

Simple Criminal Damage in Iranian, English, and Welsh Legal Systems

*Amir Etemadi**

DOI: <https://doi.org/10.22096/law.2025.2047393.2253>

Received Date: 03/12/2024 - Accepted Date: 30/04/2025

Abstract

Among offenses against property and ownership, criminal damage has a special status, because its fulfillment requires causing damage to property belonging to another. In Islamic jurisprudence, the destruction of property belonging to another without the owner's permission is considered an example of trespassing, which creates the right of retribution and a demand for the injured party. Accordingly, in the Iranian legal system, simple criminal damage, depending on whether it is committed by setting fire or by another means, is criminalized respectively in articles 676 and 677 of the 1996 Tazirat Act. In contrast, in the English and Welsh legal system, criminal damage in the general sense, including arson, is provided in section 1 of the Criminal Damage Act 1971. A comparative study of the constituent elements of the offense of simple criminal damage in the aforementioned legal systems, relying on the aforementioned legal provisions, indicates that the Iranian legislator, by using some ambiguous phrases, has created disagreements in the separation of the components of the physical element of the offense of simple damage, and has neglected cases where the perpetrator of this offense has a mental state higher than criminal guilt and lower than intent. Accordingly, this article, using a descriptive-analytical method, seeks to propose solutions to the legislator, such as the need to use clearer terms to separate criminal behavior from the result of this crime, and the recognition of recklessness as an independent type of mental element, in order to more effectively deal with property vandals, through an analysis of the offense of simple damage in Iran, England, and Wales.

Keywords: Arson; criminal damage; destroy; fire; intent; property belonging to another; recklessness.

* Assistant Professor, Faculty of Law, University of Qom, Qom, Iran.
Email: am.etemadi@gmail.com



Bibliography

- Anvari, Hassan et al. *Farhang Bozorg Sokhan*. Volumes 3 and 4, Tehran: Sokhan, 2014. [In Persian]
- Blake v DPP [1993] Crim LR 586.
- Branch 19 of the Supreme Court of the Republic, Judgment No. 9109970907900425, February 6, 2013. [In Persian]
- Branch 19 of the Tehran Provincial Court of Appeal, Judgment No. 9309970221900615, August 17, 2014. [In Persian]
- Branch 20 of the Tehran Provincial Court of Appeal, Judgment No. 9309970222000667, August 24, 2014. [In Persian]
- Branch 20 of the Tehran Provincial Court of Appeal, Judgment No. 9409970222000413, June 22, 2015. [In Persian]
- Branch 20 of the Tehran Provincial Court of Appeal, Judgment No. 9409970222000838, November 1, 2015. [In Persian]
- Branch 20 of the Tehran Provincial Court of Appeal, Judgment No. 9409970222000192, May 5, 2015. [In Persian]
- Branch 21 of Tehran Provincial Court of Appeal, Judgment No. 9209970222101015, January 8, 2014. [In Persian]
- Branch 23 of Tehran Provincial Court of Appeal, Judgment No. 9409970222300250, May 25, 2015. [In Persian]
- Branch 24 of the Supreme Court of Iran, Judgment No. 9209970908400159, May 19, 2013. [In Persian]
- Branch 38 of Tehran Provincial Court of Appeal, Judgment No. 9109970223801696, March 6, 2013. [In Persian]
- Branch 5 of Tehran Provincial Court of Appeal, Judgment No. 236, May 14, 2006. [In Persian]
- Branch 5 of Tehran Provincial Court of Appeal, Judgment No. 9109970220501549, February 2, 2013. [In Persian]
- Branch 63 of Tehran Province Court of Appeal, Judgment No. 9309970269701188, October 15, 2014. [In Persian]
- Carr, Claudia, and Maureen Johnson. *Beginning Criminal Law*. London: Routledge, 2013.
- Civil Code. [In Persian]
- Computer Crimes Law, 2009. [In Persian]
- Council of Ministers, Amending the amounts related to crimes and violations

stipulated in various laws, resolution No. 56261/T62298, June 24, 2024.
[In Persian]

Cox v Riley [1986] Crim LR 460.

Cresswell and Currie v DPP [2006] EWHC 3379 (Admin).

Criminal Damage Act, 1971.

“Crime in England and Wales: year ending December 2019.” *Office for National Statistics* (2020).

“Crime in England and Wales: Year ending March 2020.” *Office for National Statistics* (2020).

De Than, Claire, and Russell Heaton. *Criminal Law*. Oxford: Oxford University Press, 2013.

Drayton [2005] EWCA Crim 2013.

Finch, Emily, and Stefan Fafinski. *Law Express: Criminal Law*. Harlow: Pearson Education Limited, 2011.

Gayford v Chouler [1898] 1 QB 316, DC.

Geary, Roger. *Understanding Criminal Law*. London: Cavendish Publishing Limited, 2002.

Gemmell and Richards [2003] UKHL 50.

General Legal Department of the Judiciary. Advisory Opinion No. 1178/1400/7, June 22, 2022. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 1461/99/7, January 3, 2021. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 1794/99/7, March 7, 2021. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 401/1400/7, August 1, 2021. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 4983/7, October 8, 2005. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 858/99/7, November 8, 2020. [In Persian]

General Legal Department of the Judiciary. Advisory Opinion No. 86/1400/7, July 19, 2021. [In Persian]

General Panel of the Supreme Court, Unanimous Decision No. 10, October 13, 1976. [In Persian]

Gifis, Steven H. *Law Dictionary*. New York: Barron's Educational Series,

- Inc. 2011.
- Hardman and Others v Chief Constable of Avon and Somerset Constabulary [1986] Crim LR 330.
- Hartley, Mark (ed.). *Blackstone's Police Operational Handbook 2017*. Oxford: Oxford University Press, 2016.
- Henderson and Battley [1984] unreported, CA.
- Hendy, John, and Odette Hutchinson. *Optimize Criminal Law*. London: Routledge, 2015.
- Herring, Jonathan. *Criminal Law*. Hampshire: Palgrave Macmillan, 2011.
- Herring, Jonathan. *Criminal Law: Text, Cases and Materials*. Oxford: Oxford University Press, 2012.
- Herring, Jonathan. *Criminal Law: The Basics*. London: Routledge, 2022.
- Heydari, Behrooz, and Farzaneh Alimohammadi. *Generic Drugs of Iran*. Tehran: Hakim Hidji, 2014. [In Persian]
- Hill [1988] 89 Cr App R 74, CA.
- Hunt [1977] 66 Cr App R 105.
- Islamic Penal Code of Iran, 1996. [In Persian]
- Islamic Penal Code of Iran, 2012. [In Persian]
- Jafari Langroudi, Mohammad Jafar. *Mabsoot: dictionary terms of law*. Volume 1, Tehran: Ganj Danesh, 2009. [In Persian]
- Jefferson, Michael. *Criminal Law*. Harlow: Pearson Education Limited, 2015.
- Jurr, Khalil. *Farhang Larousse Arabi be Farsi*. Translated by Seyyed Hamid Tabibiyani. Volume 1, Tehran: Amir Kabir, 2007. [In Persian]
- Law on reducing the penalty of imprisonment, 2020. [In Persian]
- Law, Jonathan (ed.). *A Dictionary of Law*. Oxford: Oxford University Press, 2022.
- Martin, Jacqueline, and Tony Storey. *Unlocking Criminal Law*. London: Routledge, 2015.
- Martin, Jacqueline. *Criminal Law: Key Facts-Key Cases*. London: Routledge, 2014.
- Miller [1983] 2 AC 161.
- Mirmohammad Sadeghi, Hossein. *Offences against Property and Ownership*. Tehran: Mizan, 2019. [In Persian]
- Moavenate Amuzeshe Qoveye Qazaiye (Markaze Tahqiqate Feqhi).

- Majmuehye Nazariyate Moshavaratiye Feqhi dar Omure Keyfari*. Volume 1, Tehran: Jangal, 2009. [In Persian]
- Mohaqq Damad, Seyyed Mustafa. *The Rules of Islamic Jurisprudence: Civil Section (Property-Responsibility)*. Tehran: Center for Promotion of Islamic Sciences, 2021. [In Persian]
- Molan, Mike. *Cases and Materials on Criminal Law*. London: Routledge, 2008.
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Bahman 1391*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2014. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Esfand 1391*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2014. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Sal 1392*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2016. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Tabestan 1393*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2017. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Mehr, Aban va Azar 1393*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2018. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Dadgahhaye Tajdide Nazare Ostane Tehran (Keyfari), Sal 1394*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2023. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Shobehhaye Divane Aliye Keshvar (Keyfari), Bahman 1391*. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2014. [In Persian]
- Pazhuheshkadeye Estekhray va Motaleate Raviye Qazaei Keshvar. *Majmuehye Araye Qazaei Shobehhaye Divane Aliye Keshvar (Keyfari)*, 2014. [In Persian]

Sal 1392. Tehran: Markaze Matbuat va Entesharate Qoveye Qazaeie, 2016. [In Persian]

Roe v Kingerlee [1986] Crim LR 735.

Roper v Knott [1898] 1 QB 868, DC.

Safaei, Seyyed Hossein. *Dore Moqadamati Hoqqe Madani: Ashkhas ve Amval*. Volume 1, Tehran: Mizan, 2017. [In Persian]

Seray-Wurie [2012] EWHC 208 Admin.

Storey, Tony, and Alan Lidbury. *Criminal Law*. London: Routledge, 2009.

Wilson, William. *Criminal Law*. Harlow: Pearson Education Limited, 2017.

Zandi, Mohammad Reza. *Raviyyeye Qazaiye Dadgahhaye Tajdide Nazare Ostane Tehran dar Omure Keyfari. Volume 7: Seraqat, Khianat dar Amanat, Sodore Cheke Belamahal va Takhrib*. Tehran: Jangal, 2012. [In Persian]

Zeraat, Abbas. *Sharhe Qanun Mojazat Eslami: Bakhsh-e Taezirat 3*. Tehran: Qoqnos, 2009. [In Persian]