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Master Thesis Defense

Entitled

COMMUNITY SERVICE AS AN ALTERNATIVE TO SHORT-TERM PENALTIES THAT DEPRIVE OF LIBERTY

A COMPARATIVE STUDY BETWEEN UAE LAW AND FRENCH LAW

By

Hajar Saif Al-Humaidi

Faculty Advisor

Dr. Gehad Mohamed Abdel Aziz, Public Law Department

College of Law

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Abstract

Many comparative legislations have defined the punishment of working for the benefit of society as one of the modern alternatives to short-term penalties that deprive of liberty. This is due to the advantages for both the accused and the community; this penalty, on one hand, would avoid the accused of being put in prison and its negative psychological effects on him, his family and his work. On the other hand, this punishment serves to rehabilitate the convicted and reintegrate them into society, rather than keeping them away by putting them in jail, as well as the participating in the increase of national production of the country.

The study aims to achieve several objectives, the most important of which is the refutation of the provisions of the penalty of community service as an alternative to short-term penalties that deprive of liberty in both the UAE and French legislations, in terms of rules, conditions, procedures and effects of application.

The problem of the study is that, in the light of what has been revealed by the application of that punishment of many negative effects, the extent and scope of the sentence is not limited to the convicted, but surpasses them to reach those have no connection to the crime committed. Some legislation has sanctioned community service as a substitute for imprisonment; therefore, there remains a given question as to the utility of applying community service punishment as an alternative to short-term that deprive of liberty in achieving public and private deterrence?

The study adopts a comparative analytical descriptive approach, which deals with the legislative provisions governing the community service in terms of their application, conditions and procedures and the evaluation of these texts. It also adopts the analysis of the relevant judicial decisions by comparing the applications of community service as an alternative to the deprivation of freedom in the UAE and French penal legislations.

Keywords: Punishment of community service, short-term penalties that deprive of liberty, alternative penalties.