

Designated and Textual Tazirat in Islamic Penal Code in the Light of the Principle of Legality

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Legislative system in Islamic Penal Code (1392/2014) has mentioned an unfamiliar institution named "Designated Tazir" and made it difficult for lawyers and scholars to understand its notion and examples. The author believes that in law enacted in 2014 it has explicitly accepted the Principle of Legality in Tazirat penalties; therefore, to recognize specific instances of "Designated Tazir" only penal law must be referred to. This article aims to identify specific instances of designated Tazir punishments taking different views into account. Two criteria are highlighted: according to the first criterion, a designated Tazir must be explored in accordance with the principle of legality like other Tazir punishments. As for the second criterion, designated Tazir punishments are like *Hudud*, the specific instances of which must be identified in accordance with article 220 of the Islamic penal code. The author believes that neither of these two criteria is sufficient and suggestion such a mechanism is futile and baseless.

Key words: The Principle of Legality, Textual Tazir, Predetermined Tazir, Flogging, *Hudud*

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