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### LEGISLATION PROCESS IN THE ISLAMIC REPUBLIC OF IRAN

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#### ABSTRACT

Legislative power is the most respectful and effective entity in a system based on the separation of power. In such systems, legislative power establishes the code of conduct to be executed by executive power and to be judged by judicial power. Therefore, the doctrine of the constitution is determined by legislation by the people. Further, as parliament represents the national governance and authority, it has jurisdiction to issue general rules regarding the national interest. Hence, in a country where the constitution exists, the system of separation of powers is accepted, no entity is involved in the legislation process, and approvals of no entity except for legislative power are applied as law. Authority of legislative power rather than executive power in the Islamic Republic of Iran is based on the independence of legislative power other than executive power. In this case, executive power is not allowed to the dissolution of legislative power. According to results, despite the general jurisdiction of Islamic Parliament in legislation power, this entity faces some constraints like other powers regarding rule of law, the principle of powers independence, and delegation of duties and authorities. These constraints are rooted in some factors, including the principle of the inherent limitation of parliament's authorities in legislation, the principle of supremacy of the constitution, the principle of the apparent constraint of parliament in legislation, and formal limits.

#### INTRODUCTION

Clearly, approval of rules in each of contemporary legal systems requires specific formal rituals. In fact, when the necessity of rules that must govern a certain social-political, economic, and cultural status was determined then the legislation process initiates based on some specific formalities. Such a process is ended with the advent of law in the legal arena of a country. In this context, what reflects in mind of any audience after hearing about some terms, such as law and legislation includes national council and legislative parliaments. As there is an inseparable connection between law and parliament, the specific task of national parliaments is legislation. However, parliaments do other tasks in addition to legislation. Some other duties of legislative entities include authorities such as monitoring the performance of executive and judiciary powers. Hence, legislation cannot be named as the only function of parliaments. However, the major activity of parliaments is legislation and enactment. Accordingly, chapter six constitution of the Islamic Republic of Iran describes principles of legislative power and its authorities and competencies, particularly authorities of the Islamic Consultative Assembly. This assembly (Majles) is the main legislative authority in the Islamic Republic of Iran while the legislative right of Assembly does not violate the legislative constraint to this entity. In other words, the constitution that explains authorities and jurisdictions of Assembly has enacted some limits to the right of this Assembly. The entity called "Guardian Council" has been seen in the constitution of the Islamic Republic of Iran. Hence, recognition of the complex structure of the modern government in the current era requires identification of the legal system of a government and subsequent recognition of the concept and scope of the law as well as legislation process in such system. In fact, legislation procedures may leave different effects. If the effects of legislation procedure are assessed in Iran, weaknesses, and strengths of these different methods can be revealed. On the other hand, there are some disagreements on the concept of law and the distinction between legislation procedure and other legal actions of the government. Such disagreements have led to the improper execution of rules approved by the Islamic Republic of Iran. In some cases, executive power claim that the Assembly sometimes has made threats to actions under the authority of executive power, these disagreements, unfortunately, are expressed not in academic forms but as interviews, media opinions, and in political speeches not in legal ones. Such disagreements have led to a reduction of the rule of power, diversity in rules and legislative procedures, more amendments to rules and enquires, a decline in the number of comprehensive rules, and conflicts in legislation.

## **METHOD**

Considering the research method and dimensions, an analytical approach was applied in this study. Documentary and bibliographic methods were used to collect data. The required data were collected through computer-based and manual note-taking techniques. Furthermore, the author referred to important libraries and relevant references and documents were gathered then books, papers, and researches were studied. Ultimately, legal differences between studied countries were identified and theoretical literature of study was determined.

### **Definition of Law**

There are various definitions and terms on the law. According to a viewpoint, the law is defined as legal rules series enacted through written statements by competent authorities. Regardless of the titles, such as Law, Act, Directives, and so on these rules include two substantive and procedural descriptions. A substantive description of law refers to the generality and scope of the law and procedural description expresses some specifications, including verbal, written, and formal themes of the law. In another approach, the law is defined as social contracts that are enforced to adjust the structure of general affairs. Some jurisconsults and lawyers consider law as jurisprudence. Hence, only two theories were mentioned as examples. Although this term is not usually used among jurisconsults, some early jurists have defined jurisprudence or the law in different methods. For instance, Allamah Al-Hilli writes, "The almighty God has defined this law in Holy Quran and jurisprudence consists of this divine law that can be seen in book and tradition of Prophet and Imams."

According to the abovementioned definitions, "legal principle" is one of the inherent components of law definition. In other words, descriptions of a legal rule, including its binding, sociability<sup>1</sup>, and generality<sup>2</sup> as well as its assurance by the government (Katouzian, 2013, 59) are prominent aspects of law definition. In terms of the procedural aspect, the law only includes legal rules, which are enacted by a competent authority. Therefore, this study defines the term "law" as those "legal rules" that have been approved by legislation power. This definition can be explained based on two reasons; first, legal rules are the inseparable specification of law, and second, the law is defined as a legal rule approved by legislation power through legal formalities.

### **Effects and Implications of Legislation**

In temporary ears, legal systems are of high importance since they set out social relationships, control the power of government, determine institutional tasks of administrative and political institutes, and ensure individual rights and freedoms. There are some fundamental rules in these legal systems called "law". Law is the central core of a legal system. Legal systems are formed around those rules approved by legislators within a political system through a specific procedure. Hence, identification of the complicated structure of modern states in the current era requires recognition of the legal system of a government and subsequent identification of concept, scope, and procedure of legislation.

However, the function of law is not just confined to the abovementioned options so that it is used as a binding instrument that ensures the enforcement of individual rights and freedoms in democratic systems. In fact, individual rights and freedoms become legal through legal regulation. Therefore, there is an interconnection between right and law. However, it should be noted law is beyond the rights of individuals and determines citizenship duties. In general, it can be stated that there is a wide

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<sup>1</sup> Sociability of a legal rule refers to its purpose, which is setting out of social relationships

<sup>2</sup> Generality of law does not mean that it should cover all people but it means that law must not be subject only to a specific person. On the other hand it should be eliminated once it was enforced.

range of rights supported by the law so that their violation will be considered an illegal action and might be subjected to punishment. Owners of such rights can be realized based on the supports given by law. Therefore, the law makes this opportunity for people to benefit from their rights (Mohammadi, 1997, 3).

### **Legislation Procedure**

#### **Legislation during internationalization of law and rules**

A significant aspect contributing to the democratic legitimacy of decisions made by states includes decisions based on the global models. The most important dimension of these decisions is adopted consisted of some regulations and principles. Therefore, an appropriate procedure must be taken for formulation regarding globalization trends. Some aspects of this formulation have been mentioned herein.

#### **Global Formulation and Legislation**

The purpose of the formulation should be determined before assessing its concept. As mentioned before, globalization in law scope includes a series of global values. In this case, formulation means the inclusion of global values in law, rules, and regulations. Hence, formulating institute(s) try to reflect globalized and accepted values in legal concepts and categories. The most important reason for the formulation of these values is because these values will be entered into the force only if they are legally legitimate. Furthermore, society individuals must execute these values. Therefore, it can be argued that globalization of rights, particularly basic ones have created a new approach to the rights, especially basic rights that are global values.

#### **Formulation and Legislation by Governments**

Governments can play two roles of creator and executor of norms and regulation within the formulation process. Those governments that are developed politically and administrate the country through democratic methods create principles by legislation power of the states. In such a government, principles are executed by executive power. Judiciary power also plays a vital role in mentioned two processes (Tila, 2017, 172).

#### **Formulation and Legislation by Civil Society**

Civil society is not a new concept although this term has been introduced less than 30 years, which has converted to a social case since 1997.

In the premodern era, various guilds played a vital role in proposing a legal norm and ensuring its implementation. After a while and the advent of modern government, the formulation was just under the authority of government and this governance reached a level in the late 19<sup>th</sup> century when the government was introduced as the only entity that legitimated the norm. However, some sociologists, such as Max Weber consider the legitimacy of a legal norm as a regulation that not only is presented by the government but also is accepted by the public. These legal sociologists believe that people can form rules and regulations making them effective. Factors that form global civil society include information technology (IT),

international economic structures, and the reduced role of governments. Therefore, it can be stated that most activities are done in civil societies to achieve citizenship and social rights are consequences of the internationalization of basic rights. These activities have highly contributed to the internationalization process of law.

Formulation of concerns on human rights, international trade arbitration, and inter-organization rules in multinational companies is a significant process since these are contexts in which civil societies perform formulation within the internationalization of basic rights of countries.

### **Formulation and Legislation by Economic Entities**

There have been considerable changes in the economy due to globalization. This globalization stems from rapid technology development as well as the cross-border flow of goods and services and leads to the advent of global financial markets (National Center of Globalization Studies, 2013, 48). The diminished role of government and delegation of economic processes to the private sector can be mentioned as the most significant evolutions in economic globalization. Private organizations and corporations have been cooperating internationally regardless of political concerns. Multinational corporations or governmental organizations, such as WTO set economic activities; hence, this authority is not just owned by states.

Such organizations are not required to implement the rules of the country. As these organizations establish a parent company in the framework of a domestic law system, they do not follow rules of general international law. These organizations perform formulation based on their competency derived from their statute. For example, international organizations, such as Organization for Economic Co-operation and Development (OECD) present some rules regarding financial transparency, the interest of consumers, and the removal of extensive destructions in the environment (Cohen, 2018, 384).

### **Legislation Procedure in Islam**

The modern meaning of law and legislation procedure includes some specific components, which are not found in Sharia or Islamic jurisprudence. However, canonization or jurisprudence of rules has been discussed in this research and these terms have been used as synonyms. Hence, the effect of Islamic teachings on the contemporary legal system of Iran is not deniable because Islamic law has been one of the main sources for legal order in Iran even before the constitutional revolution, jurisprudential rules have been used as formal law of the country by judges, and the judicial procedure has been based on the Islamic law (Katouzian, 2008, 551).

### **Legislation in the Islamic Republic of Iran**

There is a unity of legislation reference in the Islamic republic system of Iran; further, political supervision is imposed by legislative power to adjust and distribute power and to establish strong protections in order to prevent violation of people's rights. Unified legislation in Assembly not only differs from the separation of power but also consists of

it. Hence, the link between the separation of power and the unity of legislative entities leads to a better understanding of the case (Lakzaie, 2004, 42). Law has its specific definition and legal concepts. Lawyers have divided law into two general and particular categories. In general, the law includes all rules and regulations enacted by competent governmental organizations, legislation power or president, and or a member of executive power. In particular, regulations considered in the fundamental law of Iran includes those rules enacted through formalities set out in constitution by legislative power or those rule that have been approved directly through referendum then admitted by Guardian Council and have been approved by Expediency Discernment Council due to the disagreement between parliament and Guardian council (Aghababaie, 2006, 52).

A sign of lack of unity in legislation authority in the Islamic Consultative Assembly can be seen in the role of policymaking in determining legislation criteria. In other words, legislation is replaced with policymaking, which is the main cause for the non-development of government (Vahid, 2005, 269). Nevertheless, there must be a distinction between policymaking and legislation. Most decisions and policies are made by public authorities, such as Parliament. Legal policymaking includes practices of parliament, which are directly performed by members of parliament and affect the lives of people but the role of policymaking is played by government entities, judiciary power, and parliament (Torkashvand, 2014, 119). Accordingly, it can be stated that policymakers are government authorities that cooperate to enact and enforce policies; they are involved in legislation considering this involvement as a kind of cooperation and interaction between powers (Aghababaie, 2006, 394). Hence, all legislative practices are not considered policies. Moreover, approval of executive directives of rules and board of ministers are considered as policies. Even, decisions made by judicial power can be evaluated in this framework. Accordingly, policies and or decisions are divided into three categories legislative, administrative-executive, and judicial policies regarding governmental branches (Tahan Nazif, 2012, 220).

In this process, legislation power plays a vital role in all cases while executive and judiciary powers play a significant role in the fourth case. Legislation initiation is usually performed by executive entities or outside of consultative commissions. Legislation power is involved in the drafting process although some members may propose some recommendations on the drafting procedure<sup>3</sup>. When the law enters into force, the activity of parliament is increased and members try to benefit from that law in favor of their elective scope. Although parliament commissions may assess law enforcement, this assessment is usually done during drafting since judiciary power cannot do anything special in this step (Rasekh & Kusheshkar, 2015, 164). The legislation is the most important public policymaking. Therefore, cooperation between governmental powers is manifested in the policymaking process in form of law. In fact, the law is generated by collaboration between executive power (presenting the primary suggestion)

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<sup>3</sup> These recommendations are first examined in specialized commissions and the suggested law will be the output of the commission.

and legislation power (approving policies) (Tajik, 2018, 49). Hence, the legalization of recommendations of policies is discussed and the structure of legislative power is described regarding representative requirements based on the opinions of the majority. In this lieu, members of legislation power are in the main field of legalization of plans and policies (Olson & Norton, 2011, 158). However, there is a difference between legalization methods in the basic law system of each country, power, and role of legislation, and judiciary powers within the policymaking process. In particular, policymaking authorities in the Islamic Republic of Iran include the Supreme Leader, legislation authority, Islamic Consultative Assembly, and enforcement authority of judiciary power (Tajik, 2018, 84). It seems that any parallel policymaking, legislative, and executive practices disturb the basic law. If there are repetitive contents in policies of the law, policymaking procedure will be disrupted within the particular meaning of legislation and execution. In fact, linear policymaking procedure will be converted to policymaking cycle if the mentioned case is violated by any of governmental powers. Seemingly, the legal system of the Islamic Republic of Iran does not accept such a cyclic procedure (AliKordi, 2017, 50). The pyramid of decision-making and policymaking in Iran is as follows:

- Leadership
- Expediency Discernment Council
- Guardian Council
- Supreme Council of the Cultural Revolution
- Supreme National Security Council
- Islamic Consultative Assembly
- Government (President and Council of Ministers)
- Ministries, organizations, public companies

Hence, each policy is executed by a specific executor. Some policies require an executive procedure, such as the Supreme Council of the Cultural Revolution, and some other need legislation (Nooraie, 2013, 3).

According to the system of the Islamic Republic of Iran, some authorities, such as the Assembly of Experts, Expediency Discernment Council, Supreme National Security Council, Supreme Council of the Cultural Revolution, and Supreme Council of Cyberspace are eligible to enact a law so that they are before Islamic Consultative Assembly in terms of jurisdiction. Unlike ordinary rules, more prior approvals are passed by these authorities that their regulatory authority is subjected to a specific scope (Vahid, 2005, 272).

Different types of legislative authorities and their jurisdictions in the legal system of the Islamic Republic of Iran have been mentioned in the text below.

#### **Assembly of Experts of the Leadership**

Although Assembly of Experts of Leadership is not in its nature competent for legislation, there are some exceptions, including internal directive of parliament and law on elections for Assembly of Experts that can be approved by this assembly. On contrary, some believe that law has a specific concept and definition provided by experts. Hence, the enacted rules and regulations by any other body are not subjected to the particular

meaning of the law (Aghababaie, 2006, 99). In the case of the Assembly of Experts, legislation must not be introduced as a duty of this assembly and such consideration is a careless action.

### **Commands of Leader**

Commands of leader may cause diversity in the number of legislative bodies in the legal system of the Islamic Republic of Iran. According to Articles 57 and 110 of the Constitution, the leader has some authority and responsibilities to directly (based on Article 57 of the Constitution) and through the Expediency Discernment Council (based on Article 110 of Constitution) enact the law. It will be explained in the following paragraphs that the leader of Iran has established his authority at different levels.

### **Policymaking by Supreme Council of the Cultural Revolution**

An outstanding sign of lack of unity in legislative bodies and hesitation of Guardian Council is the establishment of the Supreme Council of the Cultural Revolution. After the establishment of the Islamic Consultative Assembly and Guardian Council, many of the previous rules were breached or amended but a major part that was matched with Islamic principles and the Islamic republic system remained unchanged. However, there were some cases against Sharia. Hence, Islamic Consultative Assembly approved a specific commission under clause 24 of the Article of its internal directive entitled "special commission on rules of Revolution Council" allowing parliament to revise not only the pre-revolution rules but also all rules that had been approved since the establishment of Islamic Consultative Assembly and Guardian Council. In this case, parliament could breach or reform these rules as a legal plan to remove those parts against Islamic principles. Then, parliament could submit these approved acts to Guardian Council. However, these commissions were not that much active in practice (Nazemi Ardakani, 2010, 124).

The purpose of this council was the promotion and introduction of Islamic culture to society as well as improving Cultural Revolution and public culture. The Supreme Council of the Cultural Revolution is a substantial body, which plays an intermediating role in legislation. The preface of this council introduces principles of cultural policy of Iran, which is the same Islamic revolution policy as one of the important approvals of this council regarding cultural policymaking (Tajik, 2018, 102). According to the mentioned points, cultural policies approved by this council include the design of a cultural map road and a comprehensive academic plan of Iran. In conclusion, cultural policies of Iran are formulated in various documents by different bodies while many contents of these policies are common and overlapping. These dispersed contexts subjected to policymaking and the presence of numerous policymakers have led to confusion among executive authorities and irregular processes of these policies in form of legislative and executive issues.

Besides Islamic Consultative Assembly, Council of Revolution, Expediency Discernment Council, and Supreme Council of the Cultural Revolution are also some responsibilities in approving bindings and enforceable laws and acts. After the victory of the Islamic Revolution when



a wide range of changes occurred in the political-administrative, cultural, and legal systems of Iran, there was no adjustment in binding rules and regulations. Such mismatch between what existed and what must be created made some members in the first election of the Islamic Consultative Council design a commission that was in line with the Islamic Revolution to create the required change in rules of the Council of Revolution. This council played the legislative role in absence of a legislative assembly to change pre-revolution rules by submitting a bill to the parliament. This decision was made to make a revolution in legal texts, then was legalized in Article 61 of the internal directive of Islamic Parliament on 7 May 1983 by establishing a specific commission on the assessment of rules of Council of Revolution and rules related to the pre-revolution period (Malek Afzali, 2007, 61).

### **Expediency Discernment Council**

The Expediency Discernment Council of the System is a body created based on Articles 5 and 57 of the Constitution and the appointment of a Leader before the revision of the Constitution in 1989. Imam Khomeini appointed this Council on 5 February 1987 (Imam Khomeini, 1999, 463). Hence, the legal legitimacy of this body was based on the command issued by the Supreme Leader (Vali-e-Amr, Velyat-e-Faghih) before the revision of the Constitution but then Article 112 of the Constitution was designed about this Council and its responsibilities.

According to Article 112 of the Constitution, the leadership orders the Expediency Council to meet in order to attend to cases where the Guardian Council finds legislation made by the Islamic Consultative Assembly in violation of the Shariat or the Constitution; the Assembly, with regard to the welfare of the system, does not sustain the opinion of the Guardian Council; or for consulting on affairs that the leadership will refer to the Expediency Council; or other duties that are mentioned in the constitution. In other words, the disagreement between Islamic Consultative Council and Guardian Council, regarding the approvals of parliament and insists of members on their approvals, the case is submitted to the Council to decide on the issue (Ghazi ShariatPanahi, 2012, 45).

According to the abovementioned points, it seems that this case (decision-making not consultation) is not matched with the structural component of community-based good governance and a positive outcome cannot be achieved from such consensus because the responsibility of this Council is on the basis of consensus so negation of consultation violates the purpose of this council. Hence, there are many criticisms against this body. In case of the jurisdiction of the Expediency Discernment Council of the System over the disagreement, it must be noted that this council is not a legislative body and therefore should not be considered as other official powers. Such competency is delegated to this council regarding consultative or expertise cases as well as disagreement issues in case of disagreement between parliament and Guardian Council on existing legal procedures so they cannot reach a conclusion (Zarei, 2004, 221).

It is a highly crucial legislative point to find whether the approval of parliament to Council is based on the favor of the system (Mohammadi, 2018, 80). In some cases, Islamic Consultative Council enacts some rules

regarding the public needs of the society while Guardian Council does not admit such approvals since they are not matched with Islamic principles and constitutions. This conflict between parliament and Guardian Council stems from parliament's concerns on social problems and well as the attention of Guardian Council to the framework of Islamic principle and constitution. However, this conflict between parliament and Guardian Council causes ignorance of society's needs (Mansour, 2011, 55). Hence, Article 112 of the Constitution introduces Expediency Council- with its permanent and transitional members that are designated by Leadership- as the body responsible for this case.

### **Supreme National Security Council**

Supreme National Security Council was formed based on Article 179 of the Constitution. Accordingly, the council was established headed by the president to protect national interests and Islamic revolution, territorial integrity, and national sovereignty of the country. The responsibilities of the council are as follows:

1. Determining the defense and national security policies of the country within the framework of general policies determined by the Leader;
2. Coordination of political, intelligence, social, cultural, and economic activities relating to general policies of defense and security;
3. The exploitation of material and intellectual resources of the country for facing the internal and external threats (Nooraie, 2013, 8).

Seemingly, the mentioned duties indicate that legislator of the constitution has recognized the legislative authorities subject to the determination of general defense and security policies, coordination of all activities related to general defense and security policies, and exploiting material and intellectual resources of the country to achieve these goals that have been defined for Supreme National Security Council by the Leader (Tajik, 2018, 52). Although some responsibilities of the council are just limited to general policymaking by distinguishing policymaking from legislation (Faghihi, 2014, 110), expressions used in Article 179 indicate that competency of this council cannot be found limited to general policies (Tajik, 2018, 63). The background of for Supreme National Security Council shows that jurisdiction of this council is not confined to general policies but covers many executive and procedural decisions, which include defense and security aspects of the Islamic Republic of Iran (Nooraie, 2013, 39). Hence, this issue is not against the expressions mentioned in three clauses of Article 179 of the Constitution about responsibilities of the Supreme National Security Council. Responsibilities and authorities of the Supreme National Security Council on issues mentioned in Article 179 of the constitution indicate the supremacy of approvals of this council over ordinary rules since these approvals should be admitted by the Leader. Therefore, this Council performs independently and makes decisions without dependence on three powers. On the other hand, the three powers are affected by the defense rules and policies adopted by this council (Moghaddasi & Akbari, 2018, 90).

### **Supreme Council of the Cultural Revolution**

Since this council has been established based on Article 57 of the constitution and command of the Leader, authentication of its approvals are higher than the ordinary rules. Hence, other powers, including legislative power are not allowed to ignore such approvals and also cannot issue approvals against decisions made by this council. Further, the Supreme Council of the Cultural Revolution has been formed under the authority of the command and religious leadership. Hence, the authorities of this council are under the jurisdiction of the Leader (Nazemi Ardakani, 2010, 40). Hence, it can be stated that this council is superior to other legislative and responsible bodies regarding its jurisdiction scope and cultural issues. The procedure also indicates that Islamic Consultative Council has no right to approve any cases against approvals of the Supreme Council of the Cultural Revolution even years after the approval time. In some cases-that parliament's approvals are inconsistent with approvals by the Supreme Council of the Cultural Revolution- Guardian Council declares the issues against the constitution and Sharia regarding Article 57 of the constitution. In general, it can be concluded that the Supreme Council of the Cultural Revolution has the legislative rights in the field of its responsibilities so that its approvals are superior to ordinary legal rules.

### **Supreme Council of Cyberspace**

This council was formed on 7 March 2011 by the decree of Iran's supreme leader. Heads of powers and some officials are members of this council (Tajik, 2018, 24). This body is responsible to deal with the gap existing in cyberspace issue and its effect on the private and social life of people (Nooraie, 2013, 35).

This council was established to solve many critical problems so that decisions and approvals adopted by this council must be observed by all associate authorities. Hence, the supreme leader considers approvals of this body enforceable so that this body has authority to solve issues related to the cyberspace council headed by the president. Hence, all approvals of this council are binding and all entities must follow these approvals (Nooraie, 2013, 39).

### **Fourth Discussion: hierarchy of legal rules in Iran**

Overall, the hierarchy of legal rules in the legal system of Iran is as follows (Tajik, 2018, 5):

1	Leader's commands
2	Constitution Interpretative opinions of Guardian Council
3	General policies of the system
4	Approvals by Expediency Council Approvals by the Supreme Council of the Cultural Revolution Approvals by Supreme Council of Cyberspace Approvals by Supreme National Security Council Approvals by Assembly of Experts of the Leadership
5	Ordinary rules Results of the legislative referendum International agreements
6	Approvals by the board of ministers

	Approvals of commissions that, including several ministers Approvals by governmental councils
7	Approvals by each or ministers
8	Regulations approved by other executive bodies and approvals by councils

Legislation situation differs in multiple political systems. A unified legislation body is usually used in major political systems and legislation responsibility has been distributed among various bodies (Ranjbar, 2017, 70). However, due to the nature of the revolution and the Islamic system and relevant concerns and ideologies, other bodies in such systems are somewhat allowed to approve rules in some specific cases. In other words, legislation in some specific fields has been delegated to other bodies in the Islamic system of Iran.

## CONCLUSION

The discussions related to the nature of law and understanding legislation procedure in Iran are not just about a philosophical or historical case. Accordingly, there are some problems, either in practice or in mind, in the period before the revolution and the current legal system of Iran. These problems have been affected directly by an understanding of executors, enactors, and supervisors of law regarding the legislation phenomenon. The debates on the distinction between executive and legislative practices over recent years as well as the separation of legislative and executive powers can be mentioned as reasons for mentioned problems. These disagreements are considered to some extent that executive power refuses to enforce the law in some cases since this power does not consider such cases as the law. Evidence is that executive power considers some rules against Sharia and the constitution although this body may issue or enforce such rules under specific conditions. This is a serious challenge to rule of law, which is a fundamental goal of basic rights.

In the Islamic Republic of Iran's system, not only political supervision is imposed by legislative power but also the unity of legislative authority is considered to adjust and distribute power and to establish robust sanctions on violation of people's rights. The unified legislation in the assembly not only is in line with the principle of separation of powers but also is inconsistent with it. Hence, the connection between the separation of powers and unity of legislation authority contributes to a better understanding of this case. It seems that there is more than one legislative body in the Islamic Republic of Iran; however, the inherent task of legislation in most cases is under the responsibility of the Islamic Consultative Assembly. Besides this power that consists of members elected by people, there are some other legislative authorities such as Expediency Discernment, Council, and Assembly of Experts of the Leadership, Supreme National Security Council, and Supreme Council of the Cultural Revolution, Supreme Council of Cyberspace, and Leadership. One sign of lack of unity in legislation authority in the Islamic Consultative Assembly is the policymaking role in determining legislation criteria. In other words, legislation is replaced with policymaking in such a system, which may face a non-developed political system.

There is "Guardian Council" in the constitution of the Islamic Republic of Iran and "constitutional council" in the constitution of France. Hence, recognition of the complex structure of the modern government in the current era requires identification of the legal system of a government and subsequent recognition of the concept and scope of the law as well as legislation process in such a system

If decisions are made based on the global model by the governments, decisions will achieve democratic legitimacy. The most significant aspect of decision-making is that decisions are adopted based on the regulations. Therefore, an appropriate procedure must be taken for formulation regarding globalization. Governments may play two roles of creator or executor of rules within the formulation procedure. In developed and democratic governments, rules are enacted and created by legislation power of that government also executed by executive power. In such systems, judiciary power is involved in both procedures. Besides states, civil societies can perform legal formulation and internationalization of basic law. The history of such actions goes back to the early 90s when states were bound by democratization trends to make citizens involved in the decision-making process. Previously, democratic behavior was just confined to elections while democratic participation includes the presence and participation of the minorities and vulnerable groups.

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