

“Reputational Harm” as the Core of Criminal Defamation in Iranian Criminal Law

Mojtabi Malekafzali Ardakani^{1✉}, Bahare Karami²

1. *Corresponding Author*, Assistant Professor, Department of Law, Faculty of Law, Political Science and History, Yazd University, Yazd, Iran. Email: malekafzali@yazd.ac.ir

2. PhD in Jurisprudence and Criminal Law, Department of Jurisprudence and Criminal Law, Faculty of Theology and Islamic Studies, Meybod University, Meybod, Iran. Email: b_karami90@yahoo.com

Article Info	ABSTRACT
Article type: Research Article	Criminal defamation is an offense against a person’s moral and social personality and has long been recognized in Iranian criminal legislation. Its current statutory basis is Article 697 of Book Five of the Islamic Penal Code. Judicial decisions reveal substantial disagreement over the elements of the offense. Some courts require that the attribution of a crime be disseminated in a manner capable of damaging the victim’s social reputation, while others consider a direct accusation communicated only to the person concerned sufficient. The same disagreement appears in criminal-law doctrine. Using a descriptive-analytical method and drawing on legislative studies, principles of jurisprudence, interpretation, and ethics, this article examines whether dissemination is a constitutive condition of criminal defamation. It concludes that the true object of the prohibition in Article 697 is not the bare attribution of an offense, but the reputational harm caused by attributing criminal conduct to another. The article accordingly proposes amendments that would state the dissemination requirement more clearly.
Article history: Received 03 September 2023 Received in revised form 09 October 2023 Accepted 22 November 2023 Available online 22 June 2026	
Keywords: criminal defamation, social reputation, reputational harm, dissemination	
Cite this article: Malekafzali Ardakani, M., & Karami, B. (2026). “Reputational Harm” as the core of criminal defamation in Iranian criminal law. <i>Studies of Islamic Jurisprudence and Basis of Law</i> , 20(1), 53-72. https://doi.org/10.22034/fvh.2024.16900.1829	
 © Author(s) retain the copyright. Publisher: Al-Mustafa International University. DOI: https://doi.org/10.22034/fvh.2024.16900.1829	

Introduction

Article 697 criminalizes the explicit attribution or publication of conduct that constitutes an offense where the accuser cannot prove the allegation, subject to the statutory exception for matters carrying a fixed punishment. The addition in 1996 of the phrase “or by any other means” generated conflicting readings. One interpretation treats every means of communication as sufficient, even where no one except the accused person learns of the allegation. The competing interpretation reads “any other means” ejusdem generis with printed papers, newspapers, and public speeches and therefore requires a means capable of disseminating the accusation.

The relevant factual possibilities range from an accusation known to no one, to an accusation communicated only to its target, to limited circulation among a few persons, and finally to broad public circulation. The first situation cannot amount to a completed communicative offense, while the fourth plainly can. The real controversy concerns the second and third situations. The article asks whether a criminal attribution becomes defamation without dissemination or whether dissemination, and thus the risk of public reputational injury, is indispensable.

Methodology

The study is descriptive-analytical and adopts a foundational approach. It combines methods from legislative studies with principles of Islamic legal theory, interpretation, and ethics. Statutory language, legislative history, judicial decisions, and doctrinal writings are assessed to identify the legal interest protected by Article 697 and to determine whether dissemination is implicit in its structure.

Literature Review

Despite the practical importance of the issue, prior scholarship has not supplied a sufficiently comprehensive argument either for or against the dissemination requirement. As a result, judges, lawyers, and other users of the criminal statute continue to reach divergent conclusions, producing inconsistent judgments. Existing commentary generally relies on the phrase “by any other means” without reconstructing the protected legal interest or the historical development of the offense.

Findings

The protected interest and true object of Article 697 is another person’s social reputation. The offense is therefore best understood as causing reputational harm through the attribution of criminal conduct. Dissemination is not an incidental circumstance but the mechanism by which the protected social standing is endangered or impaired. Where the allegation is communicated

only to the person accused, the conduct may constitute insult under Articles 608 or 609, but it should not automatically be treated as criminal defamation.

Discussion

Three considerations support this conclusion. First, the specific means listed in Article 697 are all ordinarily capable of public communication; extracting their common rationale indicates that reputational damage, not private confrontation, is the statutory target. Second, the historical development of the provision shows increasing emphasis on the public and discrediting dimension of the attributed conduct. Third, coherence between the main clause and its note, which addresses publication amounting to dissemination of indecency, supports a unified understanding of publication as an element of the offense.

This interpretation also accords with caution in criminalization, the rule of *dar'*, and the principle that criminal statutes should be construed in favor of the accused. It preserves the distinction between defamation and insult and prevents an expansive reading that would turn every private accusation into the more serious offense of defamation.

Conclusion

Criminal defamation under Article 697 requires the attribution of an offense in a manner that disseminates the allegation and damages or endangers the victim's social reputation. Although the statute does not state the requirement in express terms, its language, legislative history, protected interest, and internal logic support that conclusion. Legislative amendment should clarify that "reputational harm through dissemination of a criminal attribution" is the core of the offense, thereby reducing inconsistent judicial practice.

Declarations

Author Contributions: Mojtabi Malekafzali Ardakani and Bahare Karami jointly collected and analyzed the data and prepared the research report.

Data Availability Statement: Not applicable.

Acknowledgements: The authors expressed their appreciation to the Professor Najafi Abrandabadi Library of Law and Criminal Sciences for assistance in obtaining research and bibliographic sources.

Ethical Considerations: The authors observed the ethical principles governing the conduct and publication of scientific research.

Funding: This research received no specific grant from public, commercial, or not-for-profit funding bodies.

Conflict of Interest: The authors declared no conflict of interest.

Declaration of Generative AI and AI-assisted Technologies: The authors declared that no artificial intelligence was used in the writing process.