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**"General And Special Verdicts For The Crime Of
Mother Killing Her Child"**

**A comparative Study Between The Jordanian And
Palestinian Laws**

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2012-2013

التفويض

أنا الطالب وجدي عبد الرحمن حسني عايش أفوض جامعة الشرق الأوسط بتزويد نسخ
من رسالتي ورقياً وإلكترونياً للمكتبات، أو المنظمات، أو الهيئات، والمؤسسات المعنية بالأبحاث
والدراسات العلمية عند طلبها.

الاسم: وجدي عبدالرحمن حسني عايش

التاريخ: ٢٠١٢ / ٥ / ٢٧



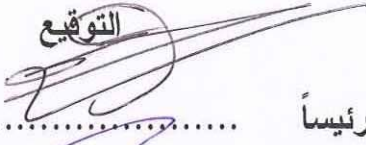
التوقيع:

قرار لجنة المناقشة

نوقشت هذه الرسالة وعنوانها: "الأحكام العامة والخاصة لجريمة قتل الأم لوليدها"

دراسة مقارنة بين القانونين الأردني والفلسطيني" وأجيزت بتاريخ ١٥/٥/٢٠١٧

التوقيع



مشرفاً ورئيساً

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أعضاء لجنة المناقشة

الأستاذ الدكتور محمد عودة الجبور

الدكتور أحمد محمد اللوزي

الدكتور علي أحمد الزعبي



أهدي بحثي المتواضع إلى:

من علمني أن أرتقي سلم الحياة بحكمته وصبره

إلى مصدر فخري واعتزازي والدي

من علمتني معنى الحب والعاطفة

والحنان إلى نور حياتي والدتي

إلى من سعوا وشقوا لأنعم بالراحة والهناء

إخواني وأخواتي

إلى من علمني معنى الثقة بالغير والتسامح والتعاون

أصدقائي

خالد اللحام، غازي العدوان، مراد الغرابلي

شكرًا وإثارة

أتقدم بعظيم الشكر والامتنان إلى الاستاذ الدكتور

محمد عودة الجبور

لإشرافه على هذا البحث ومتابعة خطواته، وإرشاداته لي ونصائحه التي أنارت لي

درب هذا البحث

لما بذله من جهد لوصولي إلى هذه الدرجة من العلم والمعرفة.

كما أتوجه بخالص شكري وتقديري لكل من ساهم بإعطائي المعلومات

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Abstract

"General and special verdicts for the crime of Mother killing her child"

A comparative study between the Jordanian and Palestinian laws

Prepare By

Wajdi AbedAlrhman Ayesh

Supervisor Prof. Dr

Mohammed Odeh Jabour

Abstract

The murder of young children is not a characteristic of the modern era, it has been known since ancient times. This crime has become the focus of many recent social, cultural, and intellectual developments.

This study aims to reveal the general and special provisions for this crime and clarifies the two forms of the crime and its rules and regulations. The first crime is the mother's murder of her newborn child as result of her unstable psychological state during her pregnancy and breastfeeding. The second crime is the mother's murder of her newborn child as a result of her extramarital relations, to avoid public humiliation and judgment. This study also aims to highlight the extent of the partner's involvement in the crime, which will result in reducing the blame on the mother, and to uncover the reasoning behind her actions.

This study also emphasizes the reduced justification of the judgment due to social norms in the Jordanian and Palestinian culture.

In Chapter II, we discuss the general and special provisions for the crime and the ruling given as a result of it. Whether or not the mother receives a reduced ruling in her case will also be taken in consideration to ensure her current psychological situation is stable.

In Chapter III, we discuss the mother's motivation to murder in both cases. Whether the motivation was predetermined by the mother or influenced by an accomplice is also taken in consideration. The amount of reducing the punishment for the crime is all discussed.

In Chapter IV the mother's motivation to kill her newborn child for protecting her honor and public dishonor is mentioned.

In conclusion, the most important results of this study are as follows: the mother's murder of her newborn child is semi-intentional. The elements of the crime committed must be present, including the materialistic elements as well. The murderer must be the birth mother and the murdered must be her child.

In conclusion, the Palestinian and Jordanian lawmakers are encouraged to treat the weaknesses and the unstable psychological mind of the murderer. This unstable psychological state should be mentioned and implied in written texts. Whether the weaknesses are a result of incomplete psychological development or she was born psychologically ill. This topic should be taken in consideration to better understand and analyze the motive behind the mother's action. We also believe that the reduction in punishment, Material 332 in the Jordanian Punishment Law, should include the accomplices in the murder as well as the mother herself, whether the accomplices participate in the murder directly or indirectly encourage the crime, especially if the relatives are close; mother, father, husband, or any third degree relatives, it must be in moderation because of public shame and honor.

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1) where a woman by any willful act or omission causes the death of her child being a child under the age of twelve months, but at the time of the act or omission the balance of her mind was disturbed by reason of her not having fully recovered from the effect of giving birth to the child or by reason of the effect of luction consequent upon the birth of the child, she shall, notwithstanding that the circumstances were such that but for this section the offence would have amounted to murder, be guilty of infanticide, and may for such offence be dealt with and punished as if she had been guilty of the offence of manslaughter of such child. 2) Nothing in this section shall affect the power of the court upon an information for the murder of a child being a child under the age of twelve months to find the accused guilty of manslaughter, or guilty but insane, or guilty of concealment of birth. 3) The provisions of this code relating to concealment of birth apply in the case of the acquittal of a woman upon information for infanticide as they apply upon the acquittal of a woman for murder.

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1968	.16
1983	.17
1986	.18
1995	.19
2011	.20

2011	.21
2005	.22
2002	.23
2008	.24
2012	.25
1970	.26
2002	.27
2012	.28
2004	.29
2011	.30

				:
.2011	8	1960	16	.1
		.1960	16	.2
		.1936	74	.3
(19)	1961	(9)		.4
				.2009
		.2001	(3)	.5

:

.1

.2