Almighty says, "Indeed, He does not love the aggressors." (Al-Baqarah: 190). This verse illustrates the prohibition of all forms of aggression, including the aggression involved in impersonating another person.

#### **Sunnah:**

- Authenticated statements from the Prophet Muhammad -SAW- include: "There should be neither harming nor reciprocating harm." [6]
- The Prophet -SAW- said, "Whoever cheats us is not one of us." [4]
- He also stated, "Commit to honesty because honesty leads to righteousness, and righteousness leads to Paradise. A man continues to be honest and strives for honesty until he is recorded as honest by Allah. And avoid lying for lying leads to immorality, and immorality leads to Hellfire. A man continues to lie and strives for lying until he is recorded as a liar by Allah." [4]

These narrations underline the criminalization and prohibition of deceit, lying, and the consequential harm.

It may be appropriate in the coming periods to expand the use of technology to support this field (Ahmed, Alharbi, & Elfeky, 2022; Elbyaly & Elfeky, 2023a, 2023c, 2023e, 2023f, 2023g, 2023h, 2023i; A. Elfeky, 2017; A. I. M. Elfeky & Elbyaly, 2016, 2019, 2023a, 2023b, 2023c, 2023e, 2023f, 2023g; A. I. M. Elfeky, Najmi, & Elbyaly, 2023, 2024a, 2024b; Elfekyand, 2016; Masada, 2017; Masadeh & Elfeky, 2016).

**Reasoning:** It is argued that an impersonator acts to acquire something undeserved, which constitutes lying, aggression, and prohibited injustice [3].

#### **Penalty for the Crime of Impersonation in Saudi Law**

In Saudi law, the penalty for impersonating an ordinary person differs from the penalty for impersonating a military person; the penalties vary based on the gravity of the crime and its adverse effects. Impersonation of law enforcement personnel is considered more severe than other forms, with a maximum sentence of three years imprisonment or a financial penalty not exceeding fifty thousand Saudi Riyals (SAR 50,000), or both. In cases where impersonation of a security official is committed with the intent to commit terrorist acts, the applicable penalty is imprisonment for up to ten years or a fine of one hundred and fifty thousand Saudi Riyals (SAR 150,000), or both. Meanwhile, the penalty for impersonating an ordinary citizen involves imprisonment for up to one year and two hundred (200) lashes, with the specific penalty determined after consideration of the crime's details [5].

**Causes for Exemption from the Penalty for the Crime of Impersonation:** Death, repentance, pardon, and statute of limitations [9].

#### **Impact of the Crime of Impersonation on Health and Sustainable Development:**

It is recognized that national stability encourages tourism and economic growth, which is inconsistent with fraud and deception that negatively affect sustainable development efforts. Additionally, it is considered that impersonation adversely

affects an individual's mental and physical health [10].

**Conclusion:** The study has reached several key findings:

1. Impersonation involves an individual using another person's identity for fraudulent purposes, such as accessing confidential information or acquiring property that does not belong to them.
2. Various forms of impersonation crimes exist, involving the false use of names, titles, or functions to usurp others' rights.
3. Saudi law specifies conditions unique from other systems, including that the impersonated identity must be a person of authority, such as security personnel, military personnel, politicians, or a well-known public figure.
4. Impersonation is prohibited under Islamic Sharia because it can cause harm to the person whose identity is usurped, and the impersonator may obtain something they do not deserve.
5. The penalty for impersonating an ordinary person differs from impersonating a military person in Saudi law.
6. Penalties for impersonation in Saudi law vary depending on the severity of the crime and its negative consequences.
7. Causes for exemption from the penalty for the crime of impersonation include: death, repentance, pardon, and statute of limitations.
8. Impersonation negatively impacts health, the economy, and sustainable development.

## 5. RECOMMENDATIONS

**Researchers recommend:**

1. Caution in dealings with individuals due to the prevalence of impersonation.
2. Strengthening penalties for those who impersonate others.

## 6. ACKNOWLEDGMENT

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