

Characteristics and Jurisprudential Legal Dimensions of Terrorism

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ABSTRACT:

This study examines the characteristics and jurisprudential-legal dimensions of terrorism. Using a descriptive-analytical approach and drawing on library-based resources, the research demonstrates that Islamic teachings not only deem terrorist acts illegitimate but also provide principles that can inform the development of international laws aimed at eradicating terrorism globally. Terrorism has posed significant challenges for many nations in safeguarding their security. The powers prescribed in Iran's Islamic Penal Code alone may be insufficient to address terrorist crimes, allowing perpetrators to potentially evade justice due to gaps in domestic legislation. To address this, Iran prosecutes offenders under the provisions of its Penal Code. While this framework generally applies to conventional crimes, in the case of terrorist acts, Iranian law through the Civil Aviation Law, Maritime Zones Law, various international agreements, and relevant international instruments has recognized the principle of passive personality jurisdiction, representing a significant step toward achieving effective criminal justice..

Keywords: *Terrorism, Jurisprudential Dimensions, Legal Dimensions, International Relations*

INTRODUCTION

In contemporary discourse, terrorism is defined as the systematic and organized use of intimidation against governments or the public to achieve specific political objectives. It also encompasses the strategies employed by groups or organizations that generate fear within society to advance their agendas. Broadly, terrorism involves the unlawful use or threat of force or violence against individuals or property, primarily aimed at coercing or intimidating governments or communities to achieve political, religious, or ideological goals. A defining characteristic of terrorism is that these illegal acts target both people and property to instill fear and compel authorities or communities to comply with the perpetrators' objectives (Aghighi Bakhsheshi, 2002).

Terrorism represents one of the most critical and fundamental security challenges in the globalized world of the 21st century. What makes it particularly threatening is not only the level of destruction or intimidation it causes, but also the way societies and governments respond. The inadequacy and misalignment of counterterrorism strategies remain a significant concern (Asadi, 2008).

When there is insufficient coordination or proportionality between the threat posed by terrorism and the response to it, civilizations face serious risks. This highlights the necessity for comprehensive global strategies that align with the capacities, determination, and motivations of both states and terrorist actors. Despite the adoption of numerous punitive and preventive international conventions by the UN Security Council and General Assembly, persistent challenges in combating terrorism indicate that existing political and legal frameworks are often inadequate. The increasing frequency and complexity of terrorist acts have prompted detailed legal discussions, including careful examination of mechanisms within international criminal law to address such threats (Esmaeili, 2010).

In this context, Iran's jurisprudential and legal system has also sought to suppress terrorism through appropriate measures and the provision of relevant jurisprudential and legal provisions. Apparently, in Islamic jurisprudence and criminal law, terrorism does not exist in the form described in international and regional treaties or conventions, nor in the penal codes of Western countries. However, some scholars argue that Islamic criminal jurisprudence contains a concept

that can, to some extent, be equated with terror and terrorism. This concept or criminal designation is known as *moharebeh* (enmity against God).

The term *moharebeh* (enmity against God) originally meant “to take away” or “to seize,” and in this context, it is applied to someone who raises arms to fight or intimidate others. In other words, a *mohareb* is someone who intends to endanger the life, property, or security of others. In its technical, jurisprudential sense, the term appears in verse 33 of Surah Al-Ma'idah, where it denotes waging war against God and His Messenger. This verse is the primary reference in Islamic jurisprudence for discussions of *moharebeh* and was revealed concerning polytheists who, in breach of their covenant with the Prophet (peace be upon him), killed Muslims and plundered their property. In Iranian criminal law, no independent criminal offense is explicitly defined for terrorism.

Given the existing gaps, the legislator, in an effort to address them, has referred without explicitly using the term “terrorism” to certain clear and evident instances of terrorist operations in Article 286 of the Islamic Penal Code enacted in 2013 (1392 SH) and has prescribed punishments for them. However, the diversity and complexity of terrorist acts, along with their organized and transnational nature, underscore the necessity of revising and explicitly criminalizing terrorism. The legislator must recognize this importance and enact effective laws in this domain (Hakimiha & Habibzadeh, 2015). Accordingly, this study examines the characteristics and jurisprudential-legal dimensions of terrorism.

Jurisprudential and Legal Indicators of Terrorism

Undoubtedly, the term “terrorism” is a modern concept that did not exist in early Islamic discourse. However, the Qur'an, Hadith, and juristic texts contain expressions that reflect Islam's attention to acts of violence and intimidation, offering guidance on human conduct in situations that may resemble what is today called terrorism.

One concept frequently cited in this context is derived from the root **rahb** / **irhab**, often translated as “to instill fear.” Although the exact terms *irhab* or *irhabiyyun* do not appear in the Qur'an as understood in contemporary political usage, derivatives of this root are found in various forms. It is important to note that these Qur'anic usages have meanings entirely different from the modern concept of terrorism. Therefore, it is incorrect to use these verses to justify terrorist acts, and equally misleading to claim that Islam encourages terrorism based on them. Some examples include:

- “O Children of Israel! Remember My favor which I bestowed upon you and be faithful to My covenant so I will be faithful to your covenant; and fear only Me.” (Qur'an, 2:40) Here, *farhabun(i)* refers to fear of God, not fear of others.
- “[Moses] said, ‘Throw [it].’ So when they threw, they bewitched the eyes of the people

and struck terror into them, producing a great magic.” (Qur'an, 7:116) — The verb *istarhabūhum* refers to the fear induced by the magicians' actions.

- “And when the anger of Moses subsided, he took up the tablets; and in their inscription was guidance and mercy for those who fear their Lord.” (Qur'an, 7:154) — Here, *yarhabūn(a)* signifies reverent fear of God, which motivates obedience.
- “And prepare against them whatever you are able of power and of steeds of war so you may terrify the enemy of Allah and your enemy and others whom you do not know; and whatever you spend in the cause of Allah will be fully repaid, and you will not be wronged.” (Qur'an, 8:60) — The verse encourages the preparation of defenses to deter aggressors, not indiscriminate violence.

These examples demonstrate that the Qur'anic root *rahb* refers to fear in the context of reverence for God or legitimate deterrence, rather than unlawful acts against civilians. The modern negative connotation of “terrorism” does not apply to these usages. In discussions of terrorism, emphasis should be placed on verses that protect human life, property, and honor, highlighting that Islam prohibits endangering these rights except in strictly defined legal circumstances.

Furthermore, the Qur'an prescribes severe punishments for those who spread corruption (*mufsid fi'l-ard*) or wage war against society (*muharib*), targeting those who threaten the life and property of others. This illustrates that Islam consistently seeks to prevent violence and terror. Any actions exceeding the limits set by the Qur'an and Prophetic teachings are impermissible; individuals cannot lawfully endanger the lives or property of others except under narrowly defined conditions. The principle is clearly stated: “Whoever kills a soul unless for a soul or for corruption in the land, it is as if he killed all mankind; and whoever saves a life, it is as if he saved all mankind.” (Qur'an, 5:32).

Terrorism from the Perspective of Islam

Although the Qur'an does not contain a term directly equivalent to modern terrorism, Shi'a and Sunni hadiths include expressions that, while not fully aligning with contemporary definitions, provide insight into Islam's position on acts of terror. Some terms in the hadiths are general, yet they can be applied to condemn acts of violence, and by analyzing these texts alongside specific examples, one can develop an Islamic understanding or definition of terrorism.

Fatk (فتك):

This term, conceptually close to terrorism, is explained by classical lexicographers.

Al-Jawhari defines *fatk* as an act in which a person unexpectedly attacks and kills another while the victim is unaware or off guard (Al-Jawhari, 1987/1602 AH).

A related hadith recounts the story of Muslim ibn Aqil in Kufa, who was hidden by supporters of Imam Ali to prevent Ibn Ziyad from ambushing and killing him. Muslim ibn Aqil refused to commit such an act, citing the Prophet's teaching: "*Faith restrains [one from] fatk; a believer should not commit fatk against another believer.*" Such narrations show that Islam prohibits ambush killings and treachery among believers (Majlisi, 1403 AH, p. 344).

Gheela (غيلة):

Lexical sources such as *Lisan al-Arab* and *Sahih* define *gheela* as deceiving someone and leading them to a location where they are then killed. Other dictionaries describe it as assassination or killing by surprise. In these contexts, *gheela* refers to treacherous killing, which closely resembles acts of terror (Tabarsi, 1415 AH). Hadiths also prescribe preventive measures; for instance, Imam Sadiq explains that the institution of *Qassamah* was intended to deter potential killers or assassins by instilling fear, thereby protecting human life (Shabani Nia, 2006).

Some scholars argue that the terms *moharebeh* (waging war against God and society) and *fasad fi'l-ard* (spreading corruption on Earth) are equivalent to terrorism. Jurists generally agree on the definition of *moharebeh*. For example, *Sahib al-Jawahir* defines a *mohareb* as anyone who takes up arms to terrorize people on land or sea, during day or night, in cities or elsewhere. Based on this definition, certain authors have suggested that terrorism whether carried out by an individual, government, party, or organization with the goal of creating fear, insecurity, and social disruption, can be considered *moharebeh* in Islamic law, corresponding to what we now term "terrorism" (Najafi, 1982). However, it should be noted that *moharebeh* is a broad legal concept. Not every individual labeled a *mohareb* automatically qualifies as a terrorist in the modern sense. The term applies specifically to forms of organized violence and terror as discussed in the context of Islamic jurisprudence.

General Principles of Islamic Jurisprudence Related to Terrorism

To understand Islam's perspective on terrorism, it is necessary to examine the fundamental principles of Islamic law related to this issue, as well as concepts closely associated with it.

1. Islam's Emphasis on Peace and Security

Islam neither condones terrorism nor allows anyone to commit acts of terror. In other words, terrorism, as defined above, is not only prohibited in Islam but is also considered a major sin, punishable both in this world and in the hereafter. Islam therefore actively opposes terrorism. This stance differs significantly from certain ideologies that selectively condemn terrorism only when it threatens their interests but justify it when it serves their own objectives.

Misunderstandings about Islam have sometimes arisen due to misinterpretations of its teachings or the actions of extremist groups, such as some Wahhabi or Taliban factions, who manipulate religion for political purposes. These groups have acted under the guise of religion, causing misconceptions and misrepresentations of Islam. However, Islam has never sanctioned harming the innocent; it is a religion of truth that promotes security, safety, and well-being for all. The Qur'an states:

"And Allah has promised you that if you are patient, He will reward you with the best of outcomes." (Surah Ar-Ra'd, 13:24)

Security in Islam is regarded as both a supreme blessing for society and a pinnacle of human development:

"He will replace them after their fear with security." (Surah An-Nur, 24:55)

Providing public security for all citizens, whether Muslim or non-Muslim, is considered a primary responsibility of any government (Zamani, 2001).

2. Islamic Jihad: Legitimate Defense

In Islamic thought, human beings possess the potential for divine vicegerency (*khilafah*), and this potential can be fully realized through guidance from the prophets. God has endowed humanity with inherent dignity:

"We have certainly honored the children of Adam and carried them on land and sea, and provided them with good things and preferred them over many of those We created." (Surah Al-Isra, 17:70)

Such dignity requires the protection of life, property, and personal rights. Islam obliges the safeguarding of human security, honor, intellect, and faith, and forbids anyone from violating these rights unlawfully. Even during armed conflict, non-combatants including women, children, the elderly, worshippers, and sacred places must remain protected (Mohaghegh Damad, 1996).

Islamic jurisprudence prescribes measures against terrorism, including combatting *moharebeh* (waging war against God and society), *fatk* (ambush killing), assassination, and betrayal. The concept of *moharebeh* encompasses acts comparable to contemporary terrorist crimes, such as hijacking, hostage-taking, robbery, kidnapping, bombing, and killing innocent people. However, it applies only to actions intended to spread corruption and motivated by illegitimate aims, as clearly stated in the Qur'an and by Islamic jurists. Sheikh Tusi defines a *mohareb* as someone who wields weapons to commit corruption, while Imam Khomeini considers any armed act aimed at creating corruption or crime on Earth to constitute *moharebeh*.

Accordingly, acts of necessary self-defense against a heavily armed aggressor performed out of necessity rather than malice cannot be classified as terrorism (Tusi, 1986).

The Qur'an also emphasizes that those who spread terror in society are undeserving of security, and taking

action against them is justified because they threaten the safety of others:

"And prepare against them whatever you are able of power and steeds of war to frighten the enemy of Allah and your enemy." (Surah Al-Anfal, 8:60)

Islam grants the right of defensive action to protect life, property, and community security. Ensuring protection against threats and intimidation is considered a communal obligation (*fard kifaya*), requiring collective effort to confront aggressors and support the oppressed.

Islam even forbids causing fear or terror to animals. Amir al-Mu'minin (Imam Ali) instructed tax collectors not to frighten or chase animals, implying that harming humans through terror is even more unacceptable (Mousavi Khomeini, 1974). Historical evidence shows that, in pre-Islamic times, oppressors and rebels attacked innocent people to achieve trivial material gains. Islam, as a religion of law, justice, and moral order, prohibited such practices. The Prophet Muhammad (PBUH) emphasized that the principle of *aman* (granting safety) restrains *fatk* (unlawful killing), demonstrating that acts of ambush or terror are impermissible when *aman* has been granted.

Another security-threatening act explicitly prohibited and criminalized in Islam is *ghila* (treacherous killing) and assassination (*ightiyal*), which are similar in nature to *fatk* (ambush killing). The difference lies in the method: *ghila* and assassination involve deceit and ambush, where the victim is lured, misled, and caught off guard, leaving them unable to defend themselves. Some scholars even consider these acts equivalent to terrorism. Accordingly, *ghila* is defined as a method in which a person deceives another and kills them in a concealed location.

The Prophet Muhammad (PBUH) stated:

"A person is not a true believer unless he wishes for others what he wishes for himself."

This statement embodies the essence of humanitarian principles. Jean Pictet, a Swiss jurist who played a significant role in drafting the Geneva Conventions and their protocols, and who authored extensive commentaries on them, noted that he sought to summarize all international humanitarian rules in a single, comprehensive statement.

Ghadr (treachery or betrayal) is another criminal act in warfare, defined as using deceit and trickery to gain advantage over the enemy. For example, combatants might grant safety to enemy soldiers to enter a territory and then ambush and kill them. One could describe *ghadr* as a form of terror on the battlefield. As the prominent jurist Shaykh al-Jawahir explains, *ghadr* against non-believers is prohibited; it is forbidden to kill someone after granting them safety. The prohibition is grounded not only in religious texts and reasoning similar to that used regarding *fatk*, but also on ethical and rational principles. Imam Baqir (AS) stated:

"No one who grants safety to another (enemy) and then kills them will appear on the Day of Judgment except carrying a banner of deceit."

It is important to note that *ghadr* constitutes treachery and unjust killing, and it is distinct from legitimate wartime strategies or tactical maneuvers conducted during declared hostilities (Shaykh Saduq, 1404 AH).

One effective way to combat terrorism is through participation in international treaties and strict adherence to their provisions. Loyalty to agreements is a core principle in Islamic international relations, as indicated in the Qur'an: *"Fulfill your contracts"* and *"Believers are bound by their agreements."* Accordingly, international treaties are valid under Islamic law, provided they are lawful and concluded by a legitimate authority.

As discussed, Islam itself actively opposes unlawful violence and terrorism. The Organization of Islamic Cooperation's Convention on Combating International Terrorism emphasizes the right of peoples to resist foreign occupation and other forms of aggression, including armed struggle to liberate territories and achieve self-determination and independence. At the same time, it mandates the cessation of actions against countries that contravene Islamic law. The convention also stresses coordination among member states to prevent and control terrorism and extremism. All forms of violence and terrorism are condemned, as terrorism constitutes a severe violation of human rights particularly the right to life and poses a major obstacle to social and economic development; it is never justifiable.

God distinguishes between legitimate self-defense as lawful violence and aggression or terrorism. Similarly, implementing Islamic punishments is a legal and regulated act, fundamentally different from terrorism. In contrast, terrorism involves unlawful use of force outside the framework of law, aimed at subjugating others. From an Islamic perspective, no form of terrorism or violence is permissible unless it is lawful, undertaken in defense of oneself or religious values, conducted within established rules, and free from personal motives. Only in such cases can actions be considered legitimate and not terrorism (Tayyeb, 2003).

Worldwide, legal and political systems have often addressed terrorism reactively, focusing on its symptoms rather than root causes. Islam, however, provides a more advanced and proactive approach: it combats terrorism through awareness, insight, and a commitment to lasting peace and security as prerequisites for an ideal society. The UN Special Committee on Terrorism, tasked with identifying the root causes of terrorism, identified the main factors as: the use of force contrary to the UN Charter; violations of political independence, sovereignty, and territorial integrity; racism; exploitation; inequality; uncoordinated development between the Global North and developing countries; political, economic, and

social injustice; systemic human rights violations; hunger, famine, and poverty. Islam opposes all these underlying causes and offers solutions for each. It emphasizes distributive justice, equitable opportunities, and the development of human potential, alongside recognizing corrective or compensatory justice (Afkham, 2009).

Legal Standards on Terrorism

Under the former Islamic Penal Code of 1991 (1370), *moharebeh* (waging war against God and society) and *ifsad fi al-ard* (spreading corruption on Earth) were classified as crimes punishable under *hudud* and were addressed in Chapter Seven of Book Two. Article 183 of this code stipulates that anyone who takes up arms to instill fear, create insecurity, or deprive people of their freedom is considered both a *mohareb* and a *mofsed fi al-ard*.

This article, therefore, simultaneously labels the offender under both terms. In the 1991 Code, these offenses were addressed under a single legal provision. By contrast, the new Islamic Penal Code of 2013 (1392) treats the two crimes separately: *moharebeh* is governed by Chapter Eight, while *bigha* and *ifsad fi al-ard* fall under Chapter Nine. Article 279, the first article of Chapter Eight, defines *moharebeh* as:

"Drawing a weapon with the intention of threatening or attacking the life, property, or honor of individuals, or intimidating them in a manner that endangers public security. If a person targets specific individuals for personal reasons without affecting general security, or if their actions fail to create insecurity due to incapacity, they are not considered a mohareb."

Despite the differences between Article 183 of the 1991 Code and Article 279 of the 2013 Code, and notwithstanding ambiguities in Article 276, it is clear that the drafters of the new code recognized *ifsad fi al-ard* as a distinct and independent offense, separate from *moharebeh*. While the new law attempts to limit the scope of *ifsad fi al-ard* through broad terminology, such as "severe disruption" or "major damage," its recognition as a standalone crime underscores the legislature's acknowledgment of its significance. The drafters not only addressed previous criticisms raised by legal scholars but also confirmed the legitimacy of treating *ifsad fi al-ard* as an independent criminal offense, consistent with other penal statutes.

Jurisdiction over Terrorism-Related Crimes

A state's jurisdiction refers to its authority to regulate individuals and property within its legal system. This authority includes enacting laws, issuing judgments, and enforcing them. Jurisdiction is generally exercised within defined territorial boundaries, although exceptions may apply as prescribed by domestic law. From the perspective of criminal procedure, jurisdiction also entails the legal competence and obligation of judicial authorities to hear and adjudicate criminal cases.

Jurisdiction over terrorism-related offenses can be categorized into four types: territorial jurisdiction, personal jurisdiction, real jurisdiction, and universal jurisdiction.

Territorial jurisdiction is one of the fundamental principles of criminal law. Under this principle, any crime committed within a country's borders regardless of duration is subject to that country's laws. This principle is widely recognized under international law. Accordingly, all terrorist acts occurring within Iran fall under the jurisdiction of Iranian courts. Territorial jurisdiction facilitates the investigation, prosecution, and trial of offenders, and ensures access to evidence. Since such crimes threaten public order, punishing perpetrators helps restore societal stability and serves as a deterrent to future offenses. While applying domestic criminal law to terrorist acts within a country's territory is generally straightforward, complications may arise when crimes occur in the country's maritime or airspace,

A country's territory includes its airspace. The 1919 Paris Convention affirmed the absolute and exclusive sovereignty of states over the airspace above their land and territorial waters. Similarly, Article 3 of Iran's Civil Aviation Law grants the government full and exclusive authority over the airspace above its territorial waters. Aircraft are considered part of a state's jurisdiction; therefore, crimes committed aboard an aircraft typically fall under the jurisdiction of the state in which the aircraft is registered.

Moreover, Article 30 of the same law specifies that Iranian law applies to offenses committed aboard Iranian aircraft, even when operating outside Iran.

An aircraft holds the nationality of the state in which it is registered. Therefore, terrorist acts occurring on an aircraft registered in Iran fall under the jurisdiction of the Iranian judicial system. If a crime occurs on an aircraft registered in a particular state, Iran's accession to the International Convention for the Suppression of Unlawful Seizure of Aircraft (ratified in 1971, Article 4, Paragraph 1) recognizes Iranian criminal law as applicable. Accordingly, terrorist acts committed on an Iranian-registered aircraft, whether within Iran or in Iranian-controlled airspace, are subject to Iranian criminal law and adjudicated by Iranian courts. In general, regarding territorial jurisdiction, terrorist acts committed within Iran's land, maritime, or airspace fall under the authority of Iranian criminal and judicial courts (Esmaeili, 2016).

Regarding personal jurisdiction, if an Iranian national commits a crime outside Iran and flees the country of the offense before prosecution or punishment, returning to Iran, territorial jurisdiction alone is insufficient to prosecute them, since the crime did not occur on Iranian soil. To address this, the legislator recognizes personal jurisdiction as a complement to territorial jurisdiction.

Personal jurisdiction refers to a state's authority to legislate and adjudicate crimes committed abroad by its nationals or against its nationals. When jurisdiction is based on the offender's nationality, it is called active nationality; when based on the victim's nationality, it is referred to as passive nationality. Active nationality allows a state to prosecute and punish its citizens for crimes committed abroad. In terrorism cases, if the offender is Iranian, Iranian courts have the authority to investigate and prosecute. Just as exemplary behavior by nationals abroad enhances the country's prestige, terrorist acts committed abroad by nationals undermine the reputation and credibility of the state. Moreover, justice requires that terrorists are not allowed to evade punishment and be prosecuted by their home country (Ebrahimi, 2014).

Another condition for exercising personal jurisdiction over crimes committed by nationals abroad is that the act must be considered criminal and punishable both in the offender's home country and in the country where it occurred. Prosecuting an act that is not a crime where it occurred would be unjust. According to the Convention on the Prevention and Punishment of Crimes Against Persons Protected under International Law, including diplomats, Article 3, Paragraph 1(c) mandates that states take appropriate measures to exercise jurisdiction over offenses when the suspect is a national of that state.

The second aspect of personal jurisdiction is based on the nationality of the victim. Protecting nationals is a fundamental duty of every state and can be achieved in various ways. Sometimes this protection is non-criminal, implemented through political or consular actions, and other times it is criminal, whereby the state prosecutes offenses committed against its nationals abroad.

The application of personal jurisdiction in terrorism cases has been widely recognized by the international community. When terrorist attacks occur and Iranian nationals are victims, the prestige and credibility of the state are impacted. In response and to protect its nationals, Iran is justified in exercising jurisdiction to prosecute such offenses.

In criminal cases, territorial jurisdiction remains the primary authority: the state where the crime occurred has the principal right to prosecute. Subsequently, the state of the offender's nationality can also exercise jurisdiction over crimes committed by its nationals. Passive nationality is less commonly relied upon by legislators. Overall, recognizing personal jurisdiction does not conflict with Islamic law or Iran's Constitution, and Iranian legislation accepts its application in all relevant areas. Like territorial jurisdiction, certain conditions must be met for personal jurisdiction; when all conditions are satisfied, Iran is competent to prosecute terrorism-related crimes.

The principle of real (protective) jurisdiction in criminal law allows Iranian courts to prosecute foreign

nationals who commit crimes abroad that threaten the fundamental interests of the country or humanity.

The first issue in criminal proceedings is whether the judicial authority has jurisdiction over the case. Legally, state sovereignty is limited to its land, maritime, and air boundaries. Consequently, criminal jurisdiction investigating and punishing offenders generally should not extend to crimes committed outside a state's borders. This principle reflects territorial jurisdiction. According to Article 3 of the Islamic Penal Code, criminal law applies to all residents within the country, whether nationals or foreigners, but has no effect outside the country. Therefore, if an American commits murder outside Iran, Iranian courts have no jurisdiction. However, if the same individual commits murder in Iran, even if not an Iranian national, they are subject to Iranian law and can be prosecuted. Since states aim to maintain stability, authority, and sovereignty, protecting national interests may require responding to acts that threaten the country's security and survival. If such acts occur outside the country, applying domestic courts could conflict with territorial jurisdiction. To address this, the principle of real (protective) jurisdiction was established as an exception to territorial jurisdiction. In crimes against public security, preserving independence and safeguarding public interests is of paramount importance. Due to the significant threat posed by crimes against security, states may sometimes deviate from conventional criminal law principles. In such situations, real jurisdiction enables states to respond effectively.

Universal jurisdiction is the concept that the criminal courts of any state possess the authority to try offenses committed by an unknown individual in any country. Terrorism is one of the crimes that international agreements acknowledge as falling under this principle. Universal jurisdiction can be classified into two types: general universal jurisdiction, which covers all serious crimes that are punishable with relatively harsh penalties in most countries, and restricted (or limited) universal jurisdiction, which applies solely to international offenses or crimes specifically addressed by treaties or legal provisions, excluding ordinary criminal acts.

It appears that Article 9 of the Islamic Penal Code follows the second approach limited universal jurisdiction. This article stipulates that a person who commits crimes recognized under specific laws or international treaties in any country shall be prosecuted in that country; if such crimes occur in Iran, they shall be tried and punished according to the criminal laws of the Islamic Republic of Iran.

In any case, the principle of universal jurisdiction is applied to prevent impunity for criminals whose actions have had an impact at the national or global level. By invoking this principle, no safe haven is left for terrorists and offenders. In recent years, with the repeated occurrence of terrorism and armed conflicts both international and non-international and the

resulting deaths of millions of men, women, children, and the elderly, as well as their entrapment in cycles of fear and insecurity, the idea of confronting such brutal and ruthless acts has been reinforced to the extent that, under the Rome Statute of the International Criminal Court, they would not go unpunished.

Judicial, legal, and administrative obstacles facing national courts have limited the acceptance of universal jurisdiction by states. Therefore, in reality, the application of this principle alone cannot be considered the sole or most effective solution for addressing international crimes. Undoubtedly, collective action by a large number of states in drafting and ratifying the Rome Statute of the International Criminal Court will have a significant impact in this regard.

CONCLUSION

In the Holy Quran, the term that some have associated with terrorism is *irhāb* (terror). However, an examination of the verses where this term and related words appear shows that *irhāb* in the Quran is entirely distinct from the modern concept of “terrorism.” Therefore, the interpretation of these verses should focus solely on their literal meanings. Consequently, terrorist acts cannot be justified by referencing Quranic verses, nor can Islam be accused of promoting terrorism on the basis of such passages.

A careful reading of certain Quranic verses further emphasizes that human life, property, and honor are of supreme value. Acts of violence cannot be justified under false pretenses, even in the name of defending religion. Interference with another person’s life, property, or honor is permitted only in the limited circumstances explicitly sanctioned by Islamic law. Even then, all aspects must be carefully considered, and the rights of opponents, which Islam recognizes, must be respected. The treatment of *muhārib* (those who wage war) and *mufsid fi al-ard* (those who spread corruption on earth), repeatedly mentioned in the Quran, underscores the importance of preserving security and human life and prescribes strict consequences for those who violate the life and property of others. Clearly, these verses can serve as a basis for reducing terrorist acts.

In the hadiths, there are terms synonymous with or closely related to terrorism, such as *fatk*, *ghaylah*, and *muhārabah*. These actions are strongly prohibited in the traditions and reflect concepts similar to modern terrorism. Beyond the Quran and hadith, the writings of Islamic jurists contain expressions that provide a historical legal foundation for combating terrorism. Today, this foundation needs to be strengthened, and action must be taken based on its principles. Looking forward, a global approach is required to consolidate this foundation and develop a comprehensive legal framework to fight international terrorism.

Controlling terrorism remains challenging due to insufficient understanding of its nature and the lack of consensus regarding the necessary resources to combat

it. In the near future, efforts must focus on fostering cooperation among all countries, unifying them against terrorist activities, and pooling police, military, and intelligence resources to achieve this goal.

If countries particularly major powers truly wish to make the world safer for the global population and their own citizens, they must commit seriously to coordinated and unified action against terrorism. Failure to do so risks repeating tragedies like the September 11 attacks in New York, regardless of a country’s wealth, power, or status, because today, everyone is vulnerable.

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