How to cite this article:
Askari, E., & Mazidi Sharafabad, A. (2026). A Reflection on the Grounds for the Abatement of Qiṣāṣ of Life and Limb in the Iranian Islamic Penal Code. *Journal of Historical Research, Law and Policy, 4*(3), 1-10. https://doi.org/10.61838/jhrlp.179

Article history:
Original Research

Dates:
Submission Date: 15 October 2025
Revision Date: 01 January 2026
Acceptance Date: 06 January 2026
First Pubication Date: 07 January 2026
Final Pubication Date: 01 May 2026

A Reflection on the Grounds for the Abatement of Qiṣāṣ of Life and Limb in the Iranian Islamic Penal Code

1. Elnaz. Askari[1] : Ph.D. student, Department of International Law, Ya.C., Islamic Azad University, Yazd, Iran
2. Ali Mazidi. Sharafabad[2*]: Department of Law, Ya.C., Islamic Azad University, Yazd, Iran

*corresponding author's email: mazidiali@gmail.com

ABSTRACT

The establishment and enforcement of the punishment of qiṣāṣ are contingent upon the existence of specific conditions, the absence of any of which may prevent the implementation of qiṣāṣ. The Islamic Penal Code of Iran, enacted in 2013, in Part Two of Chapter Eleven, enumerates certain instances under the headings of pardon or forgiveness, repeal of the law, waiver by the private complainant, lapse of time, criminal responsibility, and the application of the Dar' rule, which are applicable to ḥudūd and ta'zīrāt. In the sacred law of Islam, although the "principle of qiṣāṣ" in crimes against the bodily integrity of persons is recognized subject to certain conditions, the Sacred Legislator has consistently recommended and emphasized forgiveness and pardon in relation to qiṣāṣ, and by promising otherworldly reward to those who forgive, has regarded forgiveness as superior and preferable to the execution of qiṣāṣ. The present article, which is written using a descriptive–analytical method, seeks to analyze the grounds for the abatement of qiṣāṣ in the Iranian Islamic Penal Code.

Keywords: *Qiṣāṣ; Abatement of Punishment; Islamic Penal Code*

Introduction

One of the criminal institutions of Islam is *qiṣāṣ*, which signifies the exact retribution for the effect of the offender's crime. In essence, it is a punishment imposed upon the offender in proportion to the criminal act committed. *Qiṣāṣ* is a juristic term meaning the punishment of the offender in proportion to the offense. Mohammad Jafar Jafari Langaroudi defines *qiṣāṣ* as "a punishment which, by force of law and by the injured party or his legal representatives, is applied against the offender and must be equivalent to the crime committed by the offender" (1). In Persian lexicon, *qiṣāṣ* means punishment, chastisement, recompense, retaliation, and treating the perpetrator in the same manner as the act he committed, or reciprocal dealing (2). In Arabic, *qiṣāṣ* is a verbal noun derived from *qaṣṣa–yaquṣṣu*, meaning to pursue the trace or effect of something. Ṭurayḥī, in *Majma' al-Baḥrayn*, states that *qiṣāṣ* refers to exacting retaliation and legal retribution for a crime of killing, cutting, striking, or wounding, and that its origin lies in following the trace of the offender such that the avenger follows the offender's act and imposes upon him the same consequence (3).

The principal objective of legislating *qiṣāṣ* is the preservation of human life. In the sacred law of Islam, although the "principle of *qiṣāṣ*" in crimes against bodily integrity is recognized subject to certain conditions, the Sacred

Legislator has consistently emphasized pardon and forgiveness in relation to *qiṣāṣ*, and, by promising otherworldly reward to those who forgive, has considered forgiveness superior and preferable to the execution of *qiṣāṣ* (4). In other words, the Islamic legal system, in responding to such crimes, takes into account two fundamental principles: justice and mercy. The present study defines *qiṣāṣ* and its historical development, explains its conditions — including (a) equality in freedom, (b) religion and disbelief, (c) maturity and sanity, (d) absence of a parent–child relationship, and (e) the non-protected blood status of the victim — discusses the evidentiary foundations of *qiṣāṣ*, including (a) confession, (b) testimony, (c) *qasāmah*, and (d) judicial knowledge, and, most importantly, examines the grounds for the abatement of *qiṣāṣ*, including (a) pardon by the injured party, (b) forgiveness by the heirs of blood, (c) settlement of *qiṣāṣ*, (d) death of the offender, (e) inheritance of *qiṣāṣ*, and (f) retraction of witnesses from testimony. Despite the "principle of *qiṣāṣ*" in crimes against bodily integrity, Islamic legal doctrine gives priority to pardon and forgiveness over retaliation, thereby underscoring the importance of examining the factors that cause the abatement of *qiṣāṣ*, namely those that extinguish it after its establishment (4).

Definition of Concepts

Qiṣāṣ

In linguistic usage, *qiṣāṣ* is a verbal noun derived from the root *qaṣṣa–yaquṣṣu*, meaning to pursue the trace of something. In Persian, it signifies punishment, chastisement, recompense, retaliation, and reciprocal treatment of the offender in the same manner as the act committed (2). In juristic terminology, it denotes the punishment of the offender in proportion to the offense, such as executing a murderer for the act of killing or blinding one who has deprived another of sight. It also conveys the notions of retribution and equivalence (4). The legal principle of *qiṣāṣ* functions as a deterrent against crime, for when individuals know that every offense will be met with reciprocal retribution, they refrain from criminal conduct. Accordingly, the Qurʾān declares: "And for you in *qiṣāṣ* there is life, O people of understanding." The Qurʾān contains several verses affirming the principle of *qiṣāṣ* and the general doctrine of reciprocal justice in penal matters. Among them are: "The recompense of an evil is an evil like it…" (42:40–41); "If you punish, then punish with the like of that with which you were afflicted…" (16:126); and "So whoever transgresses against you, transgress against him in the same manner" (2:194). From the collective import of these verses and the interpretations of jurists and exegetes, it follows that wrongdoing may be answered with its equivalent, and the injured person is permitted to respond in the same manner without incurring liability (4).

The Nature of Qiṣāṣ: Right or Rule

In Islamic criminal law, rights and rules differ in both definition and effect. Rights are, in principle, subject to waiver by their holder, whereas legal rules are not subject to abrogation by individuals. If *qiṣāṣ* is classified as a right, the injured party or the heirs of blood may waive it under certain conditions; but if it is considered a binding rule, it is not subject to waiver. In legal terminology, a right is a legally recognized power granted to a person enabling him to benefit from property or to demand performance or abstention from others. In Islamic jurisprudence, a right is a specific legal competence attributed to a person in relation to an object or another person, empowering him to exercise control or derive benefit (1).

Conditions for the Establishment of Qiṣāṣ

General Conditions

Although *qiṣāṣ* constitutes the principal punishment for crimes against persons, its establishment is contingent upon the existence of specific conditions. One of the essential conditions is equality in rational capacity between the offender and the victim. The absence of this condition precludes the application of *qiṣāṣ*. The rationale is that the lack of rational capacity transforms the nature of the homicide from intentional to non-intentional, as the acts of the insane and minors are not considered deliberate in the full legal sense, and are sometimes classified as quasi-accidental acts entailing liability upon the *ʿāqilah* (5).

The Iranian legislature, in Article 301 of the Islamic Penal Code, provides that *qiṣāṣ* is established only if the victim is sane. If an insane person kills a sane individual, *qiṣāṣ* is not imposed; instead, the blood-money is payable by the *ʿāqilah* of the offender (4). Juristic authorities, citing traditions from Imam Jaʿfar al-Ṣādiq, have confirmed that the intentional and unintentional acts of the insane are legally equivalent for purposes of liability (4). Some Islamic jurists extend the exemption from *qiṣāṣ* applicable to the insane to minors, arguing that although homicide committed by a minor may formally satisfy the elements of intentional killing, the absence of equality in rational capacity negates the application of *qiṣāṣ* (6).

The predominant view among Imāmī jurists, however, rejects this extension, holding that the general evidentiary foundations of *qiṣāṣ* require its application even in cases involving minors. Consistent with this majority position, the Iranian legislator stipulates in Article 304 of the Islamic Penal Code that intentional injury against a minor gives rise to *qiṣāṣ* (6). Nevertheless, a minor is not subject to *qiṣāṣ* for killing another minor or an adult, as maturity is a widely recognized prerequisite, and many scholars have asserted consensus on this point (6). In *Taḥrīr al-Wasīlah*, it is stated that a child is not executed in retaliation for killing either a child or an adult, even if he has reached ten years of age or attained physical maturity (4).

Absence of a Paternal Relationship

If a person commits the intentional killing of his father, he is subject to *qiṣāṣ* (4).

Islamic jurists have grounded the impediment of the paternal relationship to the execution of *qiṣāṣ* on numerous narrations and have claimed consensus on this matter. Among these narrations is the report stating: “The father is not subject to *qiṣāṣ* for killing his child” (4).

Accordingly, the paternal relationship only prevents the application of *qiṣāṣ* and does not lead to the abatement of blood money (*diyah*) or expiation; moreover, the offender is also subject to discretionary punishment (*taʿzīr*) (4).

The basis of this rule is the consensus of Shiʿi jurists, and Article 301 of the Islamic Penal Code likewise indicates that a father and paternal grandfather are not subject to *qiṣāṣ* for killing their child or grandchild, but are liable for *diyah* and *taʿzīr*. This ruling is specific to the father and does not extend to the mother, and it applies regardless of whether the father is Muslim or non-Muslim and whether the child is male or female (4).

The Victim Not Being Mahdūr al-Damm

The condition that the victim must not be *mahdūr al-damm* means that the Sacred Law has not declared his blood null and wasted. Accordingly, if a person kills one who insults the Prophet, or a natural apostate, or kills another in legitimate self-defense, *qiṣāṣ* does not apply (4).

At the same time, jurists have stated that if a criminal becomes subject to death for committing adultery while married (*zinā muḥṣan*) or sodomy and someone other than the Imam or his authorized representative kills him, neither *qiṣāṣ* nor *diyah* is due (4).

The legislator, in Article 303 of the Islamic Penal Code, provides that if the perpetrator claims that the victim falls under the cases enumerated in Article 302 of the Code, or that he committed the act based on such belief, this claim must be proven in court, and the court must first examine the claim. If neither the status of the victim under Article 302 nor the offender's belief is established, the offender is sentenced to *qiṣāṣ*. However, if it is proven that the offender mistakenly acted under such belief while the victim was not in fact subject to Article 302, the offender is sentenced, in addition to *diyah*, to the discretionary punishment prescribed in Book Five (*Taʿzīrāt*) (4).

Equality in Religion and Disbelief

Imāmī jurists unanimously hold that a Muslim is not subject to *qiṣāṣ* for killing a non-Muslim, whether the latter is a protected *dhimmī* or not, based on the Qurʾānic verse: "And God will never grant the unbelievers a way over the believers" (4:141). However, if a Muslim habitually kills non-Muslims, he is subject to *qiṣāṣ*. If a non-Muslim kills another non-Muslim, *qiṣāṣ* applies, as established by narrations reporting that Imam ʿAlī (peace be upon him) enforced such retaliation. Article 210 of the Islamic Penal Code also affirms this principle (4).

Existence of the Conditions of Legal Responsibility

The general conditions of legal responsibility are sanity, maturity, and free will. If any of these conditions is absent, the offense is considered quasi-accidental and does not give rise to *qiṣāṣ* under Article 307 of the Islamic Penal Code. Article 307 provides that committing a crime while intoxicated or in a state of psychological imbalance due to the consumption of narcotics, psychotropic substances, or similar agents gives rise to *qiṣāṣ*, unless it is proven that the offender was completely deprived of free will, in which case, in addition to *diyah*, he is subject to the discretionary punishment set forth in Book Five (*Taʿzīrāt*). If it is established that the offender had intentionally intoxicated himself for the commission of the crime or knew that such intoxication would typically result in such an offense, the act is considered intentional (4).

According to the ruling of the Supreme Court of Iran, No. 1584, dated **1992**, the defendant's psychological condition caused by drug use or economic hardship does not negate legal responsibility, and Article 224 applies only to persons who are deprived of free will as a result of intoxication, provided that they did not previously intoxicate themselves for the purpose of committing homicide (4).

Specific Conditions for Qiṣāṣ of Limb

1. Equality in the Essential Nature of the Limb

Pursuant to Article 293 of the Islamic Penal Code, if a person amputates an additional limb of another while the offender lacks a similar additional limb, the offender is not subject to *qiṣāṣ*, because equality in essence and excess is required in retaliation (4).

2. Equality in the Location of the Injured or Amputated Limb

Article 275 of the Islamic Penal Code provides that equality of location is required in *qiṣāṣ* of limbs; thus, if the right limb is amputated, the right limb of the offender is amputated in retaliation, and if he lacks a right limb, the left limb is amputated, and if he lacks the left limb as well, his leg is amputated (4).

3. *Qiṣāṣ* Must Not Lead to the Destruction of the Offender or Another Limb

Article 277 of the Islamic Penal Code establishes that if *qiṣāṣ* of a limb would result in the death of the offender, it is impermissible, and there is no disagreement among jurists on this matter. This rule reflects the Qurʾānic principle of equivalence: “So transgress against him in the same manner as he transgressed against you” (4).

4. Equality in the Soundness of Limbs

A sound limb is not subject to *qiṣāṣ* for a defective limb, and only *diyah* is payable; however, a defective limb is subject to *qiṣāṣ* for a sound limb (4).

5. *Qiṣāṣ* Must Not Exceed the Extent of the Crime

Where possible, equality in depth must also be observed, although in superficial wounds (*muḍiḥah* and *samḥāq*) equality in depth is not required (4).

6. Equality of *Qiṣāṣ* Between Men and Women

Qiṣāṣ of limbs is equal for men and women. A male offender who causes injury to a woman is subject to *qiṣāṣ* of the corresponding limb, unless the value of the injured limb amounts to one-third of the full *diyah*, in which case the woman may enforce *qiṣāṣ* only after paying half of the *diyah* of that limb to the man (4).

The Evolution of *Qiṣāṣ* in the Iranian Islamic Penal Code

Article 259 of the Islamic Penal Code enacted in **1991** recognized the death of the offender, the pregnancy of a woman sentenced to *qiṣāṣ* where there is fear of miscarriage, settlement with the consent of the heirs of blood and the offender, and the pardon of the offender by the victim prior to death as grounds for the abatement of *qiṣāṣ* (4).

The Islamic Penal Code enacted in **2013**, in Part Two of Chapter Eleven, sets forth the grounds of pardon or forgiveness, repeal of the law, waiver by the complainant, lapse of time, criminal responsibility, and the application of the *darʾ* rule, applicable to *ḥudūd* and *taʿzīrāt* (4).

Article 426 of the same Code provides, in a scattered manner, for the abatement of punishment. For example, where the right of *qiṣāṣ* exists and the *diyah* of the injury is less than the *diyah* due from the offender, the holder of the right of *qiṣāṣ* may enforce retaliation only after first paying the difference in *diyah*; otherwise, *qiṣāṣ* is abated (4).

An examination of the provisions of the Code indicates that the legislator explicitly used the expression “abatement of punishment” only in cases where there is uncertainty as to the attribution of the crime to one of two or more persons and the impossibility of identifying the perpetrator (4).

Under Article 259 of the Islamic Penal Code, “If the person who committed an offense punishable by *qiṣāṣ* dies, both *qiṣāṣ* and *diyah* are abated” (4).

Furthermore, Article 435 of the Islamic Penal Code provides that in cases of intentional crime where, due to death or escape, access to the offender is impossible, the *diyah* of the offense is paid from the offender’s property upon the request of the right holder, and if the offender has no property, in cases of intentional homicide, the heirs of blood may obtain the *diyah* from the *ʿāqilah*, and if the *ʿāqilah* is unavailable or incapable, the *diyah* is paid from the public treasury; in non-homicide cases, the *diyah* is paid from the public treasury (4).

If, after receiving the *diyah*, access to the offender becomes possible in cases of homicide or non-homicide, and if the receipt of *diyah* was not due to waiver of *qiṣāṣ*, the right of *qiṣāṣ* remains reserved for the heirs of blood or the injured party, as the case may be, provided that the received *diyah* is returned prior to enforcing *qiṣāṣ* (4).

Instances of the Abatement of Qiṣāṣ

Waiver by the Right Holder

Through waiver or settlement, the right of *qiṣāṣ* is extinguished, and recantation from the waiver is not heard. Pursuant to Article 365 of the Islamic Penal Code, where the offender is forgiven after the commission of the offense, the right of *qiṣāṣ* is abated (4). Under Article 347, the holder of the right of *qiṣāṣ* may, at any stage of prosecution, adjudication, or enforcement of judgment, waive the right free of charge or through compromise in exchange for a right or property (4). Article 348 provides that the right of *qiṣāṣ*, as set forth in the Code, is inheritable (4). The pardon by the heirs of blood (*awliyāʾ al-dam*) is among the grounds that negate *qiṣāṣ*, and it is also referenced in verse 178 of Sūrat al-Baqarah (4).

Claiming Blood Money (*Diyah*)

The heir of blood may demand, in return for waiving the blood of his child, blood money in an amount determined by himself. This amount may be greater or less than the full *diyah* of a Muslim. Upon receiving *diyah*, *qiṣāṣ* is abated with respect to the convicted person (4).

Under Article 356 of the Islamic Penal Code, intervention by the public prosecutor and the issuance of an opinion in certain cases may also result in the abatement of the *qiṣāṣ* judgment. This applies where the victim has no guardian, or is unknown, or access to the guardian is not possible; in such cases, the guardian is the Supreme Leader (the guardian of the Muslims), and the Head of the Judiciary, with authorization from the Supreme Leader and delegation of authority to the relevant prosecutors, proceeds to pursue the offender and to request *qiṣāṣ* or *diyah*, as the case may be (4).

Waiver by the Victim

If the injured party (*majniyy ʿalayh*) forgives the offender from *qiṣāṣ* of life prior to death, the right of *qiṣāṣ* is extinguished, and the heirs of blood may not claim *qiṣāṣ* after the victim's death (4). Article 365 provides that in murder and other intentional crimes, the injured party may, after the offense occurs and before death, waive the right of *qiṣāṣ* or enter into a settlement, and the heirs of blood and inheritors may not, after the victim's death, claim *qiṣāṣ* or *diyah*; however, the offender is sentenced to the discretionary punishment prescribed in Book Five (*Taʿzīrāt*) (4).

Death of the Killer

If a person who has committed murder is sentenced by the court to *qiṣāṣ* and dies before the execution of the judgment, both *qiṣāṣ* and *diyah* are abated with respect to him. Upon the death of the convicted person, *diyah* cannot be claimed from his property (4).

Escape of the Killer

Article 435 of the Islamic Penal Code provides that if a person who committed intentional murder escapes and remains inaccessible until his death, *qiṣāṣ* is converted into *diyah* after death, and it must be paid from the killer's property. If he has no property, it is paid from the property of his closest relatives in order of proximity; and if he has no relatives, or they are unable, the *diyah* is paid from the public treasury (*bayt al-māl*) (4).

Specific Conditions for Qiṣāṣ of Limb

Equality in the Essential Nature of the Limbs

Pursuant to Article 293 of the Islamic Penal Code, if a person amputates an additional limb of another while the offender lacks a similar additional limb, the offender is not subject to *qiṣāṣ*, because equality in essence and excess is required in retaliation (4).

Equality in the Location of the Injured or Amputated Limb

Article 275 provides that equality of location is required in *qiṣāṣ* of limbs: in retaliation for amputation of a right-side limb, the corresponding right-side limb is amputated; if the offender has no right hand, his left hand is amputated, and if he lacks the left hand as well, his leg is amputated (4).

Qiṣāṣ Must Not Lead to the Destruction of the Offender or Another Limb

Article 277 provides that if *qiṣāṣ* of a limb would result in the death of the person against whom retaliation is sought, *qiṣāṣ* is impermissible, and there is no disagreement among jurists on this issue. The claimed consensus is supported by the Qurʾānic principle of equivalence: “So transgress against him in the same manner as he transgressed against you” (4).

Equality in the Soundness of Limbs

A sound limb is not subject to *qiṣāṣ* for a defective limb, and only *diyah* is payable for that limb; however, a defective limb is subject to *qiṣāṣ* for a sound limb (4).

Qiṣāṣ Must Not Exceed the Extent of the Offense

Where possible, equality in depth must also be observed; however, in certain categories of wounds, equality in depth is not required (4).

Equality of *Qiṣāṣ* of Limbs Between Women and Men

Qiṣāṣ of limbs is equal for women and men. A male offender who causes injury to a woman is sentenced to *qiṣāṣ* of the corresponding limb, unless the *diyah* of the injured limb amounts to one-third of the full *diyah*, in which case the woman may enforce *qiṣāṣ* only after paying half of the *diyah* of that limb to the man (4).

Conditions Common to Qiṣāṣ of Life and Limb

1. Equality in freedom and legal status;
2. The offender must not be the father or paternal grandfather, because these persons are not subject to *qiṣāṣ* for amputation or wounding of their child;
3. Equality in Islam (the parties’ status as Muslims);
4. The offender must be sane when committing intentional amputation or wounding;
5. The offender must be mature (4).

Grounds for the Abatement of the Punishment of Qiṣāṣ in Jurisprudence

In texts relating to Islamic law, certain matters are identified as grounds for the abatement of the punishment of *qiṣāṣ*. Some of these correspond to the grounds recognized in statutory law, while others are provided only in the Sharīʿah (4).

In general, the sacred law in this regard—like other rulings concerning homicide—contains distinctive regulations. Some of these grounds are accepted unanimously among jurists, including both Imāmī and Sunnī scholars, while others are disputed. These include:

1. Pardon;
2. Settlement;
3. Death of the killer;
4. The killer's conversion to Islam;
5. Avoidance of paying the excess *diyah*;
6. Ownership of the right of *qiṣāṣ* (4).

Among these, certain factors—such as pardon by the heirs of blood, settlement, and the death of the killer—unquestionably lead to the abatement of the punishment of *qiṣāṣ*. Others, including ownership of the right of *qiṣāṣ* and avoidance of paying the excess *diyah*, are matters of disagreement, meaning that there is doubt as to whether they result in the abatement of the punishment of *qiṣāṣ* (4).

Conclusion

Although the Islamic Penal Code of 1991 possessed certain advantages compared with previous laws, it also suffered from deficiencies that were highly significant within the framework of Islamic criminal policy. In reality, one of the fundamental approaches of Islamic criminal policy is *decriminalization*, which was not given adequate attention in the 1991 Code. Even the institution of repentance was only addressed in a scattered manner, and the *Rule of Darʾ*—one of the most practical and fundamental institutions of Islamic criminal policy—was not explicitly articulated and was only sporadically reflected in a few provisions. The existence of such shortcomings in the former Islamic Penal Code created the conditions for the enactment of a new statute, which ultimately resulted in the approval of the new Islamic Penal Code in 2013.

Based on the Prophetic tradition, a well-known narration from the Prophet of Islam states: "Ward off punishments in cases of doubt," and the Iranian legislator has explicitly and independently addressed this principle in Articles 120 and 121 of the 2013 Islamic Penal Code in the context of the abatement of punishments. This narration embodies a foundational principle known as the *Rule of Darʾ*, which is among the most widely applied and significant rules in Islamic criminal policy and criminal law, reflecting a policy of decriminalization and relief from conviction. The *Rule of Darʾ* had not been expressly articulated in previous legislation, and in practice this omission led to difficulties in judicial proceedings and judgment issuance and, at times, resulted in injustice toward one of the parties and the issuance of unfair rulings.

Moreover, in the 2013 Islamic Penal Code, several provisions have been enacted on a case-by-case basis that demonstrate the application of the *Rule of Darʾ* in crimes subject to *qiṣāṣ*. The legislator provides in Article 366 that: "If the occurrence of intentional killings by two or more persons is established, but the identity of the killer for each victim is uncertain—for example, where two persons are killed by two individuals and it cannot be proven which

victim was killed by which offender—if the heirs of both victims demand *qiṣāṣ*, both offenders shall be subject to *qiṣāṣ*. However, if the heirs of one of the victims, for any reason, do not possess the right of *qiṣāṣ* or waive it, the right of *qiṣāṣ* of the heirs of the other victim shall, due to the uncertainty regarding the identity of the killer, be converted into *diyah*." This article sets forth two scenarios: first, where the heirs of both victims seek *qiṣāṣ*, in which case no impairment occurs to the elements of criminal liability and both offenders are subjected to *qiṣāṣ*; and second, where the heirs of only one victim demand *qiṣāṣ* while the heirs of the other do not, or lack the right to do so, in which case, due to the existence of doubt, *qiṣāṣ* cannot be carried out (7). Although it may be argued that the ruling of this article is based on the principle of precaution, it may also be maintained that, by accepting the application of the *Rule of Dar'* in crimes subject to *qiṣāṣ*, the ruling of this article is grounded in that rule. In effect, although the occurrence of the killing is established, attribution of the act to each individual offender remains uncertain, rendering the application of *qiṣāṣ* impossible; consequently, the decriminalizing effect of the *Rule of Dar'* is realized.

Furthermore, Article 479 of the Islamic Penal Code provides: "If a person is killed or injured as a result of the conduct of several individuals and the crime is attributable to some of the acts, but the perpetrator of each act cannot be identified, all of them shall pay the blood money for the life or the injuries in equal shares." Here as well, *qiṣāṣ* appears to be precluded due to doubt in identifying the perpetrator, thereby producing a decriminalizing effect, and as previously indicated, some scholars regard the existence of such doubt as one of the grounds for the abatement of *qiṣāṣ*.

Finally, the legislator states in Article 482 of the Islamic Penal Code: "In cases of aggregate knowledge that a crime is attributable to one of two or more persons and the perpetrator cannot be determined, if the crime is intentional, *qiṣāṣ* shall be abated and the ruling shall be for payment of *diyah*." In this provision as well, the offender is not specifically identified; consequently, doubt exists in the application of *qiṣāṣ*, and as a result, *qiṣāṣ* is negated and *diyah* is imposed. Thus, it may be concluded that in this context too, the decriminalizing effect of the *Rule of Dar'* is effectively realized.

Acknowledgments

We would like to express our appreciation and gratitude to all those who helped us carrying out this study.

Authors' Contributions

All authors equally contributed to this study.

Declaration of Interest

The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adheried in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

Funding

This research was carried out independently with personal funding and without the financial support of any governmental or private institution or organization.

References

1. Jafari Langaroudi MJ. Legal Terminology. Tehran: Ganj-e Danesh Publications; 1997.
2. Dehkhoda AA. Dehkhoda Dictionary. Tehran: University of Tehran Press; 1993.
3. Jafari Langaroudi MJ. Expanded Legal Terminology. Tehran: Ganj-e Danesh Publications; 1999.
4. Mohammadi A. Islamic Criminal Law: Retribution (Qisas). 78-9 p.
5. Mir Mohammad Sadeghi H. Criminal Law: Crimes Against Persons. Tehran: Mizan Publications.
6. Ardebili MA. General Criminal Law. Tehran: Mizan Publications; 2003.
7. Zaraat A. Criminal Procedure with Emphasis on Principles and Rules. Tehran: Daneshpazir Publications; 2009.