

**The relationship of goodwill to  
permissibility and its impact on criminal  
responsibility**

**Prepared by**



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## **Abstract**

This paper tackles the relationship of Good face (bona fide) to permissibility and its impact on the criminal responsibility. We believe that permissibility requires this element - and must be - and that its stipulation in one of the places of permissibility without the other does not mean that it is obligatory in the first place and not the second, because this obligation is a matter imposed by the legal nature of the reasons for permissibility as imposed by the rationale that justifies the existence of these reasons and the stipulation in them in the body of the law, if the basis of permissibility is the care and /or waste of other interests arguing that the first is more deserving of care than the second, It is difficult to accept the existence of such interests worthy of care for a person who wanted the independence of legal texts to achieve private illegitimate goals, and if the difficulty reveals proof of the idea of good or bad faith, which makes this idea of little scientific importance, then this is not correct to transform without determining the sound rule, especially since scientific life shows the value and importance of this rule in the field of permissibility. The corresponding intention and the opposite action together have an effect on the value of the act into the legislator's consideration.

The paper focused on the relationship of goodwill (bona fide) and its effect on permitting criminal behavior and we mention from the results of taking good faith into permissibility as a difficult matter in practice because of the difficulty of proving it, because this difficulty may not be an argument for approving injustice, and therefore it is not permissible to prevent the determination of the just rule that the unjust act must be considered outside the circle of permissibility. Among the recommendations, it has been proven beyond any doubt that the existence of the good-faith condition on the idea of (targeting the purpose of the legislator) is an acknowledgment that the desire to investigate this purpose is the basis of this condition, and that it is not sufficient to actually verify the purpose of the legislator. Desire in the same subject, that is, to have turned to him in a voluntary, desirable direction.

**Key words:** Good face (Bona fide), Permissibility, Legality, Fair, Injustice and the purpos

## **Reasons for choosing a topic**

1. Scientific importance of the topic, In raising a lot of cases before the courts.
2. It is of great importance, as opinions differ and ideas about its nature diverge.

## **The importance of the study**

1. Good faith is not the only element of permissibility, it is necessary to adhere to the limits of an objective nature.
2. Good faith is sometimes a criterion that criminal behavior is permitted.
3. Good faith plays an important role in criminalizing behavior.

## **Study problem**

What is the importance of the recognition of the status of good faith among important factors affecting the criminal responsibility?

## **The first requirement**

### **Good faith in Islamic law**

## **The second requirement**

### **Good faith in law**

#### **First branch**

The general connotation of good faith

#### **The second branch**

Standard of good faith in permissibility

#### **The third branch**

Good faith condition

## **The third requirement**

Good faith in Sudanese law

#### **First branch**

Meaning of good faith in the law

#### **The second branch**

The scientific significance of the good faith criterion

#### **The third branch**

Good faith condition in Sudanese law

## **Fourth requirement**

Good faith in using the right

#### **First branch**

Good faith in legal work

## **The second branch**

Good faith in the illegal labor

### **Results**

1. Aims and beliefs are useful in actions and expressions, as they are useful in affinities and rituals.
2. To be considered in contracts and deeds with their facts and intentions without the apparent appearance of their words and actions.
3. Islamic law refuses to take a person from his actions - which appears to be the apparent legitimacy as an excuse to corrupt public or private, or to circumvent the correct rulings of Sharia.
4. Good faith indicates the absence of criminal intent.
5. Esteem in good faith permissibility is difficult in practice is difficult to prove.
6. The public servant is of good faith in this case if his intention is to achieve the goal sought by the legislator.

### **Recommendations**

1. Good faith in the field of using the right tends to target the right holder by doing the same purpose for which the right is decided for him.
2. A person may target interest without knowing that it is a target for the street.
3. The criterion against which good and bad faith is measured must be based on one idea.
4. The law has permitted certain acts for special reasons that the legislator deemed most appropriate.
5. The condition of good faith based on the idea of (targeting the purpose of the legislator).
6. The goodwill component of an illegal act is imperative.

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