

Original Article

Committing the Crime and Its Innovations in the Islamic Penal Code 2013

Meysam Masjedi Arani *

PhD student in Law, Criminal Justice and Criminology, Islamic Azad University, North Tehran Branch, Tehran, Iran



Citation M. Masjedi Arani, Committing the Crime and Its Innovations in the Islamic Penal Code 2013. *Int. J. Adv. Stu. Hum. Soc. Sci.* 2025, 14(4):261-269.

 <https://doi.org/10.48309/ijashss.2025.534543.1255>



Article info:

Submitted: 2025-01-14

Revised: 2025-08-03

Accepted: 2025-08-07

ID: IJASHSS-2507-1255

Keywords:

Starting to Commit a Crime, Committing a Crime, and Innovations in Penal Law, Impossible Crime, Sterile Crime.

ABSTRACT

The discussion of criminal commission is not a novel legal category, having been thoroughly examined in juridical literature and legal commentaries. However, the enactment of the 2012 Penal Law introduced new dimensions to this established discourse. Therefore, changes have been made in the field of the regulations of starting a crime, citing sources library and using analytical and descriptive methods to examine this legal institution and its innovations, damages, conflicts and dynamics and efficiency, obstacles and problems of this law, as a result of the evolution in the concept of starting a crime, criminalizing sterile acts, and the impossibility and criminalization of all acts of committing a crime are among the innovations of this law, and the ambiguity in the punishment for committing certain crimes, the lack of proportionality in the punishments for committing a crime, silence regarding the initiation of certain crimes are among the harms of this law. The new law, from its inception, omitted any definition of crime itself and focused solely on establishing its criminalization. Another advantage of this law is that it considers "involuntary withdrawal" as one of the conditions for the initiation of a crime. Another significant advantage is the explicit recognition of 'criminal attempt' as an offense, which resolves longstanding ambiguities in our legal framework. Furthermore, the law now establishes that attempt liability applies to crimes carrying punitive and deterrent punishments, provided such liability is expressly stipulated in the statutory provisions.

Introduction

The title of the article considers that the innovations of the Islamic Penal Code approved in 2013 regarding the initiation of crime represent a new issue. Although the category of crime initiation is not novel, the approval of the Penal Code with changes in 1992 makes it necessary to familiarize legal practitioners with these developments. Examining the position of crime initiation in the new law and identifying its innovations compared to the previous law remain essential tasks. Through such research

and analysis, scholars can provide a comprehensive study of this legal evolution. Due to the importance and necessity of evaluating the success of the new law, let's examine the degree of dynamics, the resolution of the ambiguities of the former law, the efficiency of the new laws, and the comprehensiveness and hindrance of this law. By starting the enforcement operation, the criminal shows his dangerous state to the society. Therefore, the creation of order and security dictates that a punishment to be considered for such a person. Iran's criminal law punishes various acts and behaviors that

*Corresponding Author: Meysam Masjedi Arani (meysam.masjedi@gmail.com)

endanger the country's security. In the Islamic Penal Code, this stage is criminalized under the title of initiation of crime. In the Islamic Penal Code approved in 2012, the legislator is in the position of creating a special order for the punishment of "starting to commit a crime". [1] It is hoped that the new law will eliminate the ambiguities and loopholes of the previous law with its comprehensiveness and comprehensiveness. The discussion of the initiation of a crime is not a new category, and it has been discussed in detail in legal books and jurists have explained it. The initiation of a crime is a term that indicates the existence of criminal intent in the pursuit and completion of a crime, in other words, if during the commission of a crime, an external factor does not interfere and does not prevent the crime, the crime is fully committed. This issue is so important that parts of the penal law approved in 2012 are dedicated to it. A crime goes through different stages from the time the criminal intends to commit it to the time it occurs in the outside world [2]. Some steps such as creating a criminal idea, designing and planning, preparing preparations and supplies, starting to commit and achieving the result, which is the latter case when we say that a crime has been committed and the criminal deserves punishment [3].

However, it is possible that the criminal, after intending to commit a crime and preparing the preparations for committing it, may start a material operation, but not be able to finish this material operation. In this case, it cannot be said that he committed the crime, so he cannot be punished. However, the criminal has shown his dangerous state to the society by starting the enforcement operation. In the Islamic Penal Code, this stage has been criminalized under the title of initiation of crime [4].

Initiation of a crime is defined as actions that indicate the presence of criminal intent in the pursuit and completion of the crime in such a way that if an external agent does not interfere during the work and does not prevent the realization of the crime, the crime is fully committed. Two conditions are necessary for the initiation of a crime: First, the non-completion of the crime is due to external factors, and not to the voluntary withdrawal of

the perpetrator; that is, due to external obstacles in which the will of the perpetrator was not included, the criminal intent remains suspended or ineffective, and the perpetrator did not stop committing the crime by his own will. Voluntary withdrawal means that the perpetrator refrains from completing the criminal act only by his will and without the intervention of an external agent. What were the claimant and the psychological cause of withdrawal? This perspective remains irrelevant to the subject under discussion, where an offender voluntarily desists from completing the criminal act owing to compassion, remorse, apprehension of physical harm, or dread of penal consequences, such voluntary abandonment precludes application of attempt liability penalties. [5].

Article 122 begins with the crime of poetry: "Whoever intends to commit a crime and begins to carry it out, but due to an agent outside of his will, his intention is suspended, if the actions taken are a crime, he shall be punished for the same crime and otherwise. The case will be punished as follows: This article, in defining the beginning of a crime, has to a large extent conceptually deviated from Article 15 of the Law on Islamic Punishment of 1361; because in that law, the legislator stipulated in the description of the beginning of the crime: "Whoever intends to commit a crime and begins to execute it, but because of external obstacles that do not involve the will of the perpetrator, the intention remains suspended and the crime does not occur." However, it should be known that the aforementioned article was also influenced by the General Penalty Law of 1952. Looking at Article 20 of that law, the repetition of clear words and concepts of the 1961 lawmaker is evident. Therefore, it is better to say that the Islamic Penal Code approved in 2013 referred to the concept of Article 20 of the General Penal Code of 2012 in defining or explaining the initiation of a crime. In any case, what the legislator meant by starting a crime is that a person first starts to commit a crime and then, due to an agent outside of his will, the intended crime does not occur. Now, the legislator's intention should be understood from these two parts in order to correctly define the concept of starting a crime in this

law. "Starting to commit a crime is a material act, and in this sense, it is completely separate from the criminal decision, which is completely mental and basically has no punishment." There is no doubt that the stage of starting the implementation is the material stage or the material element of the beginning of the crime, but what is the point of dispute is distinguishing this part from the stage before it, i.e. preliminary actions and actions; in such a way that there is no clear and precise border to distinguish between non-punishable preparatory actions and punishable actions [6]. In this part, we only limit ourselves to the meaning that three objective, subjective and unified theories have been presented in this direction [7], but the legislator has not explicitly taken any of them in any law, however, the judicial procedure in particular the procedure of the Supreme Court of Iran apparently followed the objective theory. From the execution perspective, the intention must remain suspended due to an act outside of the individual's will, that is, the perpetrator of the execution has not stopped committing the crime by his own will (Sanei, 2003). This part is the part that was omitted in the current law and it was only limited to "... but the intention should not be realized" which caused many ambiguities and due to the fact that the legislator is one of the external factors. He did not discuss the individual's will; therefore, whether the action is terminated voluntarily or involuntarily, provided that the amount of the operation is a crime, under the heading of starting a crime, it can be prosecuted and punished. It is contrary to the legal concept of starting a crime, and in the new law, this defect has been removed to a large extent [8].

The Beginning of the Crime

The Islamic Penal Code, in the note of Article 122, has made a new criminalization compared to the current mandatory law, so that it may compensate to some extent the burden of criticism on Article 41 of the Islamic Penal Code. In this note, the legislator recognized the title of initiation of the crime in the sentence, which indicates that the legislator should not only initiate the crime, but also lay a veil on

other unfinished crimes. However, the problem is here that there is still ambiguity in its inclusion of impossible crime and sterile crime. In this topic, after explaining the title of starting a crime, we will try to compare it with two other unfinished crimes (i.e. impossible and sterile crimes).

The Definition of Starting A Crime and the Conditions for Obtaining it With A Perspective on the Islamic Penal Code Approved In 2012

The note of Article 122 of the new law reads: "When the behavior of the perpetrator is directly related to the commission of a crime, but the occurrence of the crime is impossible due to material circumstances of which the perpetrator was unaware, the action taken is considered to be the initiation of a crime." In the course of legislation regarding uncompleted crimes, it is clear that what has taken legal form in this note is not the lawmaker's innovation, but his return to the note in Article 25 of the General Penalty Law of 1952; because the last note stipulated: "If the actions performed are directly related to the commission of a crime, but due to material aspects of which the perpetrator was unaware, the occurrence of the crime is impossible, the act is considered to be the beginning of the crime." This concept did not exist in other criminal laws until the approval of the law approved in 2012; so far, in the new law, with a slight change in the wording, the legislator has repeated exactly the same provision in the note of Article 25 of the General Penalty Law. However, in the sentence of committing a crime, it is a behavior that is directly related to the commission of a crime, but in material terms, the occurrence of the crime is impossible, while the perpetrator is unaware of it. That is, the perpetrator is unaware of the material factors that made the crime impossible, in this case, the action that has been taken is considered as the beginning of the crime. Therefore, the first element of realization is that the entity in the act of committing a crime has a material nature because it is made up of behavior, in addition, this behavior must have a direct relationship with the commission of the crime [9].

Therefore, the acquisition of illegal weapons cannot be classified as a distinct criminal offense, since the act itself is not explicitly defined as a specific crime under the law. This legal ambiguity creates conditions where individuals may preferentially choose to engage in such unlawful conduct over other available options. Therefore, the material element in the ruling on the initiation of a crime can be considered as the application of preliminaries. Mere preliminaries are not sufficient for the purpose, but it must be impossible to commit the crime, and this is the difference between the ruling on the beginning of the crime and the beginning of the crime. Another point is that the perpetrator must be unaware of the impossibility of the crime, otherwise it has not been fulfilled in the sentence of initiation of the crime; because the criminalization of this act is due to the dangerous state of the perpetrator and to prevent the act of committing a crime, if a person is aware of the futility of the crime, he has actually committed an act that is not criminal, and it is obvious that such an act cannot be held criminally responsible. For instance, a person who knows that what is in another's bed is not his enemy, but just a piece of wood, at the same time shoots at it, his action is more like fun than a criminal act. Therefore, in the new law in 1952, the legislator understood this matter well and removed this part from the criminal title [10].

Involvement in an Impossible Crime

Here, the question is, what is the relationship between starting a crime and impossible crime? In the sentence of starting a crime, is the same crime essentially impossible? In cases of impossible crime, the perpetrator fully pursues the criminal act to completion. However, when the offender either lacks knowledge of the crime's non-existent subject matter or remains unaware of the ineffectiveness of the means employed, the impossible crime fails to materialize. Notably, the 1925 Penal Law contained no explicit provision addressing impossible crimes [11] or examining non-voluntary abandonment of criminal acts.

Non-voluntarily withdrawing the Involvement of Foreign Agents in Former Laws

Based on Article 20 and 22 Approved in 1973 and Article 15 and 17 of the Law on Islamic Punishment approved in 1982, the second element that constitutes the initiation of a crime is that the perpetrator has not desisted from it of his own free will. Consequently, if the perpetrator voluntarily withdraws from continuing criminal acts after having initiated law enforcement operations, their actions will not be subject to punishment for criminal initiation. It is evident that when the actions constitute a separate, independent crime, the perpetrator will be punished for committing that offense. Exempting from punishment those who voluntarily abandon criminal execution is justifiable on multiple grounds: morally, as it rewards ethical reconsideration; socially, as it encourages desistance from harm; and within criminal policy, as it aligns with the preventive rationale of providing intellectual deterrence against criminal conduct. If voluntary renunciation does not lead to exemption from punishment, after starting the enforcement operation, there is no benefit for the perpetrator of the crime to stop the criminal act and to renounce the full realization of his criminal goals [12].

Therefore, the benefit of the society is that until the last moment, when the crime has not yet been completed, it allows the perpetrator to give up the wrong will that he has chosen to reduce the number of crimes. Committed up to the moment of voluntary withdrawal are crimes in themselves and should be punished accordingly; as per Article 22 of the Criminal Code Formerly as well as Article 15 of the Islamic Republic of Iran 1982, if the operations and actions were carried out, it was considered an independent crime. The perpetrator was sentenced to the punishment of the same crime. The legislator of the Islamic Republic of Iran in Article 41 Approved in 1991, the above-mentioned ruling was extended to the crime of absolute initiation, and it was understood from the use of the legislative term that whether the withdrawal was voluntary or involuntary, if the actions taken were a crime, the perpetrator would be sentenced to the punishment of the

same crime. Therefore, the legislator did not determine the punishment for committing a crime in the legal sense, and did not differentiate between voluntary and involuntary withdrawal. At the same time, it was stated in Note 2 of Article 41: "Any individual who voluntarily abandons the commission of a crime after having initiated it - provided the acts already committed constitute a criminal offense - shall be eligible for mitigation of punishment." This privilege was not considered in the previous regulations. Voluntary is an obstacle to the realization of the title of initiation of the crime, and if the actions performed are crimes in themselves, the reduction of the punishment has no monetary value, because the perpetrator voluntarily renounces the reduction once (which is the non-inclusion of the actions performed as initiation (it is a crime) and it is unjustified for him to enjoy a reduced sentence again [13].

Absence of Voluntary withdrawal in the Penal Law of 2012

Commencement of execution alone is not a condition for the initiation of crime. Another condition for committing a crime is that "his intention remains suspended" due to an agent outside the will of the subject. In other words, whenever the execution of a crime is incomplete due to an external factor in which the subject's will is not involved, and the intended crime does not occur, the crime has begun, or in the words of Latin jurists, the crime has been committed, which means the influence of the factor outside the subject's will. The principle applies when the subject has not ceased the action voluntarily. However, if the perpetrator willingly abandons the initiated criminal act, no punishment shall be imposed - provided that the acts already committed do not themselves constitute a separate criminal offense. The legislator has asked in this way by encouraging the criminals to renounce their intentions so that the crime can be prevented. To prevent, of course, the condition of exemption from punishment is if the voluntary withdrawal was achieved before the crime was committed [14].

Withdrawal is unequivocally voluntary when it stems solely from the perpetrator's

autonomous decision-making, entirely free from any external influence or compulsion. Of course, the motive of the perpetrator will never be taken into account. It does not affect any other motivation in the self to stop executive actions. Otherwise, if the perpetrator stops from conducting executive actions due to an external factor, he will undoubtedly be punished. However, the influence of external factors in stopping the perpetrator necessarily means negation is not a feature of voluntary withdrawal. For the case, if the intervention of a third party is such that the subject is simply convinced of the ugliness of his act, without being forced, and this advice or rebuke causes the perpetrator to suspend executive actions. Certainly, his withdrawal should be considered voluntary. It seems that in this regard, the judgment should be left to the judge to determine in each case which internal or external factor caused the subject's withdrawal and which one had the stronger effect? In doubtful cases, the suspension of executive actions should be attributed to the voluntary decision of the subject and an opinion should be given in his favor. In this regard, according to the order of Article 124 of the Islamic Penal Code regarding the voluntary abandonment of a crime: "If someone starts a crime and leaves it of his own free will, he will not be prosecuted for the charge of starting that crime, but if the same amount of behavior as the perpetrator it has become a crime and will be punished for it" [15].

The Concept of Voluntary Renunciation and Distinguishing it From Repentance

Voluntary renunciation should not be confused with remorse and regret. Voluntary renunciation occurs in the stage of executive action and the result is the cessation of criminal activity before the outcome that the legislator has recognized as against the interests of the individual and society. The feeling of remorse is the opposite. He stops committing crimes. However, if the criminal tries to compensate for the damage he has caused, or if he does an act to reduce the effects of the crime, which indicates his remorse, it does not affect the extent of his responsibility, and it may only lead to a reduction of the punishment and in cases

before the proof of the crime cause exemption from punishment [1-3].

However, in distinguishing between these two situations, it should be noted that in absolute crimes, because absolute crimes are committed regardless of the result, and the time interval between the beginning and the end of the crime seems very short, the possibility of mistakes is high. For instance, it is impossible to imagine when a person who deliberately sets fire to agricultural products or trees belonging to others (Article 675 of the Penal Code of Punishment) may stop his action under the influence of various motives or stop doing it because, as soon as he sets fire to another's threshing floor, the crime has been committed, and extinguishing the fire without burning the crop has no effect on the nature of his criminal act [8].

Beginning of the Crime in the Islamic Penal Code Approved in 2012

First, for further investigation and discussion, it is necessary to state the legal element of initiation of crime in the new law.

Article 122 of the new Islamic Penal Code states that:

"Anyone who intends to commit a crime and begins to carry it out, but due to an agent outside of his will, his intention is suspended, will be punished as follows:

- a. In crimes whose legal punishment is deprivation of life, life imprisonment or imprisonment of the first to third degree to imprisonment of the fourth degree,
- b. In crimes whose legal punishment is amputation or imprisonment of the fourth degree, to imprisonment of the fifth degree, and
- c. In crimes whose legal punishment is flogging or imprisonment of the fifth degree, imprisonment or flogging or fine of the sixth degree.

Furthermore, according to the note of this article, "when the perpetrator's conduct is directly connected to the commission of a crime, yet the crime's completion proves impossible due to material circumstances unknown to the perpetrator, such actions constitute criminal initiation." [4]

Among the stages of the formation of a crime, i.e. before committing a complete crime, the

only stage that is criminalized in criminal laws is the stage of starting a crime, and due to the fact that it is inherently dangerous and disrupts public order, all the laws of the world The initiation of a crime has been considered to be prosecuted and punished (Mohseni, 2003). However, identifying the stage of starting a crime and knowing how much behavior is included in this title is one of the most important issues in this case.

According to the mentioned article, we examine the discussion related to the initiation of the crime in the new law in two categories of innovations and defects:

Innovations

Transformation in the Concept of Starting a Crime

According to the Islamic Penal Code, starting a crime has returned to its true meaning because basically, in all legal systems, in order for a crime to occur, it is necessary that an external factor prevents the commission of the crime. Moreover, this is despite the fact that the former law did not distinguish between the external and internal factors of "voluntary withdrawal" and was far away from the real concept of the initiation of a crime, and this is against the principles and rules of criminal policy, because the legislator should follow it which encourages criminals not to commit crime or to withdraw from crime and only discount for voluntary withdrawal is contrary to the rules related to criminal policy. Likewise, this policy is concrete in the new Islamic Penal Law, as stipulated in Article 124 of the 92nd Criminal Code: "Anyone who starts a crime and leaves it voluntarily will not be prosecuted for committing a crime." As can be seen, the legislator of the law of 2012 despite the fact that a person has entered into the material element of the crime, but has stopped committing the crime by his own will, has not considered it a crime, which is considered an innovation in the law [9].

How is the beginning of crime predicted in the new law?

Article 122 of the new Islamic Penal Code says that anyone who intends to commit a crime and begins to carry it out, but his intention is

suspended due to an agent outside of his will, will be punished. He has set a punishment for this issue, and in a way, it can be said that he has criminalized the initiation of a crime and without giving a definition; he has set a punishment for it.

Criminalization of Barren and Impossible Acts

As it was inferred from the provisions related to the initiation of crime in the law and the jurists had confirmed it, barren and impossible acts were not considered crimes unless they were considered as independent criminal acts, but in the new law, the provisions related to the initiation of crime were compiled in such a way. It has been found that the legislator has criminalized sterile and impossible actions, which of course is considered as one of the legal virtues. Note that it is considered as a defect. Because no common sense accepts that the legislator has criminalized the initiation of a crime, but behaviors that are more severe in terms of involvement in material actions than the initiation of a crime should not be considered crimes. Now, based on this, the legislator has stipulated in the note of Article 122: "If the behavior of committing a crime is directly related to the commission of a crime, but the occurrence of a crime is impossible due to material circumstances of which the perpetrator is unaware, the action taken in the sentence is the initiation of a crime." This note indicates that it is an impossible crime that the legislator wants to consider such behaviors as at least the beginning of a crime. Also, the application of the phrase of Article 122 which states "...but due to an agent outside of his will, his intention remains suspended..." It is said that it also represents the sterile crime, because in the definition of sterile crime, it is stated that a person who has done all the actions related to committing the crime and completed the execution of the crime, but due to unforeseen events, is not considered a crime. This is the reason that the application of Article 122 includes this concept, and therefore the legislator wants to criminalize these actions, which are more serious than the initiation of a crime [5].

Criminalization of all Criminal Acts

One of the ambiguities and challenges in the former law was the question of the crime or non-crime of acts of initiation into crime. What was inferred from Article 41 was the principle that acts that initiate a crime are not a crime, unless it is specified in the law. However, the new Islamic Penal Law, in addition to maintaining the same old concept (special criminalization), has criminalized all cases and acts of starting a crime, and in three paragraphs, it has considered the initiation of various types of crimes as crimes and determined punishments for them and the fact that the legislator has started clarifying and determining his position regarding the punishment is one of the innovations of the law [7].

Conclusion

What is obtained from the examination of the regulations related to the initiation of crime is that:

1. The concept of starting a crime has returned to its original meaning.
2. Sterile and impossible crimes have been criminalized against the previous law.
3. Despite the fact that some people think that all crimes have started to be criminalized, it seems that some cases have remained silent from the perspective of the legislator.
4. Article 122 of the Islamic Penal Code, despite determining the punishment for all initiation of crimes, cannot be abrogated initiation of specific laws.

Article 122 of the new Islamic Penal Code says that anyone who intends to commit a crime and begins to carry it out, but his intention remains suspended due to an agent outside of his will, will be punished. It has set a punishment for this issue, and in a way, it can be said that it has criminalized the initiation of a crime and without providing a definition; it has set a punishment for it. The obvious difference between the current law and the law of 1370 is that the former law is about the initiation for crime, it was based on the principle that the initiation of a crime is not considered a crime unless we have legal clarity in this regard, but the way the law is currently written is that it

says that anyone who intends to commit a crime and begins to carry it out if he does it, but due to the presence of an agent outside of his will, his intention remains suspended, he will be punished as follows, which has been described in the following, so it must be said that there is a punishment for it. While Article 41 of the Penal Code of 1991, which is equivalent to Article 122 of the current Penal Code, mentioned that if the actions taken are a crime, they will be sentenced to the punishment of the same crime. According to Article 2 of the Islamic Penal Code, any act or omission is considered as a crime if the law prescribes a punishment. For the initiation of a crime to be a crime, it requires the existence of a legal element, i.e. the explicit text of the law regarding the existence of a legal text or document. This remains valid, but from 1991 to the present - spanning the past two decades - the established legal principle has required formal legislative authorization for criminal attempt liability. Although our current law is apparently adapted from the law of 1973, this law is also taken from the French Penal Code. Another progressive aspect of the new Islamic Penal Code is its grant of judicial discretion regarding the prosecution of criminal attempts. This provision prevents experienced offenders from exploiting legal technicalities to evade accountability by claiming absence of specific statutory provisions, thereby ensuring they cannot escape legal consequences. Likewise, the degree system and the gradualness of the punishment is also an important point. Of course, about the subtleties of this law, it should be said that over time and at the place of implementation, it becomes clear what problems it may or may not have. Another advantage of this law is that it considers "involuntary withdrawal" as one of the conditions for the initiation of a crime. The other bonus is the explicit acceptance of the establishment of "commencement of crime", which puts an end to the ambiguities in our legal system. Commencement of committing a crime in crimes subject to penal and deterrent punishments is punishable if it is stated in the law.

Suggestions

1. About starting to commit a crime:

First, a more effective legislative approach would have been to codify all criminal attempts under their corresponding completed offenses. For instance, attempted fraud should be categorized under fraud provisions, and attempted theft under theft statutes - with each carrying appropriately scaled penalties corresponding to the stage of criminal execution.

Second, Paragraph C of Article 122 of the Penal Law of 2012, which has determined whipping or monetary punishment of the sixth degree in addition to imprisonment for the initiation of a crime, indicates that the punishments prescribed in paragraphs A and B of the above article cannot be converted into monetary punishment and whipping, and only imprisonment has been determined, the lawmaker had foreseen flogging and fines as in paragraph p.

Concerning paragraph C of the referenced article, the legal treatment of attempting certain restricted offenses - such as attempted adultery, alcohol consumption, or fornication - requires clarification when compared to its accompanying note. For instance, if an individual intending to drink wine purchases what appears to be wine but is actually vinegar, the legal status of such an attempt remains ambiguous under the current formulation. And he was unable to drink alcohol, is it permissible to start drinking alcohol or not?

Of course, the subject of wine storage is also excluded from Article 702 of the Islamic Penal Code. It seems that the above article has developed the scope of crime and criminalization and increased the number of cases.

The person who commits the crime will be punished, although Article 123 of the introduction of the crime, which is not directly related to the occurrence of the crime, makes it clear that it is not a crime. The preparation of a weapon with murderous intent constitutes the initiation of homicide. However, if an individual arms themselves intending assassination but is apprehended before any attempt to discharge the weapon, their offense remains illegal

weapons possession rather than attempted murder. By contrast, should the perpetrator actually fire the weapon but miss their target, they might assert the absence of lethal intent - claiming instead an intent merely to threaten or wound. In such cases, judicial determination must rely on supplementary evidentiary considerations.

A progressive legislative reform would recognize sterile crimes as a distinct legal category, removing them from conventional criminal classification due to their inherent nature differing from both standard offenses and impossible attempts. This separation should be codified independently of prescribed penalty thresholds, thereby achieving proper legal systematization.

2. The legislator has not observed the proportionality between the types of crimes and the initiation of crimes, which should be resolved in the final amendments of the penal law, which is considered an experimental law.

3. In the end, the necessity of this change should also be noted that it is good to reduce the punishment for these behaviors when the perpetrator voluntarily withdraws from the enforcement operation and the actions taken are crimes, and this is a step in the direction of prevention of delinquency and delinquency of a person, because by promising the offender a discount, we will save him from further entanglement in the abyss of delinquency.

Reference

- [1] Fallah Delcheh, A.A., Goldoust Jouybari, R. [Criminal responsibility of mental patients with a supportive approach and protective measures in Iran's criminal justice system](#), *Journal of Law and Political Studies*. **2025**, 522-537.
- [2] Goodman, L.A., Fauci, J.E., Sullivan, C.M., DiGiovanni, C.D., Wilson, J.M., [Domestic violence survivors' empowerment and mental health: Exploring the role of the alliance with advocates](#). *American Journal of Orthopsychiatry*, **2016**, 86, 286.
- [3] Vafaei, M., Afshar, A., Ahangaran, M.R. [Legal status of depositors in bankrupt financial and credit institutions: Challenges and solutions](#), *Journal of Law and Political Studies*. **2025**, 538-554.
- [4] Herbert, R., MacKenzie, D., [The way forward: An integrated system for intimate partner violence and child abuse and neglect in new zealand](#), *Wellington, New Zealand: The Impact Collective*, **2014**.
- [5] Douglas, H., [Legal systems abuse and coercive control](#), *Criminology & Criminal Justice*, **2018**, 18, 84-99.
- [6] Azizi, A., Haji Dehabadi, M.A., Mir Khalili, S.M. [Criminalization and prevention of disturbances and crimes against security in Iran's criminal system](#), *Journal of Law and Political Studies*. **2025**, 4(4), 481-494.
- [7] Mohafezat Karsershke, M., Karami, D., Samavati Piroz, A. [The legal and jurisprudential challenges of determining insanity in criminal responsibility in Iran and the United States](#), *Journal of Law and Political Studies*. **2025**, 4(4), 563-579.
- [8] Hastings, A., Mackenzie, M., Earley, A., [Domestic abuse and housing](#), *UK Collaborative Centre for Housing Evidence, Housing Evidence. Ac. Uk*, **2021**.
- [9] Bailey, K.D., [Lost in translation: Domestic violence, the personal is political, and the criminal justice system](#), *J. Crim. L. & Criminology*, **2010**, 100, 1255.
- [10] Donovan, C., Barnes, R., [Help-seeking among lesbian, gay, bisexual and/or transgender victims/survivors of domestic violence and abuse: The impacts of cisgendered heteronormativity and invisibility](#), *Journal of Sociology*, 2020, 56, 554-570.
- [11] Brown, J., Silvestri, M., [A police service in transformation: Implications for women police officers](#), *Police Practice and Research*, **2020**, 21, 459-475.
- [12] Alderden, M.A., Ullman, S.E., [Gender difference or indifference? Detective decision making in sexual assault cases](#), *Journal of Interpersonal Violence*, **2012**, 27, 3-22.
- [13] Atkinson, C., [Patriarchy, gender, infantilisation: A cultural account of police intelligence work in scotland](#), *Australian & New Zealand Journal of Criminology*, **2017**, 50, 234-251.
- [14] Mireshghi, A., Allahverdi, F., Haji tabar Firozjaini, H. [A comparative study of Islamic jurisprudence and modern law approaches in dealing with the phenomenon of cyberbullying](#), *Journal of Law and Political Studies*. **2025**, 4(4), 580-594.
- [15] Bradford, B., [Policing and social identity: Procedural justice, inclusion and cooperation between police and public](#), *Policing and Society*, **2014**, 24, 22-43.