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The Principle of Conduct and Its Rules in Criminal Law:
with a Comparative Study of Iran and England law

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Political Crime and *Had -Tazir* Demarcation

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Abstract:

In Islamic Penal Law crimes and punishments are divided into *hodoud* (prescribed punishments) and *ta'zirat* (discretionary punishments). It is, sometimes, believed that political crime, in its modern sense, is recognizable only in *hodoud*, not *ta'zirat*. The major part of the problem according to this view seems to be that the recognition of a crime as political requires some changes and mitigations in the punishment; while the quality and quantity of the punishment in *hodoud* are supposedly predetermined. This article studies arguments in favor of this idea and evaluate them as insufficient. Rather the article argues that at least some *hodoud* are recognizable as political crimes in certain cases due to their nature and substance. The article also provides some arguments in favor of differentiation between professional criminals and offenders with political motives. Even in traditional view, this differentiation has had role in separation of some crimes from one another. This idea can be developed for recognition of political crimes in its modern sense not only in *ta'zirat*, but in some *hodoud* as well.

Keywords:

Islamic Jurisprudence, *Had -Ta'zir*, Political Crime.