

The Effect Of Blocking Pretexts On The Regular Control Of The Saudi Criminal Procedure Process

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ABSTRACT

This study examines the importance of regulatory oversight in criminal investigations and its relationship to the legal principle of blocking pretexts. In particular, it explores the Saudi legal framework, which has established detailed legislative measures to regulate investigations and ensure their integrity and effectiveness. The study highlights the key objectives of these regulations, including standardizing investigative procedures, preventing arbitrariness, and eliminating randomness that could undermine justice. By applying the principle of blocking pretexts, the Saudi legal regulation aims to preempt potential abuses and protect the investigative process. This principle, rooted in Islamic jurisprudence, seeks to prevent actions that, while seemingly permissible, could lead to prohibited outcomes. The study examines key provisions in Saudi legal regulations that embody this principle, strengthening the investigative authority of the public prosecution to maintain procedural consistency and prevent unauthorized investigations. Furthermore, it addresses the delicate balance between private rights and the public interest in criminal cases, ensuring that external pressures do not obstruct justice. Some of these provisions reinforce the principle of impartiality by excluding investigators from cases where personal conflicts of interest may arise. The findings emphasize the need for a structured legal framework to govern criminal investigations, demonstrating how legal safeguards contribute to transparency, fairness, and judicial efficiency. Through a careful review of legal texts and jurisprudential principles, this study confirms the effectiveness of systematic oversight in preventing potential misappropriations of justice. Ultimately, the study highlights the broader implications of these regulations for promoting a fair legal regulation that upholds the rule of law and protects individual rights.

Keywords:

Criminal procedures, preventing pretexts, regulatory control, the investigation process, the Saudi legislator,

INTRODUCTION

Regular oversight of the investigative process plays a crucial role in ensuring fairness and preventing procedural flaws that could lead to injustice. Furthermore, the fundamental rules have the characteristic of dominating the branches of jurisprudence because they are generated from them, and they have dominance over the formulation of texts of laws and regulations, even in their positive form. Whoever wants to formulate a legal (regulatory) text cannot do so without referring to the fundamental rules because the fundamental rules protect the legislator (regulator), the judge, and the mufti from error. This is what the Saudi legislator realized and followed. It is not hidden from anyone who has the most basic knowledge of laws and regulations and the extent to which the Kingdom's regulations are linked to Islamic law. There is no regulation in it that does not have a clear and evident reference to the Qur'an and Sunnah. Moreover, the apparent integration between Islamic jurisprudence and the Kingdom's regulations is something that the observer cannot miss. If this indicates anything, it demonstrates that those who formulated those regulations in this generous country are people of knowledge and virtue. On the other hand, it indicates the appreciation of the leadership of this country for Islamic law in word and deed. Therefore, the Saudi legislator in all the regulations issued by the high position did not neglect the legal dimension in their principles and branches. Among the axioms is what the Basic Law of Governance stipulates in Article 7: The government in the Kingdom of Saudi Arabia derives its authority from the Book of Allah Almighty and the Sunnah of His Messenger.

They are the two rulers over this regulation and all state regulations. Article 8 stipulates that the government in the Kingdom of Saudi Arabia is based on justice, consultation, and equality, in accordance with Islamic law. These two texts clearly indicate the relationship between the state regulations of all types and fields and Islamic law. Therefore, any investigation or inquiry that seeks the relationship between the regulations in the Kingdom and Islamic law aims to emphasize the clear fact that is unique to the regulations of the Kingdom. It is known that the rules of evidence are among the important rules implicit in the texts of the regulations, their explanations, and regulations, and they have their place when formulating laws and regulations and their applications. Accordingly, there is no regulation that does not have a connection to a number of these rules, and among the regulations that can be studied - based on that - in a complete or criminal manner is the Criminal Procedures regulation issued by Royal Decree No. (M/2) dated 22/1/1435 AH.

Because the issue of investigation - as a part of this regulation - is a serious issue and one of the issues that have a direct impact on achieving justice, repelling harm from society, and preventing crimes, it is a pivotal penal issue in the legislative regulation of any country, and it is also in this regulation. Hence, the researchers chose this study on the rule of blocking pretexts and applied it to the articles that regulate investigation in the regulation, entitled The Effect of Blocking Pretexts on Investigation from the Criminal Procedures regulation in the Kingdom of Saudi Arabia. The researchers were keen to approach the subject from a comparative, fundamentalist, and applied regulatory approach.

Reasons for choosing the research

The most prominent reasons are the following:

- 1- Proving the relationship between the legislation in the Kingdom of Saudi Arabia and the fundamental rules.
- 2- Defending the legislation of the Kingdom of Saudi Arabia in light of the wave of attacks on it by hostile circles.
- 3- Proving the innocence of the legislation of the Kingdom of Saudi Arabia in investigating charges of neglecting human rights.

Importance of the research.

The research gained its importance from its relationship to the criminal procedure regulation and its relationship to the fundamental rules. And its importance also lies in the fact that it is the only study that addresses the regulation from this angle and that it will be an important reference for students of the regulation and its relationship to Islamic law and the principles of jurisprudence.

Research Objectives

The objectives that we hope to achieve through this research are the following:

- 1- Clarifying the relationship between the criminal procedure regulation and the fundamental rules.
- 2- Proving the legislator's keenness on the rights of the accused in all stages of the investigation.
- 3- Clarifying the legislator's reliance on the rule of blocking pretexts in most investigation materials.

Research Limits

The research is limited to the Criminal Procedures Regulation No. (M/2 of 1435 AH regarding criminal procedures) and its executive regulations, specifically Chapter Four of the regulation, except for what was necessary and was related to the investigation from other chapters. In addition, it will be limited to the most important issues in the investigation, which we saw as touching and relating greatly to the rule of blocking pretexts, and the purpose of the research is representation, not investigation.

Research Methodology

The issue will be depicted at the beginning of the main point by presenting its meanings and regular image and providing evidence for it. Then, the regular texts included under it will be followed and collected, and due to the abundance of examples that are suitable for the study, addressing them all will amplify the research space. Therefore, the researchers believe to suffice with five examples clarifying the main point of the study. They will be chosen according to their order in the regulation whenever possible, then to be analyzed and linked to the rule of blocking the pretexts to depict the purpose of the legislator in writing the text. Based on the availability of the scientific material in the hands of the researchers, they saw the division of the research into an introduction, a preface, the main point - the regular control of the investigation process and its relationship to blocking the pretexts - and a conclusion as follows:

The introduction includes the reasons and importance of the topic, its limits and plan, and the research methodology. The preface includes defining the most prominent terms of the title. The main point is the regular control of the investigation process and its relationship to blocking the pretexts. The study ends with a conclusion and recommendations.

RESULT AND ANALYSIS

To clarify the most important terms of the title, the researchers suffice with defining the rule of blocking the pretexts, the regulation of procedures, and the term investigation. In the terminology of scholars, the term rule is synonymous with the origin, the law, the issue, the rule, and the purpose. It was defined as a general matter that applies to all its details when its rulings are known from it (Al-Tahanuni, 1996, p. 1295). And "Sadd" in the language: indicates filling something and making it fit, and from it: closing a defect, and plugging a gap (Ibn Manthoor, 1994a, p. 207; Ibn Faris, 1979a, p. 66; Al-Fayyumi, p. 270).

Pretexts "*al-thara'i*" in the Arabic language is the plural of *al-thara'iah* (الذريعة), and it is originally the she-camel that the hunter covers himself with to hunt, and it is called: *al-thari'ah* and *al-thara'*, then it was made an example for everything that is lower than something and close to it, so *al-thara'iah* (الذريعة) the pretext metaphorically is the means and reason to something (Ibn Manthoor, 1994b, p. 96; Ibn Faris, 1979, p. 350; Al-Jawhari, 1987, p. 1211). And *al-thara'iah* as in terminology is what was a means and a path to something (Ibn Taymiyyah, 1987, p. 172).

Accordingly, blocking the pretexts can be defined as: eliminating the substance of the means of corruption in order to prevent it (Al-Garafi, 1998, p. 32), i.e.: whenever an action free from corruption is a means to corruption, we are prohibited from that action. If it is assumed that blocking the pretexts is evidence from the evidence, the reason for using the term rule for blocking the pretexts is evident from what the scholars of the principles of jurisprudence use for some evidence, such as approval, interest, and others. so they call them a rule or evidence synonymously, and for this reason Imam Al-Shatibi called it in Al-Muwafaqat a rule (Al-Shatibi, 1997, p. 564).

Definition of the Criminal Procedures Regulation

The regulation in Arabic language: is derived from "*nathama* (نَظَّمَ)", which means compositing and adding one thing to another in order. The matter is structured so it became organized, meaning the legislator established it so it became straight, and it is on one regulation, meaning a non-different approach. Moreover, the regulation is the gift and the conduct (Al-Fayrouzabadi, 2006, p. 1162; Ibn Manthoor, 1994c, p. 578; Al-Fayyumi, p. 612).

In terminology, it is "a set of binding rules that govern the behavior of individuals and their relationships in society" (Al-Mashaali, 2007, p. 134; Gharib, 1972, p. 21; Wafaq, 2003, p. 111). According to legal experts, criminal procedures are defined as a set of legal and regulatory rules. Such rules regulate the detection of crimes by appointing the competent authorities that conduct these procedures and determine their jurisdiction, investigating them and prosecuting their perpetrators by imposing the prescribed penalty on them if they are convicted (Al-Harqan, 2021, p. 9; Aal-Thafir, 2013, p. 2; Najm, 2012). In the Kingdom of Saudi Arabia, it is the criminal procedures regulation issued by Royal Decree No. (M/2) of 1435 AH by the Custodian of the Two Holy Mosques, King Abdullah ibn Abdulaziz Aal Saud, King of the Kingdom of Saudi Arabia, consisting of two hundred and twenty-two articles distributed over ten chapters, and any amendments made to it by royal decrees.

Regular control of the investigation process and its relationship to blocking pretexts.

There is no doubt that regular control of the investigation case is an important matter because the investigation is a pivotal issue in the course of the criminal case, and any defect in it leads to a disruption in the course of justice. By regular control of the investigation, we mean the development of detailed legislation that keeps pace with the course of the investigation and guides it until reaching the truth. In addition, because the goal of the investigation is to reach the truth, which is the important and perhaps the only way to achieve justice. This is what is happening, legal legislation gives great importance to the investigation. Therefore, the Saudi legislator in the Criminal Procedures regulation has established an entire chapter for investigation, which is Chapter Four of the procedures regulation, in addition to the fact that there are a large number of articles related to the investigation.

It is known that the goal of the regulation is to control the establishment of justice, prevent injustice, and block all paths and pretexts leading to it, and whoever contemplates the sources of Sharia and its resources knows that it came to block the pretexts leading to forbidden things. "The pretext is the issue that appears to be permissible, and through it leads to doing the forbidden" (Hakami et al., 2024a; Al-Shawkani, 1999, p. 194). Furthermore, "Pretexts are methods, and these methods may be for ends that spoil people's lives, so these methods must be prevented. This is what is called, in Islamic law, the rule of blocking pretexts" (Hakami et al., 2024b). Ibn Al-Qayyim said, since the objectives cannot be reached except through causes and methods that lead to them, their methods and causes are subordinate to them and are considered by them. The means of forbidden things and sins in their dislike and prohibition are according to their ability to lead to their goals and their connections to them (Ibn Al-Qayyim, 2002, p. 553). He has forbidden injustice for Himself and made it forbidden among His servants. Allah Almighty said in the Holy Hadith: O My servants, I have forbidden injustice for Myself and made it forbidden among you, so do not wrong one another (Muslim, n. d.; Al-Shawkani, 2001, p. 364; Ibn Katheer, 2016, p. 292).

The general purpose of the Saudi legislator from this regulation is to unify criminal procedures and litigation procedures within the country. Since this research traces the legislator's purposes according to the rule of blocking pretexts, the most important purposes of the Saudi legislator's establishment of orderly regulation of investigation procedures can be featured as follows:

1. Blocking the pretext for differences and variations in the implementation of the criminal investigation, as the legislator sought from this regulation to unify the procedures that cut off the root of the interpretations that may lead to a disruption of justice.
2. Blocking the pretext for arbitrariness and injustice, as 'injustice is one of the characteristics of souls'; leaving the investigation without regulation, and regulation opens the door to arbitrariness and injustice, and this is what the state is keen to avoid with all its joints.
3. Blocking the pretext for randomness, as it is known that organizing the investigation and organizing its details cuts off the road to randomness, which usually leads to the loss of rights.

Among the applications of the rule of blocking pretexts in the procedures' regulation, a number of regulatory texts can be represented as follows:

Article Thirteen:

The Public Prosecution undertakes investigation and public prosecution in accordance with its regulation and regulations. This text is one of the controlling texts that shows the approach and principle chosen by the Saudi legislator in merging the powers of investigation and prosecution in form and content (Al-Humaidan, 2000). According to the Public Prosecution regulation, we find that the Saudi legislator made the investigator, after completing the investigation and completing the papers and grounds of the case, play the role of the public prosecution before the court and plead as a public prosecutor in the case. The legislator stipulated in Article Three that the tasks of the Public Prosecution include (A - Investigating crimes, C - Public prosecution before the judicial authorities...).

Thus, the regulatory role of the prosecution becomes clear, as does the extent of keenness to control the investigation procedures and provide guarantees to achieve justice by making a civil judicial body undertake the investigation. The effect of the rule of blocking pretexts is also evident in the following essentials:

- Blocking pretexts for randomness, as limiting the investigation to one party in an organized manner, blocks the path for anyone who wishes to conduct the investigation under any pretext. The legislator limited the jurisdiction of the investigation to the Public Prosecution, and made it one of its main tasks. When it stipulated an assistant to the prosecution, it made him under its supervision and with its written authorization. In Article Sixty-Six, the legislator stipulated that the investigator may delegate in writing one of the criminal investigation officers to carry out a specific procedure or more of the investigation procedures, except for the interrogation of the accused. The delegate shall have, within the limits of his delegation, the authority of the investigator in this procedure. If the situation calls for the investigator to take a procedure outside his area of jurisdiction, he may delegate to the investigator of the competent department or one of the criminal investigation officers therein, as the case may be. The investigator must move himself to carry out this procedure if the interest of the investigation so requires.

In paragraph (1) of Article Forty-Four of the Regulations, the matter was further clarified and stipulated. It stipulated that the validity of the assignment—mentioned in Article (66) of the regulation —requires that it be issued explicitly by the person who owns it. It must be documented in writing, and the name of the person who issued it, his position and signature, the date of assignment, and the name of the accused or accused persons concerned with the permission must be stated, and it must not extend to the investigation of the entire case). Not only that, but it also stipulated in Article Sixty-Seven that the investigator must, in all cases in which he assigns someone else to conduct some investigations, state—in writing—the issues required to be investigated and the procedures required to be taken.

The delegate may conduct any other investigative work and interrogate the accused in cases where he fears that time will pass, as long as this is related to the work assigned to him and necessary to reveal the truth. This text made the legislator an exception, and to block the pretext of generality and the illusion of complete authority, the legislator stipulated in the regulation in Article Forty-Five that the assessment of the fear of passing the time referred to in Article (67) of the regulation shall be for the delegate. In addition, this assessment shall be subject to the supervision of the Public Prosecution). Thus, we find that the legislator stressed the limitation of jurisdiction and its control in the Public Prosecution and no other. - Blocking the pretext of overlapping jurisdiction, as the prosecution, according to this text, is competent for investigation and public prosecution, and no party, no matter how important or high its status, shares it with.

2.2. Article Seventeen:

A criminal lawsuit may not be filed or an investigation conducted in crimes in which a private right of individuals is due except upon a complaint from the victim, his representative, or his heir after him to the competent authority unless the Public Prosecution sees a public interest in filing the lawsuit and investigating these crimes.

The legislator explained what is meant by the private right in the text of the regulation, where he stated in paragraph (1) of Article Four that the crimes in which a private right of individuals is due, referred to in Article Seventeen of the regulation, are those in which the harm is limited to the victim. This is what is called purely personal harm.

If there are laws in which the private right is confused with the public right, and some laws make some crimes private rights, such as the crime of adultery, then the Saudi legislator, based on Islamic law, considers—inevitably—that what was a purely personal right in the law was also in the regulation. Conversely, the legislator revolves with the law wherever it revolves, as stated in the Basic Law of Governance, and thus there is no ambiguity.

With the key presence of the private right in the criminal case, which made the regulation link the initiation of the case to the complaint filed by the victim (Abdul'Ati, 2019), since the beginning of the text indicates the prohibition (it is not permissible). This prohibition, although decisive, is limited by the connected exception included at the end of the article: "Unless the Public Prosecution sees a public interest in filing the case and investigating these crimes." The truth is that linking the filing of the case to the complaint of the injured party has many caveats that we see and hear about in society, which exposes the victim to various pressures such as enticement and threats to refrain from filing the complaint. This is what the legislator noticed in the last part of the text, so he stipulated the exception, granting the Public Prosecution discretionary authority if it sees a public interest. Among the forms of discretion that can be imagined is that the perpetrator is one of the influential and prominent people or one of the criminals who do not hesitate to force the victim not to file the complaint, and here comes the role of the prosecution and its discretionary authority.

- From the above, we realize that the relationship between the public lawsuit and the private right in the criminal lawsuit is closely related (Al-Faris, 2009, p. 49). However, abandoning the private lawsuit after filing it does not affect the public criminal lawsuit, as the legislator stipulated in Article One Hundred Fifty One of this regulation that the abandonment of the claimant of the private right by his lawsuit does not affect the public criminal lawsuit. Through the application of the rule of blocking the pretexts, we extract the following: blocking the pretexts of defamation, as many of those who have suffered harm endure it for fear of tarnishing their reputation even if they are innocent. Therefore, they are patient and consider it a reward because it is difficult for them to convince all people of their innocence, so they are

patient and avoid filing a complaint. And for this reason, Islamic jurisprudence has entrusted the filing of a slander lawsuit to the slandered (Marah, 2014; Ghaoth, 2004).

- In blocking the pretext of domination, in contrast to patience and forbearance, there is fear and response to the threat, as many of those who are assaulted refrain from filing a complaint for fear of the aggressor's power. Therefore, the text came to meet these circumstances, and the complaint is replaced by the report made by the non-affected party (Al-Mazmoumi, n. d., p. 112).

2.3. Article Twenty-One:

A member of the public prosecution may not take over any case or issue any decision in it in the following cases:

A: If the crime was committed against him personally, or if he is the spouse of one of the opponents, or if he is related to one of them by blood or marriage up to the fourth degree.

B: If there is enmity or affection between him and one of the opponents, that is likely to affect the course of the investigation.

C: If he has previously performed any work in the case as an expert, arbitrator, or agent, or provided testimony in it, etc. One of the matters that the judiciary has drawn attention to in different eras is the kinship of the investigating judge to one of the opponents, and legislators have even devoted chapters and sections to it in the laws, called the chapters of rejection and lack of competence. Moreover, commentators have addressed it in detail, and the Saudi legislator did not deviate from what legislators in the world have followed, and this matter is one of the desirable matters to remove suspicion, keep the investigator away from falling into favoritism, and ensure the impartiality of the investigator (Kuwait Institute for Judicial Studies, 2012, p. 7). The cases of response have five forms in the text of the article and their branches:

1. The crime is committed against him, and here his description changes completely, so he becomes a victim, and therefore it is natural that he is not an investigator.

2. Relationship, which includes relative and causal kinship up to the fourth degree. This means that the investigator is not qualified in the area of his birth—often because the residents of the area are either relatives by lineage or relatives by cause. This is rarely absent, as are relative kinship, sonship, fatherhood, grandmothers, brothers, and uncles. Moreover, every type of this kinship and its branches, broader than it is causal kinship, marriage, and breastfeeding, are included in it. Therefore, if he is married to more than one wife, the circle expands. And there is an explanation added by the legislator in paragraph (1) of Article Eight of the regulation, where he stipulated that it is not a condition for the establishment of the marital relationship stipulated in paragraph (1) of Article (21) of the regulation (that the marital bond is in place). If he has been married and divorced more than once, the investigator's authority is void from the outset, even if he has conducted the investigation. If he knows, he will be subject to legal interrogation, and if he does not know, his procedures will be subject to challenge and cancellation (Al-Mazmoumi, n. d., p. 270).

3. The dispute and the legislator here describe it as "its likely impact on the course of the investigation." Here, the investigator must seek the assistance of his superiors or the judge before whom the case will be brought so that he is aware, and if he does not clarify, his procedures will be subject to challenge (Al-Mazmoumi, n. d., p. 270).

4. Affection, which is the characteristic opposite to the dispute, and what applies to the dispute applies to it.

5. Previous knowledge of the case, which is that he had a role in it as an agent, witness, investigator, etc. By applying the rule of blocking pretexts, we conclude the following:

- Blocking the pretext of favoritism, as the fact that the investigator is related to one of the opponents by some kind of kinship may lead to sympathy with him at the expense of the case, and the legislator is keen to ensure the impartiality of the investigator.

- Blocking the pretext of embarrassment that the investigator may fall into if one of the parties to the case is a relative of his, as the text gives him an excuse to get out of the embarrassment. Therefore, he steps aside and responds to him by the text, so he is safe from blame because he is prohibited from investigating and looking into the case by force of the regulation.

- Blocking the pretext of revenge, as being a party to the case who is a victim or that one of his relatives is a victim, will inevitably push him to take revenge and defend himself, as the legislator wanted to close this door completely.

- Blocking the pretext of prior influence, whether negative or positive, as the investigator has prior knowledge of the case, which gives him an advantage. However, the legislator had another opinion that was influenced by the previous information in the case that was entrenched and settled in his conscience, which contradicts the condition that the investigator's mind be free of the case from the beginning and this negatively affects the course of the investigation.

2.4. Article Seventy:

During the investigation, the investigator may not isolate the accused from his representative or attorney present with him. The representative or attorney may not interfere in the investigation except with the permission of the investigator. In all cases, he may submit a written memorandum with his observations to the investigator, and the investigator must attach this memorandum to the case file.

- This text is one of the controlling texts, as it shows more than one rule, clarifying the relationship of the attorney to the investigation, guaranteeing the rights of the accused, and ensuring the presence of the attorney. At the same time, the investigator is granted discretionary authority to authorize the attorney and allows the attorney to attach his written observations to the case. The role of the attorney in the investigation, according to the text of the Criminal Procedures Law, does not go beyond being present and observing without intervening or expressing an opinion except with the permission of the investigator. The text granted the investigating judge the authority to authorize or not, which means that if the investigator is nervous, the attorney will not speak. To avoid such a situation, the regulation has provided a way out, which is that it has provided an opportunity for the attorney to submit his observations in writing to be included in the case file. The texts that regulate the relationship between the lawyer and the investigation—other than the two articles under study—in the Saudi regulation are:

- Article Sixty-Five:

The accused has the right to seek the assistance of an agent or lawyer to attend the investigation. The investigator must investigate all major crimes following what is stipulated in this regulation. In other crimes, he may investigate them if he finds that their circumstances or importance require it or file a lawsuit to order the accused to appear directly before the competent court). Paragraph (2) of Article Sixty-Nine of the regulation: The accused, the victim, the claimant of the private right, and the agent or lawyer of each of them may attend the investigation procedures by what is determined by the necessary regulations of this regulation. Paragraph (2) of Article Forty-Seven of the regulations: The attendance of those mentioned in Paragraph (2) of Article Sixty Nine of the regulation for the investigation procedures shall be after they have been notified in accordance with the notification procedures established by the regulation. The investigator may prevent them or some of them from attending one or more of the investigation procedures whenever he deems it necessary to reveal the truth. He must record the reasons that necessitated this in the minutes. Once that necessity ends, they are allowed to see what happened in their absence.

Article One Hundred Nineteen:

The investigator—in all cases—may order that the accused not contact other prisoners or detainees. No one visit him for a period not exceeding (sixty) days if the interest of the investigation requires that, without prejudice to the right of the accused to contact his representative or lawyer. All of these texts make the presence of the lawyer the presence of an ineffective observer. By applying the rule of blocking pretexts, we conclude the following:

- Blocking pretexts for isolation, as the legislator does not like the investigator to be alone with the accused, and for this reason, the legislator prevented him from isolating him from his representative or lawyer. In addition to the fact that the legislator makes the investigator feel that, he is under supervision, so he is more careful to apply the provisions of the law, its implications, and its concepts.

- Blocking the pretext of influencing the course of the investigation process. As the lawyer is prohibited from speaking except with the permission of the investigator, which means preserving the course of the investigation and preventing the lawyer from deviating from its course, especially since some lawyers have

strong skills that enable them to control the situation and divert the investigation from its course. The legislator is keen on the integrity of the investigation procedures, which is a main way to achieve justice.

- Blocking the pretext of neglecting the role of the lawyer completely during the investigation stage

As the legislator gave him the opportunity to hear the investigation and review the investigation records that were conducted in his absence, record his comments on them, and submit them to the investigator and include them in the case file. Here the role of the lawyer emerges, although it is less than what would have happened if he had intervened directly in the investigation.

Article eighty-four:

The investigator may not seize the papers and documents that the accused's agent or lawyer has, which were handed to him by the accused to perform the task assigned to him, nor the correspondence exchanged between them in the case. A relationship arises between the opponents—whether the client is the accused or the victim—and their agents and lawyers, whereby the lawyer is given papers and documents that he needs to perform his task, and correspondence occurs between them.

Although the text did not mention recordings and communications, they are included by implication of agreement or by equivalent analogy. The legislator certainly means what is related to the case that is the subject of the investigation, and what reaches the lawyer undoubtedly has an impact on the case, so the investigator will be in dire need of those documents, papers, and correspondence. Therefore, obtaining them was one of the basics of the case, but the legislator prohibited that and stated categorically that it is (not permissible), and here he places the investigator within a limit that he does not exceed.

It is noteworthy that this text is dedicated to a number of texts that grant the prosecution the authority to follow the threads of the case, such as the texts of control, recording calls, and seizing papers and documents, all of which are general texts that rarely apply to anyone, including the lawyer. This text excluded the agent and the lawyer from the generality and gave them immunity that protects them from inspection and monitoring, and everything in their possession may not be touched, and the truth is that it is a strong loophole that criminals exploit to hide what would reveal the truth and achieve justice.

By applying the rule of blocking pretexts, we find the following:

- Blocking the pretext for the betrayal that may occur from the lawyer to his client, as being the only one who has those documents and papers, deters him or her and makes him think a thousand times before betraying his client (Al-Sayyid, 1434, p. 21).

- Blocking the pretext for blackmail that the lawyer may practice on his client, from the criminal phenomena that some lawyers may commit, the subject of blackmail, as being the only one who has the documents, he blackmails his client. The legislator wanted to block the road and put him in the position of the trustee, as he is trusted by the regulation and immune from control (Ibrahim, special edition by the author, p. 95). This position undoubtedly has a high price, which entails accountability in the event of transgression and negligence.

- Blocking the pretext of insulting the profession, the regulation raised the status of the lawyer and made his archives a subject of appreciation and immunity. This matter raises the status of the profession and places it among the respected professions that must be preserved. The fact that the legislator grants the lawyer immunity makes him more committed to preserving the reputation of the profession, as the regulation granted this status and did not grant it to others.

CONCLUSION

One of the things that must be emphasized is that dealing with the texts of the Code of Criminal Procedure is extremely difficult, given that those who drafted this code were distinguished individuals who possessed the legal and regulatory expertise that enabled them to produce a mature text that transcends individual interpretation. Furthermore, the code was issued by a high authority, and this endorsement gives it great importance. Therefore, dealing with the text is a matter of cautious interpretation and insight, which may or may not be correct. We have been careful to scrutinize and have exerted great effort in doing so, given that the study using this methodology is unprecedented, and therefore may be flawed. Several findings are listed, followed by many recommendations that we believe should be mentioned for benefit and guidance.

Findings

We came up with a number of results that I claim the criminal investigation in the regularity under study seeks, the most important of which are:

1. Blocking the pretext for improvisation in which the provisions of the regularity leave no possibility for improvisation in investigation procedures, nor do they allow for improvised interpretation, except for what serves the purpose of arriving at the truth and achieving justice.
2. Blocking the pretext for individualism that we note the collective nature at all stages of the investigation, up until the judge's ruling is issued. The investigating judge is guided by the prosecution regularity, and the court judge is guided by the court's members. In addition, judicial inspection is present, as we noted throughout the research. This means that the Saudi legislator sought a collective nature, as it is the procedure most likely to achieve the greatest degree of justice.
3. Blocking the pretext for negligence in which the regulation legalizes the times related to litigation, including investigation times, and also regulates the investigation procedures in detail, ensuring that they proceed smoothly without any of their content being lost.
4. Blocking the pretext for arbitrariness where the Saudi legislator was keen to control the investigation and define the powers of the prosecution in a manner that prevents arbitrariness and grants oversight a significant role, from receiving the report to filing the lawsuit. The regulation closed every excuse through which arbitrariness could arise.
5. Blocking the pretext for disagreement and disparity that the global judicial regulation seeks to unify judicial procedures across all aspects of the kingdom. Legislators are keen to close the gaps through which disparity and disparity can enter, and this is what the Saudi legislator sought. At every point where the legislator recognizes that disagreement or disparity may arise, it provides a solution.

Recommendations:

Linking regulations to fundamental principles is a very important task with significant scientific and applied goals and objectives that satisfy the nation's just minds. Therefore, we recommend that those concerned do so in all aspects of life and study all regulations according to this approach, including:

1. Understand the remaining provisions of the law and study them according to the principle of blocking pretexts. This can be developed into a master's thesis or doctoral dissertation.
2. Study the criminal procedure regulation according to the rules of evidence.
3. Study the criminal procedure regulation according to the rule of balancing benefits and harms.

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