



The Legitimate Ruqyah Between The Issues Of Organization And Criminalization In Algeria

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Received: 08/08 /2024

Accepted: 20/08 /2024

Published: 25/09 / 2024

Abstract:

Islamic sharia permits treatment through legitimate ruqyah, as long as it is within its legitimate framework using verses “ayaat” from the Quran. Jurists unanimously accept it as a form of supplication and seeking nearness to Allah for healing from various ailments and destructive causes. Currently, the practice of legitimate ruqyah has spread in various Arab and Islamic countries, including Algeria. This calls for state intervention to regulate it through legal frameworks, in order to protect citizens from sorcerers and charlatans who operate under the guise of legitimate ruqyah. The absence of legal regulation in this field is evident from the numerous cases brought before the judiciary.

Keywords: Ruqyah ; Legitimate ; Regulation ; Criminalization

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**Introduction :**

Praise be to Allah, the one who bestows blessings, facilitates, and alleviates harm from His nation. He is the creator of illness and health, and the creator of their causes. He is the Healer and the Curer. In the generous Islamic sharia, the recitation and use of Ayat and Souraat from the Noble Quran for treating physical and psychological ailments have been permitted. It has been made a legitimate and beneficial practice with the permission of Allah. The Almighty says in His decisive revelation Quran: "And We send down of the Quran that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss."¹ It is worth noting that legitimate Ruqyah and seeking cure through the Quran do not imply abandoning conventional medical treatments and relying solely on Quranic recitation. This is not the guidance of the religion. The correct approach is to combine both methods and benefit from them both fully.

The Muslims have relied on the Sunnah of Allah in the universe, so they depended on medicine and did not resort to the superstitions that spread among nations before them. They did not rely on amulets, Talismans, and other things, which the Prophet, peace be upon him, considered a form of polytheism. Ruqyah is an ancient therapeutic practice among Muslims and others, especially Jews, Christians, Copts, Hindus, Persians, and Africans. However, in their practice of Ruqyah, they include polytheistic words and magical incantations, making it branch out into sorcery and witchcraft². As for the current era, stories of sorcery and witchcraft have increased, which people often discuss in their daily conversations. Some satellite channels even promote this through the involvement of magicians and enchanter. Moreover, there are now international associations for magic, such as the International Magicians Society (IMS)³ and the Society of American Magicians (SAM)⁴, which grant a doctorate degree in magic. On the other hand, there are those who claim to perform healing through legitimate Ruqyah but deviate from its proper Islamic rulings due to the absence of legal regulation in this field. This issue has become evident, especially in Algeria and other Arab and Islamic countries, raising the question of legitimate Ruqyah between regulation and criminalization."

THE FIRST TOPIC : THE CONCEPT OF RUQYAH AND THE ISSUE OF ITS REGULATION

Before delving into the topic of regulating legitimate ruqyah and how different legislations and systems handle it, it is necessary to clarify the concept of legitimate ruqyah.

FIRST REQUIREMENT : THE CONCEPT OF LEGITIMATE RUQYAH

The concept of healing through ruqyah with the Quran is one of the most important topics that Muslims have been concerned with, both in the past and present. It has captured their attention, raised many questions about the nature of



this form of healing, its dimensions, and aspects, in order to determine the seriousness of this practice and how to benefit from it, while adhering to what is permissible and avoiding what is prohibited.

Firstly: Definition of Legitimate Ruqyah

The term "Islamic ruqyah" is often attributed to Islamic Sharia Science. However, before explaining it, linguistically, "ruqyah" means seeking protection. It is derived from the root word "raqa," which means to ascend or rise. In this sense, it denotes seeking protection and raising a barrier against harm⁵. The word "ruqyah" can be traced back to three distinct meanings⁶:

1. Ascending and rising⁷: It means to ascend, rise, or elevate. For example, Allah says, "Or you have a house of gold or you ascend into the sky. And [even then], we will not believe in your ascension until you bring down to us a book we may read. Say, Exalted is my Lord, Was I ever but a human messenger".⁸

2. Al Raquoi DAAS⁹ of sand or dust¹⁰: It is derived from "raqu," and the plural form is "ruqa." It can also be used without the letter "ha" (raqu).¹¹

3. Al-Ruqyah¹²: el aouda "Supplication and seeking refuge": It is said that Al-Ruqyah it is a means of protection, so he is called a 'Raqui' when seeking refuge and blowing into the knots. From it is the saying of the Most High Allah: 'Nay, when the soul reaches the collarbone, and it is said, "Who will cure [him]?"'¹³. It is stated in the jurisprudential dictionary: Al-Ruqyah is the supplication used for seeking healing by the patient and the like, and it is words recited for protection from every harm."¹⁴

However, in terminology, "Ruqyah" refers to specific words and phrases through which healing from illnesses and destructive causes occurs. The term "Ruqyah" is not used for what causes harm; instead, such harmful practices are called "Sihr" or magic. These words and phrases include both permissible ones, like Al-Fatiha and the Mu'awwidhat (the last two chapters of the Quran), and impermissible ones, like the Ruqyah of Jahiliyyah (pre-Islamic ignorance), which is considered an act of disbelief.¹⁵

And ruqyah refers to what is known as "al-Azaim". The evidence for its permissibility, except for acts of polytheism, is clear. The Prophet Muhammad, peace be upon him, permitted it for ailments such as the evil eye and fever.¹⁶ However, it is possible to say that ruqyah is more specific than seeking general protection "al taawud". There is a well-known difference of opinion regarding ruqyah, but there is no disagreement about the permissibility of seeking help and refuge in Allah, the Most High, in all situations and circumstances, whether present or anticipated.¹⁷ Ibn al-Qayyim al-Jawziyya, may Allah have mercy upon him, said: "Ruqyah is a means of seeking nearness to Allah by acknowledging His perfect Lordship and the completeness of His mercy in healing. It is an affirmation that He alone is the Healer and there is no cure except through Him. Thus, it



includes seeking nearness to Him through acknowledging His Oneness, His excellence, and His Lordship¹⁸."

From the information provided earlier, it can be concluded that the linguistic meaning of "Ruqyah" does not differ significantly from the technical or terminological meaning. Linguistically, "Ruqyah" refers to Quranic verses "ayat" and legitimate supplications recited over a patient or an afflicted person with the intention of healing and seeking protection by the permission of Allah.

Also, in terms of refining the meaning, there are related terms to "Ruqyah" that can be summarized as follows¹⁹:

1. **Tameemah**: Linguistically, it refers to a protective charm or an amulet, often worn around the neck²⁰, and it may contain strings or supplications. It is used as a form of protection against the evil eye or envy.....²¹

2. **Wadda'ah**: It is a white, egg-shaped bead found in the sea, resembling a split nucleus. It is worn to ward off the evil eye. In the view of scholars, Al-Waddah is similar to an amulet "tameemah".²²

3. **Tiwalah**: Refers to what is done to make a woman more beloved to her husband through magical means.²³

4. **Tafle, Nafth, and Nafkh**:²⁴ These terms refer to blowing or breathing, often used in the context of Ruqyah.

5. **Noshrah**: Refers to a specific type of purification involving bathing in a particular prescribed manner, which cannot be determined by medical standards. Scholars have different opinions regarding its permissibility.²⁵

6. **Ratimah**: It is a thread that was tied around the neck or wrist in pre-Islamic times as a means of protection against harm.²⁶

7. **Tahweetah**: It is a thread made of two colors, red and black, often referred to as "Al-Barim." Women tie it around their waists to protect themselves from the evil eye, and it may contain beads and a crescent made of silver.²⁷

Secondly: the legitimacy of ruqyah.

Islamic scholars have reached a consensus²⁸ on the permissibility of using Ruqyah for healing. The rules and guidelines for Ruqyah are based on the Holy Quran and the noble Prophetic sounah (Hadith). Islamic scholars have derived their arguments from the following:

1. From the Quran: Allah says, "And We send down of the Quran that which is healing and mercy for the believers, but it does not increase the wrongdoers except in loss".²⁹ Similarly, Allah says, "Say, 'It is for those who believe, a guidance and cure'".³⁰ And Allah says, "O mankind, there has come to you instruction from your Lord and healing for what is in the breasts and guidance and mercy for the believers"³¹

2. From the Prophetic traditions: There are authentic narrations that permit the use of ruqyah for healing. Aisha (may Allah be pleased her) reported that when the



Prophet (peace be upon him) fell ill, he would recite the Mu'awwidhat (Surah Al-Falaq and Surah An-Nas) and blow on himself. She said, "When his pain became severe, I would recite on him and wipe his body with his right hand, seeking the blessings of his hand."³² Similarly, she narrated that when the Prophet (peace be upon him) visited a sick person, he would say, "O Allah, Lord of mankind, remove the harm and heal, for You are the Healer. There is no healing except Your healing, a healing that leaves no sickness".

Shaykh al-Islam Ibn Taymiyyah said, "Ruqyah is the greatest medicine, as it is a spiritual remedy."³³

Furthermore, Aisha (may Allah be pleased her) reported that every night, before going to bed, the Prophet (peace be upon him) would gather his hands, blow into them, recite Surah Al-Ikhlās, Surah Al-Falaq, and Surah An-Nas, and then wipe his body with his hands as much as he could, starting from his head and face, and whatever parts of his body he could reach, repeating this three times.³⁴

It is important to note that blowing should be done after recitation in order to transfer the blessings of the Quran to the skin of the reader or the one being read upon.³⁵

Additionally, Abu Hurairah (may Allah be pleased him) reported that a man came to the Prophet (peace be upon him) and said, "O Messenger of Allah, a scorpion stung me last night." The Prophet (peace be upon him) said, "Had you said in the evening, 'I seek refuge in the perfect words of Allah from the evil of what He has created,' it would not have harmed you".³⁶

These are some of the evidences that establish the legitimacy of ruqyah in Islamic teachings.

SECOND REQUIREMENT : THE PROBLEM OF REGULATING RUQYAH

Ruqyah, is a practice that has been endorsed by Islamic law based on the Qur'an and Sunnah (the teachings and practices of the Prophet Muhammad). It has been recognized by the majority of scholars with its prescribed conditions. However, secular legislations have not addressed its regulation through legal texts in order to preserve its adherence to Islamic principles. This issue is particularly evident in Algeria, as well as in other Arab and Islamic countries in general.

Firstly: Regulating Ruqyah in Algeria

Islam is the official religion of the Algerian state, as stated in Article 2 of the Algerian constitution. Additionally, Islamic law serves as the primary secondary source of civil law, as explicitly stated in Article 1. The Family Law, for instance, refers to Islamic law in Article 222 for matters not covered by its regulations. Islamic law permits Ruqyah that adheres to the prescribed conditions, which involve recitation of the Qur'an and authentic supplications of the Prophet



Muhammad for the purpose of seeking healing from various ailments through the permission of Allah.

However, the Ministry of Religious Affairs, which is legally authorized to regulate religious affairs, has not established legal regulations for Ruqyah, despite its widespread practice in Algeria. Consequently, it has become increasingly prevalent, to the extent of competing with medical clinics and psychiatric clinics in Algeria.

The Ministry of Religious Affairs in Algeria has taken limited steps to regulate Ruqyah. It issued a ministerial directive on June 20, 2006, which was sent to the directors of religious affairs and endowments in various provinces of the country. The directive emphasized the need to "cleanse the vicinity of the mosque from the phenomenon of practicing Ruqyah and cupping."

Additionally, the Fatwa Committee affiliated with the central administration of the Ministry of Religious Affairs and Endowments issued a statement regarding Ruqyah. The statement warned against seeking assistance from charlatans, sorcerers, and fortune-tellers, as it is considered an act of disbelief. It clarified the essence of Ruqyah in Islamic law as supplication directed to the Almighty Allah, as explained in the Qur'an and Sunnah. It emphasized that Ruqyah is not an exclusive practice limited to a specific individual; rather, a person can perform Ruqyah on themselves. However, this requires adhering to the reliance and trust in Allah, seeking medical treatment through permissible means, and consulting medical experts, as Prophet Muhammad, peace be upon him, said, "Seek medical treatment, for Allah, the Almighty, has not created any disease without creating a cure for it."

The ministerial directive also emphasized taking legal measures against any employee under the Ministry of Religious Affairs who practices Ruqyah in the mosque or in their official residence. This can be done based on a report submitted by inspectors from the Directorate of Religious Affairs to the director. The directive also instructed the mosque imam to prevent anyone from performing Ruqyah in the mosque or its vicinity in order to preserve its esteemed religious message and the reputation of those responsible for its administration.

It can be observed that through this directive, the Ministry aimed to preserve the sanctity of mosques and prevent anything that may undermine their sacred religious duty in society, particularly regarding the practice of Ruqyah. However, this alone is not sufficient because if Ruqyah is performed by individuals who are not devout and righteous, and who do not adhere to its principles and legitimate conditions, it can be easily corrupted and can delve into the realms of charlatanry, sorcery, and witchcraft. Such misuse of Ruqyah can have harmful effects on society as a whole, affecting various segments. This is reflected in the current state



of Ruqyah in society, where it is being practiced by anyone and everyone without proper qualifications or understanding.

In Algeria, there are centers for treatment through Ruqyah. One of the most well-known centers is the "Bashair Al-Shifa Association" for treatment through Ruqyah,³⁷ which specializes in cases of affliction by jinn, sorcery, and the evil eye. The practitioner, "Abu Muslim Belhamer Al-Hajj," provides his services at this center, which is located in the Guelma province in the Belaassel region. This center is recognized as one of the prominent establishments in Algeria for the treatment through Ruqyah.

Secondly: The regulation of Ruqyah in other countries

The majority of Arab and Islamic countries have not established legal regulations for Ruqyah, despite recognizing it and not criminalizing or prohibiting it. One of the countries that has attempted to regulate Ruqyah is Qatar, where the Ministry of Awqaf and Islamic Affairs has adopted a group of practitioners of ruqyah and granted them permission to practice the legitimate Ruqyah. Anyone who is not authorized is considered an unauthorized practitioner, violating the rules and regulations governing this field. The names of authorized practitioners, along with their phone numbers and addresses, can be found on the ministry's website.³⁸ The ministry has also called for the enactment of a law that criminalizes sorcery and witchcraft. This was stated during a press conference held by the Ministry of Awqaf, in the presence of "Abdullah Al-Dosari", the general coordinator of Ruqyah at the ministry. "Mohammed bin Hamad Al-Kuwari", the director of the Mosque Administration Department at the ministry, emphasized their commitment to regulating and organizing Ruqyah.³⁹

In Saudi Arabia, efforts are also being made to regulate Ruqyah through the Commission for the Promotion of Virtue and the Prevention of Vice (known as the Hai'a).⁴⁰ This was confirmed by Dr. Tawfiq Al-Sudairi, the Deputy Minister for Islamic Affairs, Call and Guidance Mosques Affairs, in an interview with Al-Sharq Al-Awsat newspaper.⁴¹ The aim is to establish regulations for the field of Ruqyah through the participation of scholars, experts, and psychologists. Additionally, the first center for Ruqyah in Saudi Arabia was opened in Jeddah by the Ruqyah practitioner "Sheikh Adnan Tawfiq Al-Hashimi". Dr. "Mohammed bin Abdullah Shawish", a consultant in psychiatry and Deputy Chairman of the Saudi Society of Psychiatry, highlighted the possibility of integrating Ruqyah into modern psychiatric practices.⁴²

These are just examples, as there are other countries such as the United Arab Emirates, Sudan, and Tunisia that are also working towards regulating Ruqyah.⁴³



THE SECOND TOPIC : CRIMINALIZATION OF RUQYAH

If Ruqyah deviates from its legitimate role, which is supplicating to the Almighty Allah by reciting verses from the Noble Qur'an and established supplications from the Sunnah for the purpose of seeking healing and relieving the body from various ailments, and instead employs other methods such as sorcery and witchcraft, then legal legislations have generally criminalized such practices. This is particularly the case in the Algerian legal system.

FIRST REQUIREMENT : CRIMINALIZING SORcery AND WITCHCRAFT BASED ON FRAUD AND DECEPTION

The Algerian legislature, like other legal systems, has criminalized acts of fraud and deception. Fraud refers to the intention to deceive and wrongfully acquire someone else's property⁴⁴, which can include falsely claiming supernatural powers.

Firstly: Elements of Fraud and Deception Crime

This crime is based on the following elements:

1. **Legal Element:** The Algerian legislature, along with other legal systems, has defined this element in Article 372 of the Penal Code in Algeria, Article 354 of the Palestinian Penal Code, Article 336 of the Egyptian Penal Code, Article 242 of the Bahrain Penal Code, Chapter 540 of the Moroccan Criminal Law, Article 655 of the Lebanese Penal Code, Article 641 of the Syrian Penal Code, Article 241 of the Qatari Penal Code, and Article 399 of the UAE Federal Penal Code.⁴⁵

2. **Material Element:** The criminal act involved in this crime is fraud and deception, also known as "tadlis" in some legal systems.⁴⁶ Article 372 of the Algerian Penal Code specifies various forms of criminal behavior that constitute the material element of the crime of fraud and deception. In the context of a Ruqyah practitioner, it may involve exploiting the patient's vulnerable state and the perceived religious authority to gain the desired objective.⁴⁷ For example, the practitioner may deceive the patient by claiming to be able to cure an illness that doctors have been unable to treat or reconcile marital issues attributed to sorcery or jinn possession.⁴⁸ It is worth noting that causing harm is not a requirement for this crime, as the intention behind criminalizing it is to protect property rights and individual freedoms.⁴⁹

3. **Moral Element:** The crime of fraud is an intentional crime that requires both criminal intent and knowledge. The practitioner knowingly deceives the client, assuring them of their supernatural abilities and the power to help, heal, and fulfill their desires, with the aim of obtaining material or personal benefits.

Secondly: Prosecution and Punishment

The criminal prosecution procedures for the crime of fraud are subject to general provisions outlined in the Criminal Procedure Code as a general principle. The



Public Prosecution, empowered by law, initiates and conducts the criminal proceedings before the judiciary.⁵⁰ The prosecutor takes the necessary steps for prosecution in accordance with the provisions of Articles 36, 29, and 1 of the Criminal Procedure Code.⁵¹

However, the Algerian legislature has imposed limitations on the right of the Public Prosecution to initiate public prosecution for the crime of fraud, as explicitly stated in Article 373 of the Penal Code. According to this article, public prosecution is not initiated in three cases:

- Damage to one's children or others from the same family branch.
- Damage to one's family branch.
- Damage to one spouse by the other.

Furthermore, criminal prosecution proceedings cannot be initiated except based on the complaint of the aggrieved party, and the withdrawal of the complaint terminates the proceedings.

Regarding the punishment, the Algerian legislature specifies a penalty of imprisonment ranging from one to five years and a fine ranging from 20,000 to 100,000 Algerian dinars. This is in accordance with Article 372/1 of the Penal Code. The third paragraph of the same article adds that the judge may also impose deprivation of all or some of the rights stipulated in Article 14, as well as a ban on residency for a period of one to five years.

SECOND REQUIREMENT : CRIMINALIZATION OF SORCERY AND WITCHCRAFT IN OTHER LEGAL PROVISIONS

Al-Razi mentioned that in the terminology of Islamic law, sorcery refers to anything that hides its cause, imagines something contrary to reality, and involves deception and trickery.⁵² The author of "Munzūm Spreading the Radiance" defined sorcery as something that appears with a cause, but there is hidden deception within it.⁵³ Islamic jurists unanimously agreed that whoever believes in the permissibility of sorcery and considers it lawful is considered a disbeliever,⁵⁴ as the verses of the Quran and the noble Prophetic traditions have explicitly prohibited it. Considering something lawful that Allah has prohibited is an act of disbelief.⁵⁵ However, there are differences among Islamic jurists regarding the type of punishment to be imposed on sorcerers.⁵⁶

As for the Algerian legislature, it has criminalized forms of Ruqyah that exceed their prescribed limits according to Islamic law and thus fall into the realm of sorcery.⁵⁷ This is stipulated in other provisions, including Articles 456, 260, and 275 of the Penal Code.

Firstly: Criminalization of Witchcraft under Article 303 bis 42 of the Penal Code



The Algerian legislator has regulated this crime in the Penal Code, and it is based on the following pillars:

Legal Element: Article 303 bis 42 of the Penal Code states: "Anyone who practices witchcraft or sorcery as a profession, or performs any of its acts with the intent of obtaining material or moral benefit, shall be punished with imprisonment from one (1) year to three (3) years and a fine from 100,000 DZD to 300,000 DZD. The penalty shall be imprisonment from three (3) years to seven (7) years and a fine from 300,000 DZD to 700,000 DZD if the witchcraft or sorcery results in physical or moral harm, unless the act constitutes a more severe crime."

Material Element: The criminal behavior constituting this crime includes any act by the perpetrator that induces hope or fear of the occurrence of an incident or any other imaginary event, through deception by claiming imaginary power or authority or by assuming a false identity. Acts of fortune-telling, divination, and prediction of the future are considered as witchcraft and sorcery according to the third paragraph of Article 303 bis 42. Article 303 bis 43 also punishes anyone who intentionally promotes these crimes with imprisonment from two (2) years to five (5) years and a fine from 200,000 DZD to 500,000 DZD. Additionally, the confiscation of money and means used in committing these crimes or obtained from them, the closure of the website used to commit the crime or making it inaccessible, and the closure of the premises or place of exploitation if the crime was committed with the owner's knowledge, while considering the rights of third parties in good faith, as stipulated in Article 303 bis 44.

Mental Element: The mental element in the crime of sorcery and witchcraft takes the form of criminal intent, which consists of the elements of knowledge and will. It is not enough to establish criminal responsibility that the perpetrator commits a criminal act with a material appearance; there must be an internal intention or will that the perpetrator seeks to achieve, despite their presumed knowledge that such behavior constitutes a punishable crime under the law.

Secondly: Criminalization of Sorcery Based on Poisoning and give Harmful Substances.

On many instances, the "raqui" deliberately gives the client or patient a substance that often causes harm or, in some cases, even death. In such cases, criminal proceedings are initiated based on either the act of poisoning⁵⁸ or giving harmful substances.

1. **Crime of Poisoning:** Some criminal legislation does not require a separate provision for the crime of poisoning. Supporters of this approach are divided into two perspectives: The first perspective applies the provisions of the crime of



homicide to cases of poisoning, as seen in the German, Dutch,⁵⁹ and Jordanian laws, leaving the determination of premeditation to the discretion of the court. On the other hand, certain legislations, such as Egyptian, Bahraini, Libyan, and Qatari laws,⁶⁰ consider poisoning as an aggravating circumstance in the crime of murder. Algerian and French legislations have specifically criminalized poisoning. In Algerian law, this is explicitly stated in Article 260 of the Penal Code, while in French law, it is covered by Article 221/5 of the Penal Code.

The material element of this crime is established when the offender intentionally uses a poisonous substance,⁶¹ regardless of the method used, and regardless of the resulting harm. The crime is complete even if the poisonous substance does not cause the victim's death, as long as there is a causal relationship between the administration of the poisonous substance and the resulting harm.⁶² Poisoning is considered an intentional crime that requires both knowledge and intent on the part of the offender.⁶³

The act of attempting to commit the crime is punishable, and withdrawal of the person with good intentions from giving the poisonous substance does not absolve them of the crime⁶⁴. The crime of poisoning can be proven through various means of evidence, including expert testimony.⁶⁵

The punishment for the crime of poisoning, according to Algerian law, is the death penalty, as explicitly stated in Article 261 of the Penal Code.

2. Crime of Administering Harmful Substances: If the raqui gives a substance to the patient or client without intending to cause their death, they can be prosecuted for the crime of administering harmful substances. This crime is criminalized under Article 275 of the Penal Code, which states: "Anyone who causes another person to suffer from illness or incapacity to perform personal work by intentionally giving them harmful substances, regardless of the method used, without intending to cause death, shall be punished with imprisonment from two months to three years and a fine ranging from 20,000 to 100,000 Algerian dinars."

In this regard, the criminal behavior constituting the material element of the crime is realized when the offender provides harmful substances to the victim or places them under their control for later consumption, regardless of the form of the substance (solid, liquid, or gaseous).⁶⁶

However, it is up to the judge to assess the extent of harm caused to the victim's health. The crime is only established if it causes illness or incapacity for personal work. There must be a causal relationship between the administration of the harmful substance and the resulting illness or incapacity. It is worth noting that attempted commission of the crime is punishable.⁶⁷

The crime of administering harmful substances, as stated in Article 275, is an intentional crime that requires the presence of criminal intent, as indicated by the



phrase "intentionally gave." The punishment for this crime varies depending on the severity of the consequences:

- If it results in illness or incapacity for a period not exceeding 15 days, the punishment is imprisonment from two months to three years, and a fine ranging from 20,000 to 100,000 Algerian dinars, as stipulated in Article 275/1 of the Penal Code.
- If it results in illness or incapacity for a period exceeding 15 days, the punishment is imprisonment from two to five years, as stipulated in Article 275/2 of the Penal Code.
- If it results in an illness that is incurable or permanent disability or impairment, the punishment is imprisonment from five to ten years, as stated in Article 275/4 of the Penal Code.
- If it results in death, the punishment is imprisonment from ten to twenty years, as stated in Article 275/5 of the Penal Code.

Furthermore, the judge has the authority to impose additional penalties, such as deprivation of one or more rights specified in Article 14 and prohibition of residency for a minimum of one year to a maximum of five years, as provided in Article 275/3 of the Penal Code. If the crime is committed by one of the spouses, a descendant, or someone who has authority over the victim, or those responsible for their care, the punishment is increased accordingly under Articles 276/1, 276/2, 276/3, and 276/4 of the Penal Code.

Conclusion :

Through all that has been presented, it becomes clear that Ruqyah, as established in the Holy Quran and the Prophet's Sunnah, is legitimate as long as it is within the framework of Islamic law. It involves supplication to the Almighty by reciting verses from the Noble Quran and using established prayers from the Prophet Mohamed, peace be upon him, for healing from various illnesses and afflictions. Currently, the practice of Ruqyah has spread in Arab and Islamic countries and is even conducted through social media, television, and websites. However, the danger lies in the absence of legal regulations, which has led to a conflation of Ruqyah with magic and sorcery. It is practiced by individuals who have no expertise in the field. Several Arab and Islamic countries, including Algeria, have attempted to implement regulations, but they are still insufficient. This is evident in the increasing number of cases brought to the judiciary, where culprits include charlatans and sorcerers who use the guise of Ruqyah. They are prosecuted in Algeria under the provisions of criminal law, whether for fraud or for other crimes like practicing fortune-telling, interpreting dreams, poisoning, or administering harmful substances, depending on the circumstances.



¹ El aya 82 from Surah Al-Isra.

² Abu Al-Fadl Ibrahim Zakaria, *Jinn (Genies) in the Beliefs of Ahl Al-Sunnah Wal Jama'ah*, Dar Al-Imam Malik, Blida, Algeria, 1994, p. 5.

³ The International Magicians Society (IMS) was founded in 1968 and has more than 41,000 members. It was established by the current president of the Eastern Region, "Vincent Zinni," and is based in New York, USA. The society holds meetings every three years and presents the Merlin Award to the best magician. It is the only organization listed in the Guinness World Records as the largest international organization for the art of optical illusion.

⁴ The American Society of Magicians was founded on May 10, 1902, in New York City, USA.

⁵ "Abu Malik Hasan Sayy Al-Arabi, *Ruqyah Between Sharia Discipline and Neglect in Practices*," Dar Al-Najah for Books, Algeria, 2004, p. 9.

⁶ "Abu Dawwaba, Fadi Ahmed, *The Verses of Ruqyah (Legitimate Incantations): A Thematic Quranic Study*," Master's Thesis, Faculty of Religious Studies: Department of Quranic Sciences and Interpretation, Islamic University, Gaza, Palestine, 2012, p. 2.

⁷ "Abu al-Su'adat, Al-Mubarak bin Muhammad al-Jazari, known as Ibn al-Athir," Edited by: Al-Zawi Ahmed Tahir and Al-Tanahi Mahmoud Muhammad, "Al-Nihayah fi Gharib al-Sharh wal Athar," Part Two, The Scientific Library, Beirut, Lebanon, 1979, p. 254.

⁸ El aya 93 surat al israa.

⁹ "DAAS" is a root consisting of the letters "د" (Daal), "ع" (Ain), and "ص" (Saad), and it signifies fineness and softness. "AdS" refers to sand that is fine and soft, while "Ad`Saa" is used to describe easy or smooth terrain. This information is sourced from Abu al-Hussein Ahmed ibn Fares ibn Zakaria's lexicon, "Lexicon of Language Metrics," published by Dar Al-Fikr in 1979, on page 283.

¹⁰ Gravel is the accumulation of pebbles and other materials.

¹¹ Ibn Manzur, Muhammad ibn Makram al-Ifriqi al-Misri, 'Lisan al-`Arab,' Volume Twelve, First Edition, Dar Sader, Beirut, Lebanon, without a publication year, page 70.

¹² Imam Majd al-Din Muhammad ibn Ya'qub al-Fayruzabadi, *Al-Qamus al-Muhit* (The Comprehensive Dictionary), edited and documented by Yusuf al-Sheikh Muhammad al-Baqai, supervised by the Office of Research and Studies, Dar al-Fikr for Printing and Publishing, Beirut, Lebanon, 2005, page 1664.

¹³ Ayat 26 and 27 from Surah Al-Qiyamah in the Quran.

¹⁴ "Saadi Abu Habeib, the Juridical Dictionary, Twentieth Edition, Dar Al-Fikr, Damascus, Syria, 1408 Hijri, page 152. Also, Abadi Muhammad Shams al-Haq, 'Awn al-`Iboud Sharh Sunan Abi Dawud,' Volume Nine, Second Edition, Dar Al-Kutub Al-Ilmiyya, Beirut, Lebanon, 1415 Hijri, page 206."

¹⁵ Tariq ibn Ali Al-Habib, "Psychological Therapy and Quranic Therapy: A Legal Psychological Perspective," Taybah Foundation, Cairo, Egypt, 2004, page 55.

¹⁶ Fahla Hasan Ramadan, "Healing with the Quran," First Edition, Ain M'lila, Algeria, 1995, page 142.

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¹⁸ Muhammad ibn Abi Bakr Ayyub al-Zur'ee, Ibn al-Qayyim al-Jawziyya, "Zad al-Ma'ad fi Hadi Khair al-Ibad: Fasl fi Hadihi fi 'Ilaaj al-Waja' bil-Ruqyah," Twenty-Seventh Edition, Dar al-Risalah, Beirut, Lebanon, 1994, page 188.

¹⁹ Suwaydan Ibrahim Yusuf Ibrahim, "Legitimate Incantations: A Thematic Study in the Prophetic Tradition," Master's Thesis in Islamic Studies at the Graduate College, An-Najah National University, Nablus, Palestine, 2014, page 11.

²⁰ Abu al-Hasan Ali ibn Isma'il, Al-Andalusi, "Al-Mukhtasar," Edited by Jafal Khalil Ibrahim, Volume Five, First Edition, Dar Ihya al-Turath al-Arabi, Beirut, Lebanon, 1996, page 21.

²¹ Ibn Abd al-Barr Abu Umar Yusuf ibn Abd Allah ibn Muhammad, "Al-Tamhid li Ma fi al-Muwatta min al-Ma`ani wal-Asanid," Edited by Mustafa ibn Ahmad Al-Alawi and Bakri Muhammad Abd al-Kabir,



Volume Twenty-Four, Ministry of General Affairs and Endowments, Kingdom of Morocco, 1387 Hijri, page 162.

²² Suwaydan Ibrahim Yusuf Ibrahim, Op. Cit, page 11.

²³ "Al-Ayni Badr al-Din, 'Umdat al-Qari Sharh Sahih al-Bukhari,' Volume Twenty-Five, Dar Ihya al-Turath, Beirut, Lebanon, Year of Publication Not Specified, Page 273."

²⁴ Suwaydan Ibrahim Yusuf Ibrahim, the same reference as previously mentioned, page 11.

²⁵ "Al-Yahsubi Abu al-Fadl Ayadh ibn Musa ibn Ayadh, 'Mashariq al-Anwar 'ala Sihah al-Athar,' Volume Two, Dar Ihya al-Turath, Beirut, Lebanon, Year of Publication Not Specified, P 29."

²⁶ "Ibn Najim Zain al-Din ibn Ibrahim ibn Muhammad, 'Al-Bahr al-Raiq Sharh Kunz al-Daqa'iq,' Volume Eight, Second Edition, Dar al-Ma'arif, Beirut, Lebanon, Year of Publication Not Specified, Page 217."

²⁷ Suwaydan Ibrahim Yusuf Ibrahim, Op. Cit, page 12.

²⁸ "Al-Kasani Alaa al-Din Abu Bakr ibn Mas'ud al-Hanafi, 'Al-Bada'i'e fi Tartib al-Shara'ie,' Volume Four, First Edition, Dar al-Fikr, Beirut, Lebanon, 1996, Page 304." And "Al-Buhuti Mansur ibn Yunus, 'Kashf al-Qina' 'an Matn al-Iqna', Volume Two, First Edition, Dar al-Kutub al-Ilmiyah, Beirut, Lebanon, 1418 Hijri, Page 88."

²⁹ Al ayah 86 from Surah Al-Israa.

³⁰ Al ayah 44 of Surah Fussilat

³¹ Al ayah 57 of Surah Younus

³² "Narrated by Imam Abu Abdullah Muhammad ibn Ismail al-Bukhari in his Sahih, in the book of Tafsir, under the chapter 'The Virtue of the Mu'awwadhatin,' Volume Four, Dar Ibn Kathir, Beirut, Lebanon, 1987, Hadith Number 4728, page 1916. Also narrated by Abu al-Hasan Muslim ibn al-Hajjaj al-Nisaburi in his Sahih, in the book of Salam (Peace), under the chapter 'Ruqyah for the Sick with the Mu'awwadhatin and Blowing,' Volume Four, Dar al-Haya al-Turath al-Arabi, Beirut, Lebanon, 1392 Hijri, Hadith Number 2192, page 1723."

³³ "Ibn Taymiyyah, Ahmed bin Abdul Halim Al-Harrani, known as Abu Abbas, Majmu' Al-Fatawa, Volume Four, without publisher or publication year, page 264."

³⁴ "Narrated by Imam Abu Abdullah Muhammad ibn Ismail al-Bukhari in his Sahih, in the book of the Virtues of the Quran, under the chapter 'The Virtue of the Mu'awwadhatin,' Volume Seven, Hadith Number 9727, page 1916."

³⁵ "Al-Ayni, Badr al-Din Abu Muhammad Mahmoud ibn Ahmed, 'Umdat al-Qari Sharh Sahih al-Bukhari, Volume Twenty, Dar al-Fikr, Beirut, Lebanon, 1979, page 35."

³⁶ "Narrated by Abu al-Hasan Muslim ibn al-Hajjaj al-Nisaburi in his Sahih, in the book of Remembrance, Supplication, Repentance, and Seeking Forgiveness, under the chapter 'Seeking Refuge from Bad Decrees and Warding Off Misery, Volume Four, Hadith Number 2709, page 2081."

³⁷ In Algeria, the establishment and organization of associations are governed by Law No. 12/06, dated 12/01/2012, concerning associations. According to Article 2 of this law, associations can have religious, scientific, and charitable purposes, provided that they do not contradict national values, public order, public morals, and the provisions of applicable laws and regulations.

Additionally, Article 24 of this law grants associations the right to organize meetings and seminars related to their activities and to publish magazines and brochures within the framework of the law. However, it's important to note that religious associations are subject to specific regulations in their establishment, as stated in Article 47 of this law.

³⁸ To access the list of healers (رفقة) in Qatar, individuals can visit the website of the Ministry of Endowments and Islamic Affairs of Qatar at the following address: www.islam.gov.qa.

³⁹ On March 4, 2016, Qatar approved 15 healers (رفقة) according to the official website of the Ministry of Endowments and Islamic Affairs. The list included a Sudanese and an Algerian healer, eight Yemeni healers, three Qatari healers, and Egyptian healers.

⁴⁰ هيئة الأمر بالمعروف والنهي عن المنكر

⁴¹ To access the dialogue, you can refer to Al-Sharq Al-Awsat newspaper in issue number 11791, dated Friday, 05 Rabi' Al-Thani 1432 AH, corresponding to March 11, 2011.



⁴² For further clarification, you can refer to Al-Waam electronic newspaper in an article published on Friday, 24 Jumada Al-Awwal 1437 AH, corresponding to March 4, 2016.

⁴³ In Tunisia, the Tunisian Association "Ansar" organized the First International Forum for Ruqyah Healing under the supervision of Engineer Mohamed Al-Hila, with the participation of numerous ruqaat, including the Algerian raqui Belahmar Al-Haj Abu Muslim. This event took place from March 23 to March 25, 2012.

⁴⁴ Hassani Mahmoud Najib, "Crimes of Assault on Property in the Lebanese Penal Code," Dar Al-Nahda Al-Arabiya, Beirut, Lebanon, 1984, page 211. Also, Abdel Sattar Fawziya, "Special Section in the Penal Code," Dar Al-Nahda Al-Arabiya, Beirut, Lebanon, 1982, page 164. Additionally, Abu Khattoua Ahmed Shoukry, "Explanation of the Penal Code - Special Section," Dar Al-Nahda Al-Arabiya, Cairo, Egypt, 1994, page 194.

⁴⁵ Jouda Jihad Hussein, "Federal Penal Law: Special Section - Part Two: Crimes of Assault on Property," First Edition, Al-Bayan Commercial Printing Press, Dubai, United Arab Emirates, 1416 hijri, page 213.

⁴⁶ Al-Saeed Kamel, "Explanation of the Jordanian Penal Code: Crimes against Property," Dar Al-Thaqafah Library for Publishing and Distribution, Amman, Jordan, 1993, page 177.

⁴⁷ Al-Marsafawi, Hassan Sadeq, "Penal Code: Special Section," Ma'arif Establishment, Alexandria, Egypt, 1978, page 203.

⁴⁸ Mustafa Mahmoud Mahmoud, "Explanation of the Penal Code: Special Section," 7th edition, Cairo University Press, Egypt, 1975, p. 544.

⁴⁹ Hosni Mahmoud Naguib, Op. Cit, p. 260.

⁵⁰ Ahmed Shoukry Al-Shalqawi, Principles of Criminal Procedures in Algerian Legislation, Part Two, Diwan Al-Matbouaat Al-Jamiya, Algeria, 1998, p. 197.

⁵¹ Nacira Bouhadjah, The Authority of the Public Prosecution in Initiating Public Actions in Algerian Law, Master's Thesis at the University of Algiers, 2002, p. 38.

⁵² Muhammad Umar Al-Razi, The Rulings of Magic and Sorcerers in the Quran and Sunnah, Explanation and Review by Ferial Alwan, 1st ed, Dar Al-Fikr Al-Lubnani, Beirut, 1991, p.10.

⁵³ Muhammad Abdul Rahman Al-Ahdal, Explanation of the Poem "Sabk Al-Tibr" on the Rules of Magic, 1st edition, Dar Al-Minhaj, Beirut, Lebanon, 1428 Hijri, p. 7.

⁵⁴ Muhammad Amin, also known as Ibn Abidin, "Hashiyat Radd al-Muhtar 'ala al-Durr al-Mukhtar," Volume 4, 2nd edition, Dar al-Fikr, 1979, p. 240.

⁵⁵ Saleh Abdulaziz Al-Daafas, "The Crime of Sorcery: Its Punishment in Islamic Jurisprudence and Its Applications in the Kingdom of Saudi Arabia," Master's Thesis at Naif Arab University for Security Sciences, Riyadh, Saudi Arabia, 1419 Hijri, p. 108.

⁵⁶ The ^{scholars} have indeed differed on whether a sorcerer becomes an apostate (kafir) due to their practice of sorcery or not, and this difference has led to variations in the punishment for sorcery, whether it should be death or otherwise, depending on whether the individual is a Muslim or not. There are different opinions on this matter, each with its own arguments. Refer to: Hussein bin Abdul Rahman bin Fahd Al-Mousa, Proof in the Crime of Sorcery Between Sharia and Law: A Comparative Applied Theoretical Study, Master's Thesis at Naif Arab University for Security Sciences, Saudi Arabia, 2008, pp. 58-60."

⁵⁷ Some countries, including India, Burma, Thailand, and many African countries, do not criminalize witchcraft or sorcery.

Refer to: Al-Bawi, Muhammad Mahmoud, "Witchcraft in the Rulings of Sharia and Law," Dar Al-Arqam Ibn Abi Al-Arqam Company, Beirut, Lebanon, 2000, p. 67.

⁵⁸ In ancient Rome, where poisoning was common, it was punishable by death. In the old French legal system, there was no distinction made between the crime of poisoning and witchcraft. However, in 1672, King Louis XIV issued a decree that prohibited the courts of the kingdom from accepting simple accusations of witchcraft.

⁵⁹ Article 366 of the German Penal Code and Article 223/1 of the Dutch Penal Code.



⁶⁰ Article 233 of the Egyptian Penal Code, Article 333 of the Bahraini Penal Code, Article 371 and Article 286 of the Libyan Penal Code, and Article 300 of the Qatari Penal Code.

⁶¹ Poison is a substance that is lethal to the body's cells, leading to either rapid or slow death depending on its strength and quantity. Refer to: Sabhi Mohammed Najm, *Explanation of the Algerian Penal Code "Special Section,"* Second Edition, University Publications Bureau, Algeria, 1990, p. 46.

⁶² Bousguiaa Ahsan, "Al-Wajeez in Private Criminal Law, Part One: Crimes against Persons and Crimes against Property," Dar Houma, Algeria, 2002, p. 34.

⁶³ Ben Sheikh Lahcene, "Memoirs on Special Criminal Law," Dar Homeh, Algeria, 2004, p. 40.

⁶⁴ Al-Kailani, Abdullah Abdel Qader, "The Death Penalty in Islamic Law and Egyptian Law," 1st edition, Manshurat Al-Ma'arif, Alexandria, Egypt, 1996, p. 185.

⁶⁵ Ferjani, Hussein, "Explanation of the Algerian Penal Code," Diwan Al-Matbuat Al-Jamiia, Algeria, 2006, p. 58.

⁶⁶ Ferjani, Hussein, Op. Cit, p. 142.

⁶⁷ Bousguiaa Ahssen, Op. Cit, p60.

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