Journal of
Criminal Law and Criminology

Number 3

Vol. II • No. 1
Spring – Summer 2014

ISSN • 2345-2986

Shahr -e- Danesh Institute of Law
Research and Study
(SDIL)

Managing Editor • Vahid Eshtiagh
Editor-in-Chief • Mohammad Ashoori

Editorial Board
Professors:

Political Crime and *Had -Tazir* Demarcation

Rahim Nobahar

(Assistant Professor of Shahid Beheshti University)

Abstract:

In Islamic Penal Law crimes and punishments are divided intohodoud (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 mitigationsin the punishment; while the quality and quantity of the punishment inhodoud 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 andsubstance. 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.