

ABSTRACT

This study discusses the felony and its public and private means of proof, focusing on the penalties that God Almighty has imposed on the felony of manslaughter.

The blood money (Diya) is a financial penalty that the Islamic Sharia determined its own legal provisions and controls. It is a large amount that the perpetrator cannot bear alone, because it prejudices him and consumes everything he owns, so the Sharia compelled the blood relatives male to bear the blood money from the perpetrator as support and backing, so that not to waste the blood of Muslims . In addition, the study deals with the jurisprudence controls of the blood relatives male , and the felonies for which jurists differed in its incurring by blood relatives male.

At the present time, the tribes disintegrated and families separated, and because of that and in order to preserve the blood of Muslims, the researcher calls for finding a way to bear blood money, as some official institutions or cooperative insurance companies can carry out this task in order to protect our Islamic society from disintegration and loss.

The importance of the topic lies in the fact that it urges and guides the true brotherly spirit, and that this nation has one body that is disturbed by what afflicts one of its members, especially as this topic deals with the sanctity of the soul, its value, standing, how to preserve it, and maintaining it from what may threats or destroys it.

The problem that prompted the researcher to address this issue; is the controversy over the kinship that causes the blood relatives male of the perpetrator to pay the blood money because of the perpetrator`s mistake. Is the social relationship the only one that relates the blood relatives male to the perpetrator , or is there other relationships that can be considered in the incurring of the blood relatives male to the payment of the blood money, so that the blood of Muslims is not wasted, the crime does not spread, the social system is not shaken, and security does not go unheeded.

The researcher has chosen a two-fold plan for this study, which contains: an introduction, Preface, and two chapters. Each chapter includes two topics, each of which contains two requirements, then a conclusion with results and recommendations.

Introduction: It contains the importance of the study, the reasons for choosing it, its goals, its problems, its subject of dispute, its previous studies and the plan followed therein.

Preface : to identify the necessary objectives of Islamic sharia and how to preserve them, and the relevant problems, then explaining how blood money (Diya) and close relatives ('Āqilah) are one of the objectives of Sharia in the event of a transition from retribution (Qisas)to blood money(Diya).

The first chapter: It deals with the blood money, its provisions, its origins, divisions and amounts as well as some of its own issues, with an indication of the extent of the compatibility of the Libyan law with what was stated in Islamic Sharia relating to blood money and blood relatives male

The second chapter deals with the blood relatives male as it bears the blood money because of the mistake of the perpetrator. It also deals with the felonies for which jurists differed in its incurring by blood relatives male, and the insurance system as a contemporary application alternative in the absence of blood relatives male.

Through this study, the researcher was able to reach a number of results and recommendations, including:

- 1) The blood money is the money that is required for the crime on the free person in the soul or below it. The originality of its legitimacy is the Quran, the Sunnah and the consensus. It was legislated because it eases and facilitates the burden of the wrongful perpetrator and to find an excuse for him so that the blood money does not prejudice him.
- 2) The jurists agreed that the blood relatives male shall bear the felony of manslaughter, just as the majority of jurists agreed that the blood relatives male shall not bear the consequences of the felony of murder without retribution, nor the blood relatives male of the master are responsible for the crime committed by his slave, in addition the blood relatives male are not responsible for the reconciliation in blood money or the consequences resulted out of the confession of the crime.
- 3) The cooperative insurance system is one of the contemporary applications that can take the place of the blood relatives male in bearing blood money with him, with more legal controls in line with Islamic law in order to avoid any suspicion.

Recommendation :

1. The researcher recommends that scholars shall shed light on the topic of blood money and blood relatives male, as there are issues related to it that need study and attention, especially contemporary applications and their compatibility with Islamic law.
2. The necessity of dealing with traffic accidents according to what is stated in Islamic jurisprudence, and that the blood relatives male of the driver should bear the blood money, or in addition put legal mechanisms in accordance with the Islamic law about the one who bears the blood money instead of the blood relatives male if they do not exist.