

Crime of *Bagh'i* in Jurisprudence and Iranian Criminal Law

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Abstract

Some legal and jurisprudential issues, such as the ruling on *Bagh'i* and *Moharebeh*, have a long history in Islam. However, in the field of crimes against security and public welfare of Muslims, as well as in relation to the crime of *Bagh'i* and similar crimes, a complex fusion of rules and laws has led to different reactions. This type of conflict is often resolved in an environment where both parties to the conflict are Muslims. With the establishment of the Islamic Republic of Iran, in order to implement the fourth principle of the constitution to Islamize the laws, and the need to expand the scope of the concept of security, the rebellion of the "*Boghat*" has been considered an action against the Islamic government and righteous Imam. However, since this revolt has a political nature, this uprising under the title of "*Bagh'i*" has been studied more in the jurists' research under "*Jihad Baghian*". In this research, the doctrine of countering the revolt and a solution to resolve internal conflicts in Islamic society with a peaceful approach and relying on the brotherhood of all Muslims is investigated, to return to the standards of Sharia based on peace and tolerance, and the themes of Islamic law are scientifically explained and compared with Iran's criminal laws. Thus, it turns out that the basis of the criminal policy of the Islamic Republic of Iran in this category is significantly different from the approach of Islamic law, and despite the efforts made in the Islamic Penal Code of 1392; it is still not completely in line with the spirit of Islamic penal policy.

Keywords: *Bagh'i*; Islamic Criminal Law; Righteous Imam; Jihad with *Baghian*.

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