

The Crime of Creating Material and Their Danger to Society: Study in Arab Regulations

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Abstract

Praise be to Allah, the Lord of the Worlds, and prayers and peace be upon His last messenger, Prophet Mohammed, his family and companions, and those who follow his guidance until the Day of Judgment. The creation of materials related to pornography networks has become a major threat to social security, due to the risks it entails at various local and global levels, which are increasing day by day due to the development of modern technology, and have become one of the major issues that occupy the attention of the international community.

In this research, the researcher tries to clarify the most important aspects related to the crime of establishing web pornographic material and their danger to society.

Research Plan:

To illustrate and clarify the subject of this research, the researcher divided it into an introductory topic and three topics and a conclusion.

Introductory section: Explaining the most important terms contained in the study.

The first Section: The causes of the crime of creating networks pornographic content, their danger to society.

The second topic: The elements of the crime of creating networks pornographic content, and their danger to society in Islamic law and Arab laws.

The third topic: The seriousness of the establishment of web pornographic material on the international community.

Introduction

Cyber porn is one of the most influential crimes at the regional and international levels, because of its impact on values, ethics and religion, in addition to its negative impact on local and global communities, which requires standing firm and strong against its harmful effects. Enacting firm regional and international legislation

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and laws to prevent this type of crime, and imposing the most severe penalties for the perpetrators.

The crime of creating web pornographic material has many and multiple causes, including those related to educational, psychological status, commercial motif, and technical aspect.

The danger of creating pornography on the Internet, which has its roots all over the world, lies in the fact that it represents a threat to values, morals and public order. It is one of the great seditions and great misdeeds, and a major reason for the increase in the rate of crime in society. It causes the spread of adultery and obscenities through pornographic films, and forbidden images provoking sexual appeal.

Creating pornography content via the Internet has become the major issue that preoccupies the legislator globally in enacting appropriate laws to reduce its danger to future generations. Legislation has been enacted to address the creation of web pornographic material that include seduction for debauchery or prostitution.

In this study, the researcher tries to clarify what is related to the crime of establishing pornography content websites due to their danger to societies in general.

The importance of the study

This study considers the topic of creating networks pornography content as one of the important topics that concern local and international communities, due to their clear impact on all levels. On the other hand, highlighting the ability of Islamic law and international legislation enacted by the international community in light of the great developments in the information revolution on the electronic network to deal with this type of transcontinental crime. The study topic is related to regional and international laws, which makes this topic of great legislative importance at the local and international levels.

This topic has been chosen because of the desire to show the seriousness of the crimes of porn industry, and its devastating effects on upcoming generations of threatening values and morals. In addition, it reveals the dire need to clarify the causes of this crime, spread the awareness required to address it with all legislative and practical possibilities, the need to address such topics, contribute to finding effective solutions to them, and the dissemination of a scientific culture to warn of this content dangers.

Therefore, this research aims to clarify the seriousness of the creating of pornographic sites, and that they cause a terrible imbalance in the pedant societies and great risks, which has serious social effects such as the spread of adultery and obscenities. It clarify the attitude of Arab and international laws on the establishment of pornographic websites, and consider it a crime against public morals and ethics. It also clarifies

the role of censorship at all levels and the enactment of laws in combating the crime of creating to networks pornography content.

Research Methodology

The research methodology of this study has two branches

First: The method of writing of the study

1. This study uses the analytical inductive approach in dealing with research issues, and extracts them from Islamic Sharia and legal perspectives.
2. Extrapolate and review research sources, and try to survey them as much as possible.
3. Present a clear picture of the research issues, with a statement of Islamic Sharia and legal opinions.
4. Extracting research issues and mentioning their evidence from the Holy Quran, the Sunnah, the opinions of jurists and other references.
5. Second: The approach of documentation, marginalization and extraction.
6. Attribution of Quranic verses to the Suras with mentioning their numbers.
7. Extracting of the prophetic Hadith contained in the research with mentioning its degree.
8. Documenting linguistic meanings from linguistic dictionaries.
9. Writing the conclusion that contains the most important findings.
10. Including the sources and references.

To illustrate and clarify the subject of this research, the researcher divided it into an introductory section, five section and a conclusion:

Introductory section: Explaining the most important terms contained in the study.

The first Section: The reasons for the crime of creating networks pornographic content, their danger to society, and there are two branches:

The first branch: The reasons for the crime of creating networks pornographic content.

The second branch: The seriousness of the creation of web pornographic material on the community.

The second section: The elements of the crime of creating web pornographic content and their danger to society in Islamic law and Arab laws, and there are two branches:

The first branch: The elements of the crime of creating networks pornographic content, and their danger to society in Islamic law, and it has three topics:

First topic: The legal element of the crime of creating networks pornographic content.

Second topic: The material element of the crime of creating networks pornographic content.

Third topic: The moral element of the crime of creating networks pornographic content.

The second branch: The elements of the crime of creating networks pornographic content, and their danger to society in the Arab laws, and it has three topics:

First topic: The legal element of the crime of creating networks pornographic content.

Second topic: The material element of the crime of creating networks pornographic content.

Third topic: The moral element of the crime of creating networks pornographic content.

The third section: The seriousness of creating web pornographic material on the international community.

The researcher asks God Almighty's success and guidance in the study of this subject, He is the guardian of that and capable of it, and praise be to God first and last.

Introductory section: Explaining the most important terms contained in the research

1- The definition of a crime

Crime, linguistically, is derived from the verb (جرم – prohibited and wrongdoing, and the offender is a criminal, and the offender is guilty (Mukhtar Al-Sahah, p. 89, Al-Farahidi, 8/100; Al-Fayoumi 1/97), God Almighty says: "They will be shown each other. The criminal wishes he would be redeemed from the punishment of that Day by his children (Al-Ma'arij:11). The offense is criminal, if he is guilty, and the offender is guilty, and the offense is the act of guilt (Omar et al. 1989: 242)

It is an offense in the sense of guilt and an offense if his offense is greater than any sin (Al-Afriqi, 12/910).

In conclusion, the crime in the language means doing sin contrary to justice, which leads to commit the sin.

Definition of crime in Islam: Doing what God forbade, and disobeying what God commanded (Khader 1985)

Definition of the crime in the Arab laws: Most of the Arab penal laws did not define the crime, because a general definition of the crime in

the law is not necessary, and it will not be exhaustive to prevent, but the legislator set for each crime a definition of its own in the law.

Among the laws that did not define the crime were the Iraqi, Egyptian, Syrian, Lebanese, Kuwaiti, Libyan, Jordanian and Sudanese Penal Code.

The crime in the law, in general:

It is defined as an incident that is committed to the detriment of an interest protected by the legislator in the Penal Code and has a criminal effect represented by the penalty (Salama1979:84)

As for cybercrime:

They are legal attacks that can be committed by electronic means for the purpose of profit. (Karim 2011:15)

The creation of web pornographic material is considered a cybercrime par excellence, the purpose of which is to profit and spread vice and obscenity.

As for the definition of electronic pornography crimes: It is any act - or abstention from it - that represents sending or publishing a pornographic work, preparing, saving, processing, displaying, printing, publishing or promoting pornographic activities or works, or contacting prostitution or pornography(Al-lawzi and Althuniabat, 2015)

1- Definition of networks: It is a group of devices connected to each other through physical or wireless communication media, allowing computers to communicate directly between users of the same network and individuals to share information.(The Comprehensive Arab Encyclopaedia, 2019)

Definition of Pornography: it is a (Feminine name in Arabic) attributed to any permitted thing, and pornography is a breakdown of the restrictions of laws and morals. (Contemporary Arabic Dictionary 1/261)

2- It is said: a liberated man: "The one who disintegrates from every moral scourge, does not hesitate to do immoral acts(Dictionary of Almugani 1/13)

3- What is the community?

Community linguistically is derived from the verb (united- اجتماع) against the verb (dispersed- تفرق), the gathering of the thing means joining its parts, and the community subject of the meeting or group of people. (Dictionary of Almugani 1/13)

Definition of community is "Every group of individuals who have a known association that has a permanent or temporary impact on their lives and on their relations with each other."(Wafi n.d: 16.)

From what has already been stated about the most important terms in the research, the researcher tried to develop a comprehensive definition of the title of this research. The researcher believes that the purpose of the "crime of creating web pornographic material and their danger to society" is: Publishing or promoting a pornographic work on the World Wide Web, which is considered illegal behaviour that is contrary to morality and prohibited and poses a danger to society.

The first topic: The reasons for the crime of creating networks pornographic content, their danger to society, and there are two branches:

The first branch: The reasons for the crime of creating networks pornographic content.

There are many reasons, which can be summarized as follows:

First: The weakness of the religious consciences:

It is the most important reason among all the reasons leading to the dissemination of pornography, because the crime of creating web pornographic material is an explicit violation of the divine commands that forbid corruption, spreading vice and spreading obscenity. Almighty God says: "Allah does not love the corrupters" (Al-Ma'idah: 64). In another verse: Those who love to see immorality spread among the believers—for them is a painful punishment, in this life and in the Hereafter. Allah knows, and you do not know. (Al-Nur: 19) Allah the Almighty warned His servants from following the path of Satan, which lead them to committing these crimes, the Almighty says; "O you who believe! Do not follow Satan's footsteps. Whoever follows Satan's footsteps—he advocates obscenity and immorality" (An-Nur: 21) and also He says; "Yet I do not claim to be innocent. The soul commands evil" (Yusuf: 53).

Second: Poverty and poor economic conditions:

economic corrosion and unemployment contribute to any society in providing a fertile environment for the spread of pornography crime, societies that witness increased rates of poverty and unemployment and increase the cost of living, and the desire to get rich quickly, facilitate sexual exploitation through prostitution and pornographic world-wide networks(Abu Harbid and Nabil 2022: 8)

Third: Misuse of modern technology:

The Internet has witnessed a clear development in various fields, especially those related to the sites and the content uploaded in it. this has led to the spread of sites that motivate having sex, whether for adults or with children, and the promotion of pornographic data for the purpose of satisfying sexual instincts or for commercial gain, as these sites publish explicit sexual images of adults and children.(Abed 2006: 3)

The misuse of modern technology in the porn industry, through the sites dedicated to it in exchange for huge profits, although sometimes they offer free clips in order to promote and advertise to encourage the browser and force him to pay. (The Crime of Sexual ...)

Fourth: Social conditions

The most important of which are the societal environment of the human being, family disintegration, weak control in the family and Internet centres, weak legislation and even the absence of a mechanism of legal protection that can be applied to prevent minors from accessing pornographic sites, in addition to the ignorance of parents in the use of computers and the dangers resulting from its misuse (Babakhan n.d.).

Fifth: The role of the media in provoking sexual instinct

The content in Media has become to provoke the sexual instinct, and to draw attention to pornography and sex with all their strength, by irritating the feeling of the perpetrator and pushing him/her to commit acts of immorality and immorality to commit acts of prostitution, which has become a shovel to destroy Islamic values, ethics and doctrine.(Abed n.d:3)

The second branch: The seriousness of the creation of web pornographic material on the community.

Recently, an exciting social phenomenon of serious proportions, Internet pornography networks, has spread its effects all over the world. It has had devastating effects at the level of individuals and groups alike, which constitutes a disturbance to the peace and security of the communities.

The seriousness of the creation of web pornographic material on society can be summarized in the following sections:

The first section: The creation of web pornographic material violates religion and public order; it is one of the great seditions and great depravations that are growing at a terrible speed. By accessing these networks, the five necessities are lost to that the regulations keenly observe to preserve them, namely the preservation of religion, soul, honor, offspring and money. It causes great effect to the depreciation of prospering and offspring. These websites represent a malignant tumour in the body of society that is about to eliminate society.

The intentions of the Sharia towards people are five. These are to preserve their religion, themselves, their mind, their offspring and their money, everything that includes the preservation of these five aspects is welcomed and considered as an interest, and everything that does go with these assets is corrupted and confronting against it is considered as an interest. (Mustafa 1989:1/174)

Pornography offences are similar and equal to traditional offences in that they harm religion, mind, soul, money and honour, sometimes it becomes even more than traditional offences (Miloud 2012 :25).

Therefore, the regulation forbade all forms of obscenities, and Allah Almighty said: you do not come near indecencies, whether outward or inward' (Al-An 'am 151)

Obscenities: major sins, which are included in the misdeeds. (Liberation and Enlightenment 8/160). Do not approach the outward and the hidden, or related to the outward...And the prohibition of the approaching the obscenities is reported from the prohibition of doing it only, it deals with the prohibition of the means that lead to do them.(Al-Saadi 1420AH: 1/289)

Allah said in "But they were succeeded by generations who lost the prayers and followed their appetites. They will meet perdition" (Mariam, 59). they followed their own desires and their own wills , so they turned their attention to it, offering it to the rights of Allah, so it arose from that loss of his rights, and the desire for the desires of themselves, no matter how they appeared to them, they obtained them, and on a face that they agreed to eat. (Al-Saadi 1420AH:1/496)

The Prophet (peace and blessings of Allah be upon him) said: "No one is more jealous than Allah, and therefore you have forbidden the obscenity of what appeared from it and what was in it."(Sahih Muslim, 4/2114)

From the above, it can be said that the Islamic Sharia came to preserve the five necessities, and surrounded them with protection and guarantee in order to achieve human dignity from being humiliated in lusts and drowning in the vice.

Section two : Pornographic sites are a major reason for the increase in the prevalence of crime in the society in which they are allowed. It is a fact, that what the human sees in these websites, which provokes the desire to apply on their daily lives, so the crimes of harassment and rape, and other widespread problems of society, which some refer to those sites, which opens the door to the spread of crime and criminals.

Allah Almighty has warned against this by saying: Those who love to see immorality spread among the believers—for them is a painful punishment, in this life and in the Hereafter. Allah knows, and you do not know" (An-Nur:19) That is: the terrible things that are done by them, they love that the obscenity becomes popular among Muslim community, so for them is a painful punishment, in this life and in the Hereafter. That is: painful for the heart and body, so as to he/she deceive her/ his Muslim brothers, and love evil to spread among them, and daring for their honours , and if this threat is, just for those who loved to spread obscenity, then how the punishment can be for those who spread the pornographic content . (Saadi 1420AH: 1/563)

Abu Dawud (may Allah be pleased with him) reported: The Messenger of Allah (may Allah's peace and blessings be upon him) said: " Verily, one of the greatest sins is to violate the honor of a Muslim man without right."(Narrated by Abu Dawud in his Sunnah 4/420 (Bab al-Ghaiba) - Al-Albani said, it is a weak Hadith)

It is clear to us from the above that Sharia has warned and prohibited the violation of sanctities and honour, making the watching sexual stimuli on the screens of the network prohibited, at a time when it is easy to access these bad malicious materials, which destroy societies. Contrary to what is stimulated, these materials are the cause of corruption of morals, the spread of obscenities, lack of modesty, and daring to break what God Almighty prohibited.

The third section: The establishment of these sites causes a terrible imbalance in purist societies and causes a great risks, as they provide online information about brothels in many countries of the world, and for the same commercial purpose, these sites display free indecent images as a temptation, which has serious social effects such as adultery and obscenity.

Allah does not love corruption nor the mischief-makers. He said, "Do not cause corruption on the earth after it has been set in order. That is better for you, if you are believers." (Al-A'raf:85) and He says" "Verily, Allah does not love those who cause corruption." (Al-Qasas:77)

Those who publish pornographic films and erotic images, their sins were doubled because as,they carry their burdens and the burdens of those who watch these films and images; because the signifier of evil as its perpetrator, God Almighty said "So that they may bear their burdens in full on the Day of Resurrection and some of the burdens of those whom they misguide without knowledge will be carried by them. Alas, how terrible is the burden they will bear!" (Al-Nahl:25). The Messenger of Allah (peace and blessings of Allaah be upon him) said: "Whoever calls for guidance has a reward similar to the rewards of those who follow him, it does not diminish anything from their rewards, and whoever calls for corruption has the same sin as the sins of those who follow him, it does not diminish that from their sins."(Narrated by Muslim in his Sahih 4/2060 (The gate of one who has a good or bad Sunnah...)

There is a difference between those who spread good, and those who spread evil and corruption.

By doing so and spreading these materials through the sites, they guide people to brothels "and the obscenities of what appeared from them and what did not appear". As for 'what appeared from them', the shops of prostitutes, and as for ' what did not appear' - what was hidden.(Al-Tabari 1420AH:12/219)

Imam al-Juwaini () said: "If the roads are disturbed- unsafe, and the comrades are deviated, and the people are fled from the country, and the causes of corruption have emerged, which has resulted in high prices, the destruction of homes, and the obsessions of big betrothals..." (The Grievances of the Nations in Tiath Injustice 1/212)

Section IV: The spread of crimes of exploitation of difficult circumstance, and trafficking in human beings, children and juveniles are more and easier to be fooled by these sexual scenes and images, as the Internet provides them with many banned films, and this is considered a crime of war, rejected, prohibited by Islamic law and international laws.

Allah says: " Verily, Allah commands justice and good conduct and giving to relatives and forbids immorality and bad conduct and oppression. He admonishes you that perhaps you will be reminded." (Al-Nahl:90). Obscenity, which is every ugly word or deed. Ibn Abbas said: it is adultery.

The bad conduct is what is denied by Sharia and forbidding it, and it pervades all sins, vices and religion of all kinds. (Ibn Kathir 1419AH , 4/511)

The meaning of this verse is every great sin that is denied by the laws and the Fitrah- the originality of human, and every matter that includes obscenity, denial or wickedness is one of the things that God forbade. (Al-Saadi 1420AH:1/80)

Allah says: "O you, who have believed, do not follow the footsteps of Satan. And whoever follows the footsteps of Satan - indeed, he enjoins immorality and wrongdoing." (An-Nur: 21).

This is a warning from Allah to the believers: "O you who believed God and His Messenger, do not follow the path of Satan and his ways, and do not follow his footsteps, by spreading obscene rumours among the believers. Satan commands immorality, which is adultery, and reprehensible speech. (Al-Tabari 1420AH:17/221)

So that the purpose of Sharia legislation, the maintenance of world order, and control the behaviour of people, in a way that is immune from corruption and decay. (Objectives of Islamic Sharia-3/230).

In meditation, we find that the crime of promoting and displaying pornographic images on electronic networks is one of the greatest corruption in the place, and the display of pornographic materials falls under the commission of obscenities, including what appeared and what is hidden, and ultimately leads to the obscenity of adultery and God forbid.

The second topic: The elements of the crime of creating networks pornographic content and their danger to society in Islamic law and Arab laws, and there are two branches:

The first branch: The elements of the crime of creating networks pornographic content, and their danger to society in Islamic law, and it has three branches:

That the creation of web pornographic material on the Internet, which incite vice and renounce morality and religion, are crimes against community security, and are considered as the intellectual invasion to corrupt morals and religious beliefs in society, which clearly affects the societal security of the state.

Through the foregoing, this crime is based on three pillars: the legal element, the material element, and the moral element.

The first branch: the legal pillar of the crime of creating networks pornographic content.

The legal pillar is a cornerstone of the existence of the crime. Its existence is validated, as it is necessary to have a legal text that criminalizes the creation of networks pornographic content.

For this reason, the texts (legislation) of the Sharia considered the creation of web pornographic material as a crime that violates the social security of the state, considering what this content entails to, including what is stated in the Almighty's saying: "Those who love to see immorality spread among the believers—for them is a painful punishment, in this life and in the Hereafter. Allah knows, and you do not know." (An-Nur: 19). Dissemination of obscenity in society through the creation of web pornographic material is considered a social crime fixed in the Quranic text, as it aims at destroying morals and values, the perpetrator deserves of worldly and hereafter punishment.

The second branch: the material element of the crime of creating networks pornographic content.

It is the external material behaviour that the Shari'a prohibits; the material element is based on three elements: the act, the result, and the causal relationship.

The offender accesses the websites, with the aim of creating networks pornographic content, and promoting prohibited acts that violate shame and morals, with the aim of corrupting society, which is prohibited by Islamic law.

The link between the perpetrator of the crime and the act committed by him and the machine is the basis for explaining the causal relationship in the crime of creating web pornographic material that affect community security and are prohibited by Sharia.

The third section: The moral pillar of the crime of creating networks pornographic content.

The moral element lies in the intention to commit the crime with knowledge and will. The crime of creating web pornographic material on websites, with free will, with the intention of promoting and advocating moral decay and spreading vice and pornographic clips, knowing that they are crimes that violate societal security and are prohibited by the texts of the Islamic Sharia.

The second: The elements of the crime of creating networks pornographic content, and their danger to society in the Arab laws, and it has three branches:

The definition of the crime in the law was given earlier as any act for which the law establishes a penalty (Mustafa 1989: 35). Nevertheless, the crime does not occur unless it has three elements: the first is the legal element, the second is the material element, and the third and last is the moral element.

The first branch: The legal pillar of the crime of creating networks pornographic content.

It is the legal text that defines the crime and criminalizes the act committed by the person until his responsibility is established, and determines the punishment prescribed when he commits the crime, which is expressed by jurists in the principle of the legality of criminalization and punishment.

The existence of the legal element in the crime is necessary; there is no crime without a legal element, in application of the rule (no crime and no punishment without a code).

The legal element of the crime of creating web pornographic material is intended to have a provision in the Penal Code that indicates the act constituting this crime and specifies the punishment to be imposed on the perpetrator (The crime of terrorism through electronic means "Comparative study between Jordanian and Iraqi legislation" (Makhlaf n.d: 73)

The Jordanian Information Systems Crimes Law of 2010 stipulates in Article 8 (Article 8 and 9 of the Jordanian Information Systems Crimes Law of 2010) that:

Whoever intentionally sends or publishes through an information system or the information network everything that is audible, read or visible that includes pornographic works in which he participates or related to the sexual exploitation of those who have not reached the age of 18 years, shall be punished by imprisonment for a period of not less than three months and a fine of not less than (300) three hundred dinars and not more than (5000) five thousand dinars.

In Article 9- Whoever intentionally uses the information network or any information system to promote prostitution shall be punished by imprisonment for a period of not less than six months and a fine of not

less than (300) three hundred dinars and not more than (5000) five thousand dinars.

In Egyptian law, Article 14 of Law No. 10 of 1961 on Combating Prostitution stipulates that anyone who, by any means of advertising, announces an invitation that includes seduction for debauchery or prostitution or draws attention to it, shall be punished by imprisonment for a period not exceeding three years and a fine not exceeding one hundred pounds (Article 14 of Law No. 10 of 1961 on Combating Egyptian Prostitution).

Article 178 of the Penal Code stipulates, "Anyone who publishes video clips on social networking sites if they are offensive to life shall be punished by imprisonment for a period not exceeding two years and a fine of not less than five thousand pounds." (The Egyptian Penal Code according to the last amendment issued on November 20, 2021)

The Saudi Anti-Cybercrime Law stipulated in Article 6 that (Article 7 of the Saudi Anti-Cybercrime Law):

Any person who commits any of the following information crimes shall be punished by imprisonment for a period not exceeding five years and a fine not exceeding three million riyals, or one of these two penalties:

Producing, preparing, sending, or storing anything that violates public order, religious values, public morals, or the sanctity of private life through the information network or a computer.

Creation, dissemination or promotion of content and data related to pornographic networks or the activities of the facilitator in violation of public decency.

The provisions of the UAE Penal Code - Federal Law No. 3 of 1987 issued the Penal Code – stating whoever manufactures, imports, exports, possesses, or transfers with the intention of exploiting, distributing or displaying to others writings, drawings, pictures, films, symbols or other things shall be punished by imprisonment and a fine of no less than five thousand dirhams or one of these two penalties, if they are contrary to public morals. The same penalty shall be imposed on anyone who announces any of the said things, (UAE Penal Code - Federal Law No. 3 of 1987 Promulgating the Penal Code).

The second branch: the material element of the crime of creating networks pornographic content.

The material element of the crime is the external material behavior that the law stipulates to be a crime, which is perceived by the senses. (Dhari: 66)

The material element of any crime is found when doing or refraining from an action punishable by law with the achievement of the harmful

result, and thus the availability of a causal relationship between the act and the result (Al-Zara'a 2014: 33)

The material element is the crime of creating networks pornographic content, through the perpetrator making, recording or transmitting pornographic images for the purpose of displaying them on the Internet, and it applies whether disturbing sexual situations are filmed and displayed on the Internet, or displaying the same scandalous sexual situations to others, whether real or virtual, or sending emails to pornographic materials that encourage immorality and corruption morally and even facilitate this, and even prove the crime even if it does not cause actual delinquency.(Al-Sabki 1413AH:133).

The third section: The moral pillar of the crime of creating networks pornographic content.

It is the criminal responsibility that results from the commission of the crime, and it human being, who is aware of the intent, takes the responsibility of committing it, that is, to sentence the perpetrator of the crime.(Gharamallah,1438 AH: 245),

The crime of creating web pornographic material is an intentional crime in which public criminal intent is required; the perpetrator's knowledge of the registration, promotion or transmission of pornographic content through electronic networks, the nature of the means used by those acts, and their role in the dissemination of pornographic content, and that he is engaged in an illegal act aimed at promoting prostitution and debauchery through the Internet with his will to do so.

The third topic: The danger of creating web pornographic material to the international community

The risk of creating web pornographic material is increasing in developed countries, whose systems are managed by information networks that have reached every house. This network has provided the most effective and attractive means for the manufacture and dissemination of pornographic and sexual materials, and this danger has multiplied its forms and diversified its methods. Its objectives have expanded, as criminals have been able to disseminate pornography and promote it through the Internet, which represents a major threat to the international community, given the dangers it entails, and has become one of the major issues that occupy the attention of the international community.

Pornography crime is characterized as an international transcontinental crime, due to the universality of the Internet, and its free nature, - which makes crimes committed through the Internet characterized by its rapid spread and difficulty in detecting the perpetrators. these crimes include the crimes of publishing pornographic films and images, which means that the criminal

commits his crime while in one country, and its effects are in another country(Milwood 2012 :18)

James Reston, in The New York Times, said, "The danger of sexual energy may ultimately be greater than the danger of atomic energy." In this regard, the current statistics indicate the terrible growth of the numbers of activities related to sexual materials and activities, where the value of the sex industry worldwide is estimated at a staggering figure of almost \$57 billion, and there are more than 372 million pages on the Internet promoting various sexual materials, and the revenues of the online sex industry are more than 2.5billion dollars annually, all of these frightening figures have serious repercussions on human society as a whole, and our conservative societies - in particular - and try to destroy them(Miloud 2012)

It is enough to know that the World Health Organization estimates that there are 35 million people living with HIV around the world - now much larger - a frightening figure because of its consequences, all because of the promotion of pornography and sexual deviations through the Internet. (Miloud 2012)

Therefore, a number of European countries have enacted laws on cybercrime, such as Britain, the Netherlands, France, Denmark, Hungary, Poland, Japan and Canada. The western countries have been interested in the establishment of sections to combat cybercrime, and they have even taken a step forward by establishing centres to receive the victims of these crimes (Mostafa, and Abdel, 2011).

Germany was one of the first countries to ban access to pornographic sites in addition to banning pornographic films in cinemas, and imposed strict controls on pornographic networks,(Miloud 2012:175.)

We find that the English legislator has been concerned with addressing pornography of various kinds since the enactment of the law of obscenity of 1959 and 1964, which constituted the main legislation to address pornography in UK.

The first paragraph of the first article of the 1959 law included the criminalization of any material believed to be obscene, if their impact or the impact of any of their item on corrupting morals, or corrupting individuals who are attracted to them, and have an interest in all frameworks to read, watch or hear the content of the materials included in them (Abed 2006:.5)

Article 2, paragraph 1, of the 1964 Law criminalizes the acquisition of obscene materials with the intention of owning or possessing them or directing them for display with the intention of publishing them and making a profit.(Abed 2006: 5).

The American legislator dealt with the issue of child pornography online, because it touches the seriousness of children, so in 1996, it issued the US Communications Ethics Act, which criminalized the

transmission of offensive material to children online related to, for example, sexual photography or highlighting sexual activities and banned sexually explicit conversations on the Internet.(Abed 2006:5).

The trespassers and those with criminal activities have been able to exploit scientific progress to generate many criminal activities, such as crimes of sexual exploitation, facilitating child prostitution and the dissemination of pornography, and violating the sanctity of private life. Believing in the seriousness of all forms of sexual exploitation of children and the physical, psychological and social risks they face, the international community has been keen to prohibit all forms of sexual exploitation in many international and regional conventions and conferences, the most important of which are:

United Nations Convention against Transnational Organized Crime and its Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, in November 2000.

Article 9 of the Convention includes offences relating to child pornography. Under domestic law, the following behaviours are criminalized:

- 1- The production of child pornography for dissemination through an information system;
- 2- Providing or making available child pornography through an information system.
- 3- Publishing or transmitting child pornography through an information system.
- 4- Supplying or providing other with child pornography to others through an information system.
- 5- Possessing of child pornography in an information system or in any means of storing information data.

Perhaps the most worrying thing globally with regard to pornography on the Internet is the possibility of children and adolescents to access these dangerous materials, which will expose them to its serious and devastating effects, as many studies have shown that there is a strong link between children's exposure to pornography and deviant sexual behaviour, which makes them prey to sexual violence often.(Pornography Crimes and Their Impact on Society from a Legitimate and Legal Perspective - Milwood - Institute of Legal and Administrative Sciences, p. 25)

Conclusion

It includes the most important findings and recommendations in the research, which are as follows:

- 1- The crime of creating pornography through websites is one of the most serious crimes at the regional and international levels, because of its negative impact on the local and global community;
- 2- The crime of creating web pornographic material has many and multiple causes, including educational, psychological, material motives, and technical reasons.
- 3- The creation of pornography via the Internet is considered one of the great seditions and great misdeeds, and a major reason for the increase in the prevalence of crime in society, and the spread of adultery and obscenities in societies.
- 4- The crime of creating web pornographic material in the Islamic Sharia is considered according to the environment, as it takes the rule of contemporary Hirabah-War against Allah or his servants, and therefore the perpetrator deserves the punishment of the warrior shown by Islamic Sharia.
- 5- Lawmakers at the national and international levels have addressed the crime of creating pornographic content, with a view to addressing it and establishing a set of rules and controls to legally deter criminals.
- 6- Islamic law is a precedent for all positive laws in preventing the dissemination of obscenity and corruption and protecting symptoms, souls and money.
- 7- Children and adolescents have access to this dangerous pornography, which will expose them to its serious and devastating health, mental, and physical effects.
- 8- The researcher recommends the necessity of blocking pornographic sites, regulating the legislative aspect and international cooperation in this regard.
- 9- The researcher recommends the need to impose censorship to prevent pornographic sites, and impose penalties and fines on those who violate it.
- 10- The researcher recommends the need to activate the role of the media in spreading preventive awareness of the consequences of pornographic sites, and the need for community institutions to unite to address this crime.

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