

Historical Evolution of the Concept of Criminal Fault (Unintentional Fault) in Iranian Criminal Law

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Abstract

The concept of criminal fault or unintentional fault is one of the foundations of criminal liability in legal systems and has undergone a significant evolutionary process in Iranian criminal law. A historical review shows that this concept has been shaped in three main stages: first, in Imamiyyah jurisprudence, where fault was addressed within the traditional tripartite division of *intentional* ('amd), *quasi-intentional* (*shibh al-'amd*), and *pure fault* (*khaṭā' mahd*), and was primarily limited to financial consequences such as *diyah* (blood money); second, during the modern codification era following the Constitutional Revolution, particularly with the enactment of the Public Penal Code of 1925 (1304), when, under the influence of French and Western law, unintentional fault entered the criminal sphere as negligence, recklessness, and violation of regulations; and third, in the post-Islamic Revolution era, where with the enactment of the Islamic Penal Codes of 1991 (1370) and 2013 (1392), traditional jurisprudential notions were integrated with modern legal doctrines. The findings of this study show that criminal fault in Iranian law has evolved gradually from the traditional system of purely financial liability toward a modern model of criminal responsibility. This development reflects the legislator's effort to strike a balance between the jurisprudential foundations of Islamic law and contemporary socio-legal needs. However, challenges remain, including the determination of precise criteria for fault, the distinction between civil and criminal liability, and the definition of gross fault in professional crimes. These issues require further theoretical reflection and legislative reform.

Keywords: criminal fault, unintentional fault, Imamiyyah jurisprudence, Public Penal Code of 1925, Islamic Penal Code of 2013, historical evolution.

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1. Introduction

One of the fundamental issues in criminal law is *criminal fault* or *unintentional fault*, which plays a central role in determining criminal liability. In most criminal justice systems, crime generally presupposes the existence of a mental element or criminal intent; however, in certain circumstances, the legislator allows the establishment of criminal liability merely through

unintentional fault (Ardebili, 2021). This concept becomes particularly important in offenses such as involuntary manslaughter, harm caused by negligence, and professional misconduct (Mirmohammadsadeghi, 2020).

In Iranian criminal law, the historical evolution of criminal fault can be traced from pre-Islamic Revolution legislation to the enactment of the Islamic Penal Code of 2013. In earlier laws—such as the Public Penal Code of 1925 and the Islamic Penal Codes of 1982 and 1983—unintentional fault was explicitly addressed, and forms such as negligence, recklessness, and lack of skill were recognized as bases for establishing unintentional crimes (Samiei, 2015). With the adoption of the Islamic Penal Code of 2013, this concept gained a clearer legal position through more precise articulation of its elements and conditions, and judicial practice also became more transparent in establishing unintentional fault (Sanei, 2016).

Historical analysis shows that, initially, liability arising from unintentional fault was primarily deterrent and punitive in nature; the mere occurrence of harm was sufficient to hold the perpetrator criminally liable. Over time, however, and under the influence of comparative legal systems, an analytical and criterion-based approach emerged, emphasizing negligence, recklessness, and lack of skill as the main standards for determining criminal liability (Ashworth, 2013). Comparative law has also influenced the development of the concept of criminal fault in Iran. For example, in French law, a distinction is made between *conscious* and *unconscious* fault, with precise standards for establishing unintentional fault (Ardebili, 2021). In English law, concepts such as *gross negligence manslaughter* and the “reasonable person” test are used to assess liability for negligence and lack of skill (Clarkson, 2010). This comparative influence encouraged Iranian criminal law not only to emphasize criminal liability but also to incorporate customary and professional standards in assessing unintentional fault (Shambeyati, 2019).

The present study aims to analyze the historical development of the concept of criminal fault (unintentional fault) in Iranian criminal law while providing a comparative perspective with foreign legal systems, to reveal the substantive, dimensional, and procedural transformations of this concept and to establish a foundation for articulating reliable legal and judicial standards for unintentional criminal liability.

2. Definition of “Fault” in Iranian Criminal Law

2.1. Lexical Definition

In Persian lexicon, “*taqṣīr*” refers to weakening, falling short in action, negligence, and wrongdoing; it encompasses both *tafrit* (omission or underperformance) and *ta’addi* (overstepping limits) (Dekhoda, 1994). “*Qusūr*” is defined as incapacity, failure, or falling short. In legal terminology, it denotes refraining from a mandatory act without deliberate negligence (Ja’fari Langaroudi, 2019).

2.2. Terminological Definition

In criminal law, “fault” refers to the failure to perform an act despite the ability and qualification to do so. In contrast, “*qusūr*” implies omission due to inability or lack of knowledge and is associated with concepts such as *culpable ignorance* and *non-culpable ignorance* (Ja’fari Langaroudi, 2019). In civil liability, “fault” covers both omission of an obligatory act (*tafrit*) and commission of a prohibited act (*ta’addi*) (Amini & Mohammadi Nejad, 2012).

Dr. Ja’fari Langaroudi states that fault includes “omitting an act that a person is obligated to perform, or committing an act one is prohibited from performing; the first is *tafrit*, the second *ta’addi*, and fault encompasses both” (Ja’fari Langaroudi, 2019). Dr. Katouzian highlights that the legal meaning of fault evolves with social and economic change and is shaped by justice considerations; definitions of fault historically fall into three main categories: (1) fault as punishment for wrongful conduct; (2) fault as protection of superior rights; and (3) fault as risk management based on utility and harm (Katouzian, 2009).

3. Fault in the Islamic Penal Code of 2013

According to the Note to Article 145 of the Islamic Penal Code (2013), fault encompasses both negligence and recklessness; omission, inattention, lack of skill, and non-compliance with governmental regulations are considered as examples (Ardebili, 2021). Legally, “fault” means either failing to do what one must or doing what one is prohibited from doing (Samiei, 2015). The distinction between *qusūr* and *taqṣīr* lies in the mental element: *qusūr* is an unintentional mistake, while *taqṣīr* implies culpability.

Article 526 of the same Code holds any actor whose conduct is causally linked to harm criminally liable; if multiple causes exist, liability is shared proportionately according to the degree of causal contribution. This codification reflects a more structured and socially oriented approach to determining fault (Mirmohammadsadeghi, 2020).

The legislator has not explicitly defined “criminal fault,” but Article 145 clarifies that fault broadly covers negligence and recklessness. The previous Islamic Penal Code lacked such a general provision and only addressed related notions separately in *qisas* and *diyat* (retribution and blood money) (Aliabadi, 2006). The text of Article 145 suggests that the presumption is no fault unless proven; the prosecution bears the burden of proving fault, and the defendant is not required to prove its absence (Ardebili, 2021).

Under the “fault-based liability” theory, the injurer is responsible for compensating harm only when fault is proven; the injured party must establish both fault and causation (Ashworth, 2013). This principle—imported from Western legal thought—assumes that responsibility arises where fault is present and remains the most rational foundation of liability (Amini & Mohammadi Nejad, 2012).

While the fault theory initially had a moral and personal orientation, focusing on the actor’s mental and social state, over time its ethical basis weakened due to increasing complexity of criminal liability. Jurists shifted toward a social standard: assessing conduct according to the behavior of a reasonable, ordinary person under similar circumstances rather than the subjective blameworthiness of the actor (Ashworth, 2013; Clarkson, 2010). This shift aligns Iranian criminal law with modern comparative standards while retaining its own jurisprudential heritage.

4. Criminal Liability Without Fault in Iran

In Iranian criminal law, the rule or doctrine of *criminal liability without fault* lacks strong theoretical and practical foundations. Although some Iranian jurists, influenced by familiarity with Western legal systems, have addressed this subject to a limited extent in their writings, the judiciary has not shown significant sensitivity toward it. It may therefore be claimed that within the Iranian criminal justice system, this rule remains largely unfamiliar and institutionally underdeveloped (Abdollahi, 2010). At most, what can be inferred from legal scholarship and the few existing judicial decisions is that criminal liability without fault has been sporadically considered, with ambiguous content and scope.

According to Iranian jurists, in pre-revolution criminal legislation, one of the most evident contexts for liability without fault was *contraventions* (*jurāʿem-e khilāfī*). In other words, jurists categorized crimes based on the nature and function of the mental element into three groups: intentional crimes, fault-based crimes, and *material crimes* (strict liability offenses), classifying contraventions as material crimes. Under this view, material crimes are those that are constituted solely by the occurrence of the prohibited act, regardless of criminal intent (Aliabadi, 2006). A key point observable in legal scholarship is the meaningful relationship between the classification of crimes by seriousness and the type of mental element; some scholars have argued that the historical division of crimes into *felonies*, *misdemeanors*, and *contraventions* was rooted less in the social harm or moral gravity of the act and more in its mental element (Aliabadi, 2006).

Older scholarship divides crimes by the involvement of intent into three categories:

- Crimes that require intent as a condition of occurrence, such as forgery of documents.
- Crimes where the existence of intent aggravates punishment and its absence mitigates it, such as homicide.
- Crimes where intent or lack thereof makes no difference; the act is punishable in any case, such as contraventions (Samiei, 2015).

Dr. Galdouzian (paralleled here with the view expressed by Katouzian) describes crimes without fault as offenses not requiring proof of *mens rea* or criminal negligence. He cites examples such as issuing dishonored checks and certain traffic violations, like stopping in a prohibited area or running a red light, where the mere occurrence of the prohibited act suffices for liability, without needing to prove criminal intent or moral blameworthiness (Katouzian, 2009).

5. The Basis of Criminalization of Fault-Based Crimes

In contemporary society, with the advent of industrialization and the complexity of social life, peaceful coexistence requires that individuals exercise greater care in their daily activities to avoid harmful outcomes. This necessity stems from collective social interests and the interconnectedness of individuals within society. The philosophical foundation of this idea links to utilitarianism, which asserts that legal reasoning should pursue social utility rather than rigid adherence to tradition or abstract coherence of legal norms (Ashworth, 2013).

Accordingly, the criminalization of fault-based offenses is justified because the perpetration of such acts can be socially reproachable due to their potential to harm others. Criminal liability still retains an ethical dimension, but the emphasis shifts toward safeguarding collective welfare (Ardebili, 2021). The idea has roots in Islamic jurisprudence, where although sinfulness is generally tied to criminality, there are exceptions—such as discretionary punishments (*ta'zīr*) imposed not for sin itself but to protect public interest and the overall order of society (Ja'fari Langaroudi, 2019).

Islam established and endorsed many foundational principles of today's criminal law, such as the *principle of personal culpability*, the rule *no punishment without law* (linked to *qabḥ-i 'iqāb bilā bayān*), the presumption of innocence, and non-retroactivity of penal statutes (Sanei, 2016). The Qur'an gives significant weight to human intention: "There is no blame upon you for what you did by mistake, but [there is blame] for what your hearts intended" (Qur'an 33:5). The Prophet Muhammad (peace be upon him) also declared: "Actions are judged by intentions." These principles underline the centrality of *mens rea* in Islamic thought while recognizing social welfare as a legitimate basis for liability in certain cases.

6. Historical Development of the Concept of Criminal Fault in Iran

From the earliest stages of human society, wrongdoing and societal responses to it have taken various forms. In ancient codes—such as those of Lipit-Ishtar, the Hittites, Hammurabi, Egypt, Greece, and Rome—the mental element, whether intent or fault, played no role; liability was grounded solely on the commission of a harmful act and its consequences (Ja'fari Tabar, 1998). For example, Plato believed that offenders often act contrary to their true will; thus, harmful conduct alone was sufficient for liability regardless of awareness or rationality. There was little differentiation between humans, other beings, or even objects in terms of legal responsibility (Katouzian, 2009).

With the rise of revealed religions and philosophical thought, the mental element gradually gained significance. The will of the offender became central, leading to the division of crimes into *intentional* (with *mens rea*) and *unintentional* (without *mens rea*). While older systems considered the mere act sufficient, modern frameworks increasingly require that the act be voluntary and willed to constitute a crime (Ashworth, 2013).

Industrialization and the rise of complex social interactions further shaped this evolution. In non-intentional crimes, *criminal fault* eventually emerged as the required mental element, distinct from intent but still essential for liability. Punishments for such offenses became generally lighter than for intentional crimes, reflecting their different moral blameworthiness (Mirmohammadsadeghi, 2020).

The present analysis traces the historical and doctrinal transformation of the concept of criminal fault in Iran, considering the impact of Islamic thought, philosophical debates, and comparative legal developments, while also acknowledging the influence of modern scientific and social progress on how fault is understood and codified.

6.1. Iran Before Islam

Iran is a vast land with an ancient civilization; in antiquity, one of humanity's great civilizations was that of Iran. Excavations in 1965 at Tal-e Eblis on the banks of the Laleh-zar River, about 65 miles southwest of Kerman, confirmed that inhabitants of

this region possessed an advanced civilization nine thousand years ago. One hallmark of a great civilization is the existence of advanced rules and laws for governing the state. Part of these laws addressed norms and regulations related to matters disturbing public order and security and, consequently, specified punishments for those who caused disorder and insecurity. A review of Iran's history shows that this great civilization was not without such rules and regulations. The existence of laws similar to the Code of Hammurabi and a system for the pursuit, arrest, and punishment of offenders in ancient Iran is certain—albeit in a rudimentary form. The Achaemenids were the first unified government in Iran. Cyrus, the founder of this dynasty, was a capable and worthy king; indeed, one prominent Qur'anic exegete has identified him as the “Dhul-Qarnayn” mentioned in the Holy Book. However, in this period the principle of legality of crimes and punishments was meaningless: punishment was imposed for whatever the king or religious leader deemed a crime. Likewise, the presumption of innocence was not applied, and the accused had to prove their own innocence, often resorting to supernatural proofs or trial by ordeal. Given the substantial similarities between ancient Iranian laws and the Code of Hammurabi—and the absence in the latter of any reference to criminal fault in its modern sense—it appears that criminal fault, as presently understood, had no conceptual place in this era.

In the Sasanian period, Zoroastrianism wielded significant influence. Because of the dominance of the Zoroastrian religion during this time and under the *Avesta*, judges were obligated, when adjudicating, to examine the following: (1) whether the offense was committed with intent and awareness or without them; (2) whether the perpetrator acted voluntarily or under compulsion; and (3) whether the perpetrator was a first-time offender or a recidivist. In this period, the principle of legality of crimes was observed to some extent: an act lacking legal characterization was not punishable. In the *Mādayān ī Hazār Dādestān* (Book of a Thousand Judgments), it is emphasized that the penalty for every offense must be prescribed by law, and that until the accused's crime is proven, any form of corporal punishment or imprisonment must be avoided. It is observed that, in this period, the nature of most crimes was such that *mens rea* was essential and commission without *mens rea* was impossible. Although unintentional offenses were recognized in this criminal system, most crimes were purely material offenses, for which punishment followed upon mere occurrence. Therefore, criminal fault, as a distinct concept, had no recognized role.

6.2. Iran After Islam

At the advent of Islam in the Arabian Peninsula, the Sasanian Empire in Iran was at its zenith. During the caliphate of 'Umar, the Arabs invaded Iran, conquered the country, and many of its treasures and artifacts were plundered. The Muslim conquest transformed Iranian criminal law: after the establishment of Muslims in Iran, the previous penal system gave way to Islamic criminal rules and commands. After the end of direct Arab rule and the restoration of Iranian governance, adjudication was conducted by representatives of the caliph alongside the ruler. Crimes were divided into *ḥaqq-Allāh* (offenses against God) and *ḥaqq-al-nās* (offenses against individuals). According to one writer, “moral responsibility” was a condition for punishing offenders in Islam—meaning that the perpetrator, possessing legal capacity and physical and mental ability, must have committed the offense intentionally, voluntarily, and with awareness of the wrongfulness of the act in order to be held responsible for its adverse consequences. It appears that by “moral responsibility” the writer intended the necessity of *mens rea* and a mental element for the realization of offenses; however, there is no need to rely on a non-legal term that is ill-suited to legal analysis, and the source from which the author derived the term is unclear. Iran is a land that has continually undergone change, and with changes in rulers, existing laws also changed. During the Safavid era, Shi'i rulings prevailed; judges were selected from among the clergy, and Islamic rules enjoyed considerable enforceability. The post-Safavid period continued in much the same manner. In the late Qajar period, however, the Iranian legislator was influenced by the modern world, and law, in the strict and contemporary sense, was codified—a matter addressed in the following discussion.

On August 5, 1906 (14 Jumada al-Thani 1324 AH), the Constitutional Revolution succeeded, and the constitutional decree was issued by Mozaffar al-Din Shah Qajar. One of the people's demands in this movement was the establishment of an *'Adliyyeh* (judiciary). Under Article 2 of the Supplement to the Constitution, five senior clerics were to supervise the Islamic conformity of parliamentary enactments to ensure that approved laws did not contravene the Shari'a. With the creation of the Ministry of Justice and the Supreme Court, the judicial system took on a specific and orderly structure; by sending law students to foreign universities, the theories of foreign jurists permeated Iranian judicial practice, and gradually Iran's judicial system aligned—without contravening Islamic Shari'a—with foundational doctrines of criminal law. During the Pahlavi era, in light of Reza Shah's modernizing agenda and inspired by French penal legislation (codified under Napoleon in the 1810 *Code*

Napoléon), the Public Penal Code of 1925 introduced, for the first time, the modern concept of criminal fault into Iranian criminal legislation. After the Islamic Revolution—despite revolutionary efforts to alter and Islamize the laws—the Public Penal Code continued to be enforced for roughly four years.

In 1982, with the enactment of the Law of *Ḥudūd* and *Qisās*, the Law of *Diyāt*, and the Law on Islamic Punishments, these laws replaced the Public Penal Code. After the turn of the year—in 1983—the Law of *Ta'zīrāt* was enacted; the Public Penal Code was implicitly abrogated and later expressly repealed under Article 729 of the Islamic Penal Code. The three 1982 laws were subsequently consolidated in 1991 into a single code titled the Islamic Penal Code, comprising 497 articles. In 1996, the Law of *Ta'zīrāt* was revised and, instead of restarting its numbering at Article 1, its articles were appended after the provisions of the Islamic Penal Code; from Article 198 onward, its provisions were drafted for that part.

Up to 1991, criminal fault as the mental element of non-intent crimes had appeared only in offenses arising from traffic violations, pursuant to Articles 149–152 of the 1983 Law of *Ta'zīrāt*. In 1991, Note 3 to Article 295 of the Islamic Penal Code also addressed criminal fault, prescribing *diyah* as the sole punishment for homicide under that provision, without *ta'zīr*. After the 1996 revision of the Law of *Ta'zīrāt*, Article 616 added, in addition to *diyah*, a *ta'zīr* term of imprisonment for homicide resulting from criminal fault—distinct from involuntary manslaughter arising from traffic violations, which is governed by its special provision, Article 714. In the Islamic Penal Code enacted in 2013, criminal fault is mentioned in the Note to Article 144, and Articles 292 and 293 address homicide resulting from criminal fault.

7. Historical Evolution of the Concept of Criminal Fault (Unintentional Fault) in Iranian Criminal Law

The concept of *criminal fault* or *unintentional fault* is one of the core pillars of criminal liability, shaping not only the scope of punishment but also the boundary between civil and criminal responsibility. In Iranian law, this notion has experienced a long and complex trajectory and has been formed under the influence of three major sources: Islamic jurisprudence, customary/early Iranian law, and modern Western-inspired legislation (Ardebili, 2021).

7.1. Jurisprudential Era — Pre-Constitutional Period

In Iran's premodern legal system, largely grounded in Imamiyyah jurisprudence, crimes and liabilities were categorized based on the actor's intent and mental state. Within this framework, three main categories were recognized: *intentional* (*'amd*), *quasi-intentional* (*shibh al-'amd*), and *pure fault* (*khaṭā' mahḍ*) (Hosseini Nejad, 2017).

- **Pure fault (*khaṭā' mahḍ*)** referred to situations where the offender had no criminal intent, and the harmful outcome was entirely accidental and unforeseeable—for example, shooting at game but accidentally striking a human (Mirmohammadsadeghi, 2020).
- **Quasi-intentional fault (*shibh al-'amd*)** applied when an intentional act was committed without the intention to cause harmful consequences—for instance, striking lightly with a stick, unexpectedly leading to death.

This tripartite classification played a central role in Islamic jurisprudence, especially in the fields of *qisās* and *diyāt*. Its consequences were primarily financial (such as paying *diyah*) rather than punitive in the modern criminal sense. In other words, what classical fiqh labeled as “fault” or “unintentional wrongdoing” focused on compensating material damage rather than imposing public criminal sanctions (Shambeyati, 2019).

7.2. Constitutional and Modern Codification Era — French Influence

With the rise of the modern Iranian state and the adoption of the first penal laws, especially the Public Penal Code of 1925, the concepts of fault and criminal negligence entered a new stage. This Code, influenced heavily by French and Swiss criminal law, was the first to clearly differentiate between intentional and unintentional crimes (Aliabadi, 2006).

- In this period, *unintentional fault* was defined as negligence, recklessness, lack of skill, and violation of governmental regulations. This approach mirrored French legal doctrine, which evaluates fault against the conduct of a “reasonable and prudent person.”

- Importantly, unintentional fault ceased to be limited to financial liability and became a ground for *ta'zīrī* punishments such as imprisonment and fines.

This shift systematically introduced criminal liability for harm caused by negligence in areas like road traffic accidents, medical malpractice, and workplace safety violations. As a result, Iranian criminal law moved beyond the strictly fiqh-based framework toward a structured, socially protective system (Ashworth, 2013; Clarkson, 2010).

7.3. Post-Islamic Revolution Era (1979 onward)

The Islamic Revolution and the subsequent codification of the Islamic Penal Code (1982, 1991, and ultimately 2013) re-centered Islamic jurisprudence but could not ignore the requirements of a modern society. The legislator attempted to integrate traditional Shari'a-based concepts with modern analytical standards (Ardebili, 2021).

- In the sections on *hudūd* and *qiṣāṣ*, the traditional tripartite classification (intentional, quasi-intentional, pure fault) was retained (Hosseini Nejad, 2017).
- In the *ta'zīrāt* (discretionary punishments) section, however, fault remained defined by modern criteria such as negligence and recklessness (Mirmohammadsadeghi, 2020).
- The Islamic Penal Code of 2013 paid particular attention to causation, precise standards for evaluating fault, and the distinction between civil and criminal responsibility. For instance, in cases of road accidents or medical negligence, judges must consider both the offender's intent and the degree of deviation from professional standards (Amini & Mohammadi Nejad, 2012).

Thus, the 2013 Code illustrates an ongoing attempt by Iranian criminal law to remain faithful to its fiqh-based roots while meeting the needs of a complex, highly specialized society (Sanei, 2016).

7.4. Conceptual Trajectory

A historical review shows the following pattern:

- **Traditional fiqh:** fault was primarily tied to financial compensation (*diyyah*), with limited connection to public punishment.
- **Modern codification (1925–1979):** unintentional fault was redefined—borrowing from Western law—as the principal mental element in non-intentional crimes, enabling *ta'zīrī* penalties.
- **Post-Revolution synthesis:** a deliberate integration of fiqh-based categories with modern professional and social standards, creating a more refined, dual-source system of criminal liability (Ashworth, 2013; Shambeyati, 2019).

Consequently, the concept of *criminal fault* in Iran has evolved from a traditional, financially focused notion to a modern, socially oriented form of criminal responsibility shaped by both Islamic legal theory and comparative legal developments. Despite these advances, unresolved challenges persist: defining clear and objective fault standards, distinguishing it sharply from civil negligence, and conceptualizing “gross negligence” in emerging fields such as medicine and technology. These areas continue to require scholarly analysis and legislative refinement (Katouzian, 2009).

8. Conclusion

The historical evolution of the concept of criminal fault (unintentional fault) in Iranian criminal law shows that this notion has consistently developed under the combined influence of three main sources: Imamiyyah jurisprudence, customary law, and the adoption of Western legal frameworks. In the jurisprudential era, unintentional fault was primarily defined through the tripartite classification of *intentional* (*'amd*), *quasi-intentional* (*shibh al-'amd*), and *pure fault* (*khaṭā' maḥḍ*), with its consequences largely confined to financial remedies such as *diyyah* and compensation.

With the enactment of the Public Penal Code of 1925 and subsequent reforms, influenced by French and comparative law, unintentional fault became recognized as the foundation of criminal liability in offenses arising from negligence, recklessness, and regulatory violations, thus entering the realm of modern criminal justice. Following the Islamic Revolution, efforts were made to reintegrate traditional fiqh-based principles with the demands of contemporary criminal law. Consequently, the Islamic

Penal Code of 2013, while maintaining fidelity to Islamic jurisprudence, incorporated both subjective and objective criteria for assessing fault and sought to clearly delineate the boundary between civil and criminal liability.

This trajectory indicates that Iranian criminal law has consistently moved between “preserving jurisprudential foundations” and “responding to the needs of a modern society.” Today, unresolved challenges remain, such as establishing precise fault standards, distinguishing criminal liability from civil negligence, and clarifying the role of gross negligence in professional domains like medical malpractice. Ultimately, the historical development of unintentional fault in Iran reflects a gradual shift from traditional financial liability to modern criminal responsibility, and its future depends on maintaining a dynamic interplay between Islamic jurisprudence, comparative legal thought, and evolving social requirements.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

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Conflict of Interest

The authors report no conflict of interest.

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References

- Abdollahi, I. (2010). *Lessons in Criminal Philosophy: Strict Liability in the Iranian and English Legal Systems*. Kharsandi Publications.
- Aliabadi, A. (2006). *Criminal Law* (Vol. 1). Ferdowsi.
- Amini, I., & Mohammadi Nejad, S. (2012). The Role of Fault in Civil Liability and Its Comparison with Common Law. *Azad Legal Researches*, 5(18), 1-22.
- Ardebili, M. A. (2021). *General Criminal Law*. Mizan Publishing.
- Ashworth, A. (2013). *Principles of Criminal Law* (7th ed.). Oxford University Press. <https://doi.org/10.1093/he/9780199672684.001.0001>
- Clarkson, C. M. V. (2010). *Understanding Criminal Law* (6th ed.). Oxford University Press.
- Dehkhoda, A. A. (1994). *Loghatnameh (Dehkhoda Dictionary)*. University of Tehran, Faculty of Literature and Human Sciences.
- Hosseini Nejad, S. M. (2017). An Examination of the Concept of Criminal Fault in Iranian Jurisprudence and Law. *Legal Research Quarterly*.
- Ja'fari Langaroudi, M. J. (2019). *Renaissance of Philosophy: General Research Method* (Vol. 3). Ganj-e Danesh.
- Ja'fari Tabar, H. (1998). A Discussion on the Civil Liability of Physicians. *Journal of the Faculty of Law and Political Science, University of Tehran*(41).
- Katouzian, N. (2009). *Philosophy of Law* (Vol. 1). Enteshar Publishing Company.
- Mirmohammadsadeghi, H. (2020). *Crimes Against Persons*. Mizan.
- Samiei, H. (2015). *Criminal Law*.
- Sanei, B. (2016). Criminal Fault in Iranian Law. *Journal of the Faculty of Law and Political Science, University of Tehran*(109), 75-102.
- Shambeyati, H. (2019). *General Criminal Law*. Majd.