

Iran's Legislative Criminal Policy toward Popular Protests: An Analysis of Articles 500, 610, and 618 of the Islamic Penal Code in Light of the Regulatory Approach

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1. Round 1

1.1. Reviewer 1

Reviewer:

The paragraph beginning “Nevertheless, an examination of ordinary criminal legislation” identifies Articles 500, 610, and 618 as the principal provisions governing the criminal response to protest, but the basis for selecting these three provisions is not methodologically explained. The author should provide a selection criterion and clarify whether these articles were chosen because of their frequency of judicial application, their legislative wording, their doctrinal significance, or their relationship with different stages of protest activity. The article should also explain why other potentially relevant provisions concerning disobedience, destruction of property, insulting officials, unlawful access, dissemination of false information, or offenses under special security legislation are excluded. A short delimitation paragraph would substantially improve the transparency and reproducibility of the legal analysis.

The methodological paragraph states that the study has a “normative–analytical” character and relies on statutory texts, legislative documents, and doctrinal sources. This description is too general for a legal research article of this scope. The author should specify the precise analytical method used, including whether the research follows doctrinal legal analysis, constitutional interpretation, proportionality review, criminalization theory, or a functional criminal-policy approach. The corpus of legal materials should also be identified more precisely: the versions of the Islamic Penal Code examined, the legislative history of Articles 500, 610, and 618, the official text and explanatory memorandum of the bill, judicial decisions, advisory opinions, and relevant constitutional or administrative jurisprudence. The article should further indicate the temporal cutoff date of the legal materials, particularly because the legislative status of the bill may have changed.

In the paragraph stating that protest should be understood as “an internal component of the political order rather than as external or disruptive conduct,” the analysis relies heavily on a deliberative-democratic conception associated with Habermasian theory. The author should acknowledge that this is one theoretical account among several and should explain why it is appropriate for evaluating Iranian legislative criminal policy. The discussion would be strengthened by distinguishing deliberative protest, contentious politics, civil disobedience, spontaneous assembly, and disruptive but nonviolent protest. The present formulation risks idealizing protest as necessarily corrective and communicative, whereas actual protest may include heterogeneous motivations, decentralized action, symbolic disruption, or temporary noncompliance without losing its protected character.

The paragraph beginning “One of the most important premises of rational criminal policy” correctly emphasizes the distinction between legitimate protest and criminal conduct, but it does not formulate an operational legal test for drawing that distinction. The author should propose concrete criteria such as the presence of violence, intentional and serious property damage, individualized participation, imminence of harm, causal contribution, the seriousness and duration of disruption, and the availability of less restrictive measures. The sentence stating that criminalization is justified when conduct reaches “the threshold of meaningful harm” is insufficiently determinate. The article should define this threshold and relate it to the harm principle, the principle of ultima ratio, and the constitutional proportionality test.

In the paragraph distinguishing the “legal order” from the “policing order,” the manuscript introduces an analytically useful distinction but does not sufficiently define either concept or establish its doctrinal source. The author should clarify whether “policing order” refers to administrative police powers, field-level law-enforcement discretion, public-order governance, or security-based executive decision-making. The argument that the dominance of policing considerations transfers authority from law to executive institutions should be supported by a more precise institutional analysis showing which authorities possess such discretion, under which legal provisions, and with what forms of judicial review. Otherwise, the distinction remains rhetorically persuasive but legally underdeveloped.

The sentence “Any protest assembly may inherently cause temporary changes in the ordinary course of affairs” is central to the proportionality analysis and should be developed into a more structured distinction between protected disruption and criminal disorder. The author should identify relevant factors such as duration, location, scale, access to essential services, obstruction of emergency routes, degree of inconvenience, intent, and availability of negotiated alternatives. The current binary distinction between “minor disruption” and “serious disturbance” remains too abstract. A graded legal framework would allow the article to explain when administrative management is sufficient and when criminal intervention may become constitutionally defensible.

The analysis of the 2023 Bill on the Organization of Assemblies and Marches requires much closer engagement with the bill’s actual text. Statements such as “the bill requires a highly detailed set of information” and grants authorities the power to suspend or dissolve assemblies should be linked to the specific articles or clauses containing these requirements. The author should identify the exact legislative version examined, because bills may undergo revision during executive, parliamentary, or committee consideration. The manuscript should also distinguish between the date of submission, the date of approval at any stage, and the bill’s legal status at the study’s cutoff date. Referring to the bill as “enacted” or “approved” should be avoided unless its formal legislative status is conclusively established.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The discussion of Shi‘i political jurisprudence contains broad claims that require substantially greater doctrinal support. For example, the sentence “Shi‘i political jurisprudence draws a clear distinction between ‘protest’ and ‘rebellion’ or baghy” should be followed by an analysis of the constitutive elements of baghy, disagreements among jurists, the legal status of collective opposition, and the relevance of armed force, organization, political purpose, and allegiance to a legitimate authority. Similarly, the treatment of “enjoining good and forbidding wrong” as a foundation for peaceful civil protest requires engagement with its

conditions, hierarchy of measures, authority, probability of effectiveness, prohibition of greater harm, and the distinction between individual and institutional enforcement. The current discussion is conceptually promising but too generalized to sustain the conclusions drawn from it.

The paragraph asserting that “treating protest as presumptively criminal is inconsistent with the internal logic of political justice” relies on civil-disobedience theory but does not distinguish lawful protest from civil disobedience. These are legally different categories: lawful protest operates within existing legal permissions, whereas civil disobedience may involve a deliberate breach of law intended to communicate opposition to an unjust rule or policy. The author should explain whether the article’s conclusions apply only to constitutionally protected peaceful assemblies or also to nonviolent but technically unlawful conduct. This distinction is particularly important when assessing unauthorized assemblies, obstruction, refusal to disperse, and violations of administrative formalities.

In the international-law section, the manuscript states that the criteria of legality, necessity, and proportionality are “binding in nature and cannot be treated as merely recommendatory.” This formulation should be refined. The binding force of Article 21 of the International Covenant on Civil and Political Rights should be distinguished from the interpretive authority of General Comment No. 37. The author should explain the legal status of the Covenant in the Iranian legal order, the significance of ratification, the relationship between treaty obligations and domestic legislation, and the interpretive weight of the Human Rights Committee’s general comments. The analysis should also incorporate the principles of presumption in favor of peacefulness, individual rather than collective attribution of violence, tolerance of a certain degree of disruption, and the state’s positive obligation to facilitate peaceful assemblies.

In the analysis of Article 500, the sentence describing the offense as criminalizing “any form of propaganda activity against the State” should be accompanied by a precise examination of the statutory elements of the offense. The author should identify the *actus reus*, *mens rea*, object of protection, required direction of the propaganda, forms of communication covered, and whether the provision requires publicity, repetition, effectiveness, or an actual security consequence. The article currently moves directly from the breadth of the term “propaganda activity” to a conclusion about pre-emptive criminal policy without demonstrating how courts or legal doctrine have interpreted each element. A provision-specific doctrinal analysis is necessary before broader criminal-policy conclusions can be sustained.

The paragraph stating that Article 500 operates at a “pre-protest stage” and focuses on “discourse, expression, the production of meaning, and symbolic influence” offers an original stage-based model, but this model requires further elaboration. The author should explicitly explain the proposed continuum from expression under Article 500, to coordination under Article 610, and to public manifestation under Article 618. It should also be acknowledged that the application of these provisions may overlap and that a single protest-related case may involve concurrent or alternative charges. The manuscript would benefit from a table comparing the protected interest, prohibited conduct, temporal stage, required harm, *mens rea*, interpretive risk, and constitutional concern associated with each provision.

The analysis of Article 610 states that “the mere existence of an initial agreement and mental coordination among several persons is treated as criminal.” This formulation may overstate the statutory reach unless the legal elements of collusion and the intended security offense are carefully examined. The author should distinguish mere political agreement or protest coordination from a demonstrable agreement to commit a specific offense against internal or external security. The analysis should address the required specificity of the contemplated offense, evidentiary standards for proving agreement, the role of preparatory acts, and the danger of inferring criminal intent from association, communication, or collective attendance. This would make the critique more legally precise and avoid collapsing legitimate organization into criminal conspiracy.

In the discussion of Article 618, the manuscript quotes the offense as including “preventing officials from performing their lawful duties,” but it does not separately analyze this component from the disturbance of public order and public tranquility. These are distinct forms of prohibited conduct and should be examined independently. The author should clarify whether obstruction must be intentional, physical, substantial, and directly connected to a lawful official duty. The phrase “lawful duties” also requires analysis because the legality and proportionality of police orders may themselves be contested during assemblies. The article should consider whether noncompliance with an unlawful or disproportionate dispersal order can properly constitute obstruction and how judicial review should address such situations.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.