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Examination of Citizenship Rights and Legitimate Freedoms in the Legal System of the Islamic Republic of Iran with a Jurisprudential Approach and in Light of the Universal Declaration of Human Rights

1. Alireza. Rezaei ¹ : Ph.D. student, Department of Theology, Ha.C., Islamic Azad University, Hamedan, Iran
2. Mahnaz. Salimi ^{2*}: Department of Theology, Ha.C., Islamic Azad University, Hamedan, Iran
3. Marzieh. Pilehvar ³: Department of Theology, Ha.C., Islamic Azad University, Hamedan, Iran

*corresponding author's email: salimi1341@iau.ac.ir

ABSTRACT

The present study was conducted with the aim of examining the status of citizenship rights and legitimate freedoms within the legal system of the Islamic Republic of Iran through a jurisprudential approach and a comparative analysis with the Universal Declaration of Human Rights. Citizenship rights, as a set of fundamental rights of individuals vis-à-vis the state, play a crucial role in guaranteeing human dignity and social justice. The present research employs a descriptive–analytical method and, through the utilization of jurisprudential sources, legal doctrines, and international legal instruments, examines the theoretical, normative, and operational foundations of citizenship rights. The findings of the research indicate that the principles of Imami jurisprudence, such as justice, human dignity, the principle of no harm (la darar), and consultation (shura), possess significant capacity for supporting citizenship rights. However, the limitations arising from the qualification of “Islamic criteria” within the Constitution of Iran have restricted the scope of certain freedoms. In the comparative analysis with the Universal Declaration of Human Rights (United Nations, 1948), substantial overlap is observed in areas such as the right to a fair trial and the prohibition of torture; nevertheless, differences exist regarding freedom of religion, freedom of expression, and certain dimensions of gender equality. By examining interpretive and implementation-related challenges and by highlighting the capacities of dynamic ijtihad and the principle of expediency (maslahah), the present study proposes a model for strengthening citizenship rights within the framework of Imami jurisprudence. The results demonstrate that, through jurisprudential reinterpretation and the development of legislative frameworks, greater compatibility between Iran’s legal system and international human rights standards can be achieved.

Keywords: *Citizenship rights, legitimate freedom, Imami jurisprudence, Universal Declaration of Human Rights, Constitution of Iran*

Introduction

Citizenship rights and legitimate freedoms are regarded as among the most important indicators of political and social development in any country. In modern legal systems, citizenship rights, as a set of fundamental rights held by individuals vis-à-vis the state, not only guarantee human dignity but also provide the foundation for active public participation and social development (1). In the Islamic Republic of Iran, the framework of citizenship rights is



influenced both by the principles of Imami jurisprudence and Islamic Shari'a and by the Constitution adopted in 1979, with subsequent amendments. This dual foundation necessitates a simultaneous jurisprudential, legal, and comparative approach to the examination of citizenship rights (2, 3).

Over the past three decades, numerous articles and studies have examined human rights and citizenship rights in Iran; however, most research has been limited to legal or jurisprudential dimensions and has paid less attention to comparative analysis with international human rights standards (4, 5).

The evolution of the concept of citizenship rights in the modern era constitutes one of the most significant developments in the history of political and legal thought. This concept, rooted in natural law theory and social contract doctrine, is based on the assumption that human beings, by virtue of their humanity alone, possess fundamental and inalienable rights, and that the state is established solely to guarantee these rights (6, 7). This perspective was reflected in the eighteenth century in legal documents such as the French Declaration of the Rights of Man and of the Citizen (1789) and the Constitution of the United States, and in the twentieth century, it was elevated to a universal level with the adoption of the Universal Declaration of Human Rights (8, 9).

The Universal Declaration of Human Rights, by emphasizing the principle of universality, established the inherent dignity of the human person as the basis for recognizing a set of civil, political, economic, and social rights. Article 1 of the Declaration explicitly provides that "all human beings are born free and equal in dignity and rights" (8). This principle constitutes the normative foundation of the international human rights system (1).

In contrast, religiously based legal systems, particularly the legal system of the Islamic Republic of Iran, define individual rights and freedoms within the framework of Islamic Shari'a and Imami jurisprudence. While recognizing the rights of the people in Chapter III, the Constitution of the Islamic Republic of Iran stipulates in Article 4 that all laws and regulations must be based on Islamic criteria. Accordingly, the legitimacy of rights and freedoms in this system derives from a combination of popular sovereignty and divine authority (10, 11).

Therefore, analyzing the relationship between citizenship rights in Iran's legal system and the Universal Declaration of Human Rights requires simultaneous examination of two distinct intellectual paradigms: one based on secular human-centered principles and the other grounded in Shari'a and divine sovereignty. The fundamental question is whether these two paradigms are necessarily in conflict or whether interpretive convergence and interaction between them are possible (5, 12).

The issue of citizenship rights and legitimate freedoms in the Islamic Republic of Iran has consistently been at the center of both theoretical and practical debates. On the one hand, the Iranian Constitution recognizes a set of fundamental rights for citizens, including equality before the law, prohibition of arbitrary interference with beliefs, freedom of the press, freedom of assembly, and guarantees of fair trial (3, 13). On the other hand, many of these rights are qualified by expressions such as "within the framework of Islamic criteria" or "unless contrary to the foundations of Islam," thereby limiting their scope.

These qualifications raise an important theoretical issue: how are the limits and scope of legitimate freedoms determined within Iran's legal system, and which institution holds the authority to interpret these limits? The role of the Guardian Council in supervising the conformity of laws with Islamic criteria and the Constitution is decisive in determining the scope of citizenship rights. This has led some analysts to describe the existence of a "dual legal system," in which citizens' rights are implemented within the framework of jurisprudential interpretation (5, 14).

At the international level, the evaluation of human rights conditions in Iran is primarily conducted based on the standards established in the Universal Declaration of Human Rights and related international covenants. These

evaluations focus on issues such as freedom of expression, freedom of religion, women's rights, and minority rights (8, 15). In contrast, the official position of the Islamic Republic of Iran emphasizes that human rights must be interpreted within the framework of Islamic culture and religious values (16, 17).

The importance of this research can be explained from several perspectives. First, from a theoretical standpoint, this study addresses one of the most fundamental challenges in contemporary legal philosophy: the relationship between the universality of human rights and cultural or religious relativism. Some theorists argue that human rights are the product of Western historical experience and cannot be universally applied without qualification (1, 5). In contrast, the dominant view in the international legal system emphasizes the universal applicability of these rights (9).

Second, from the perspective of domestic public law, precise analysis of the jurisprudential foundations of citizenship rights can contribute to clarifying the limits of governmental authority in restricting freedoms. Principles such as proportionality, necessity, and legality of limitations are well-established principles in constitutional law and can guide the interpretation of domestic legal norms (18, 19).

Third, from the perspective of public policy, strengthening the theoretical foundations of citizenship rights within the framework of Islamic jurisprudence can help reduce discursive tensions between Iran and the international human rights system and provide a basis for constructive dialogue (12, 20).

In English-language scholarship, numerous works have examined the relationship between Islam and human rights. Abdullahi Ahmed An-Na'im, in his book *Islam and the Secular State*, argues that Islamic jurisprudence can be reinterpreted in a manner consistent with human rights principles, provided that Shari'a is understood through a dynamic and historically contextualized interpretive framework (12). Ann Elizabeth Mayer, in her work *Islam and Human Rights*, provides a critical analysis of legal systems in Islamic countries and highlights the differences between Shari'a-based legal frameworks and international human rights standards (5).

In Persian legal scholarship, numerous researchers have examined citizenship rights within the Iranian constitutional framework. Some studies emphasize the capacity of Imami jurisprudence to support human rights, identifying principles such as justice, human dignity, and the prohibition of harm as foundations for the development of citizenship rights (14, 21). In contrast, other studies focus on structural challenges in the implementation of citizens' rights and highlight ambiguities in the scope and interpretation of Islamic limitations (22, 23).

Despite these studies, systematic and analytical research that directly compares the jurisprudential foundations of citizenship rights in Iran with the provisions of the Universal Declaration of Human Rights, while simultaneously examining internal jurisprudential interpretive capacities, remains limited. The present study seeks to fill this gap. By utilizing classical jurisprudential sources, the Constitution of Iran, and international legal instruments, this research aims to answer the following fundamental questions:

What are the jurisprudential foundations of citizenship rights and legitimate freedoms?

How are citizenship rights and freedoms defined within the Constitution of the Islamic Republic of Iran?

What similarities and differences emerge from a comparative analysis with the Universal Declaration of Human Rights?

What are the capacities and challenges of convergence between Imami jurisprudence and international human rights standards?

Jurisprudential Foundations of Citizenship Rights and Legitimate Freedoms in Imami Jurisprudence

Jurisprudential Anthropology and the Foundation of Rights

Every legal system, before being a set of rules, is grounded in a particular conception of human nature and worldview. In modern human rights discourse, the human being is regarded as an autonomous entity endowed with independent reason and inherent dignity, and whose rights precede the state (1, 9). In contrast, in Islamic jurisprudence, the human being is considered a creation of God, endowed with divinely granted dignity and bound by religious obligations under Shari'a. This difference in anthropological foundation has direct implications for the definition and scope of rights and freedoms (16, 17).

In Islamic thought, human dignity is defined not merely on the basis of individual autonomy but on the basis of divine legislative will. The Qur'anic verse "And indeed We have honored the children of Adam" (Qur'an 17:70) reflects the inherent dignity of human beings—a dignity that applies to all humans and is not limited to believers. Many Islamic scholars have considered this verse as the theoretical foundation of fundamental human rights (21, 24).

However, in Imami jurisprudence, dignity has two dimensions: inherent dignity and acquired dignity. Inherent dignity belongs to all humans by virtue of their humanity, while acquired dignity is dependent upon faith and piety. This distinction has influenced certain legal domains, including political and social rights, and has been the subject of discussion in comparative human rights analysis (5, 14).

The Principle of Justice as the Foundation of Public Rights in Shi'a Jurisprudence

One of the most important characteristics of Imami jurisprudence is its emphasis on the principle of justice. In Shi'a thought, justice is not merely an ethical virtue but also a fundamental theological and doctrinal principle. Divine justice constitutes one of the five core principles of Shi'a theology, and this has contributed to the prominent position of justice in Shi'a political jurisprudence (17, 25).

In the context of citizenship rights, justice implies the rejection of unjust discrimination, the recognition of entitlements, and the prevention of injustice. Numerous Qur'anic verses emphasize the obligation to uphold justice, including the command that God enjoins justice and fairness. Imami jurists have considered justice as a foundation of political legitimacy, such that an unjust ruler is regarded as lacking legitimate authority (26, 27).

This principle can serve as a theoretical basis for supporting equality before the law and prohibiting discrimination—principles explicitly affirmed in Article 7 of the Universal Declaration of Human Rights (8). However, in certain cases, differences in legal rulings concerning inheritance, testimony, or eligibility for certain governmental positions reflect legal distinctions based on gender or religion, which have been the subject of scholarly debate in comparison with international human rights standards (5, 28).

The Principle of No Harm (La Darar) and Its Role in Protecting Individual Rights

One of the fundamental legal maxims in Imami jurisprudence is the principle of "no harm and no reciprocal harm in Islam" (*la darar wa la dirar fi al-Islam*). According to this principle, no legal ruling in Islam should impose unjustified or excessive harm upon individuals. Jurists have regarded this maxim as a governing principle applicable across the entirety of Islamic legal rulings (29, 30).

From the perspective of public law, the principle of no harm can serve as a basis for limiting governmental authority in infringing upon individual rights. If the implementation of a law or governmental decision results in unjustified harm to citizens, it may be considered inconsistent with this fundamental jurisprudential principle (14, 31). This approach is comparable to the principle of proportionality in modern constitutional law, which requires that any restriction on freedom must be necessary, proportionate, and grounded in law (7, 32).

Freedom of Belief in Imami Jurisprudence

Freedom of belief constitutes one of the most important issues in examining the relationship between Islamic jurisprudence and human rights. Article 18 of the Universal Declaration of Human Rights guarantees the right to freedom of thought, conscience, and religion, including the right to change one's religion (8, 20).

In Imami jurisprudence, the principle of “there is no compulsion in religion” (Qur'an 2:256) reflects the rejection of coercion in accepting religious belief. Many jurists have interpreted this verse as affirming the principle of freedom in the initial choice of religion (16, 17). However, in discussions of apostasy, there exist differing interpretations among Islamic jurists. Traditional jurists have generally regarded apostasy as subject to legal sanction, whereas some contemporary scholars, through historical reinterpretation, argue that apostasy rulings were tied to specific political and security circumstances of early Islam and are not universally applicable across all contexts (12, 14).

This interpretive diversity demonstrates that the capacity for dynamic *ijtihad* can play a significant role in redefining the limits of freedom of belief.

Freedom of Expression in Islamic Jurisprudence

Freedom of expression in Islamic jurisprudence can be examined through concepts such as advising rulers (*nasihat al-hukkam*), enjoining good and forbidding wrong (*amr bi al-ma'ruf wa nahi 'an al-munkar*), and the right to criticism. Historical accounts of the governance of Imam Ali (peace be upon him) include examples of tolerance toward criticism and opposition, which some scholars interpret as evidence of the recognition of freedom of expression in Islamic governance (25, 33).

However, Islamic jurisprudence also recognizes certain limitations on expression, including the prohibition of false accusations, defamation, insult, and the dissemination of immoral content. These limitations also exist in modern legal systems under the framework of protecting public order and the reputation of individuals (18, 34). The primary difference lies in the broader scope of concepts such as “Islamic foundations” or “religious sanctities,” which in Iran's legal system may expand the range of permissible restrictions (3, 31).

From a comparative perspective, it is necessary to examine whether such restrictions comply with the principles of necessity and proportionality recognized in modern human rights law (7, 15).

Political Participation and the Principle of Consultation (Shura)

One of the most important aspects of citizenship rights is the right to participate in determining political destiny. Article 21 of the Universal Declaration of Human Rights guarantees the right to participate in government and to elect representatives (4, 8).

In Islamic jurisprudence, the principle of consultation (*shura*)—as reflected in the Qur'anic verse “and whose affairs are conducted through consultation among themselves”—is recognized as a foundation of public

participation in governance (2, 26). In the Islamic Republic of Iran, this principle has been institutionalized through mechanisms such as presidential elections, parliamentary elections, and local council elections (3, 11).

However, the supervisory authority of the Guardian Council over candidate eligibility has been a subject of legal and constitutional debate in the context of citizenship rights. The key question is whether such supervision is compatible with the principle of free electoral choice or whether it constitutes an additional limitation on popular sovereignty (10, 23).

The Role of Expediency (Maslahah) and Guardianship of the Jurist (Wilayat al-Faqih) in Limiting Freedoms

In Shi'a political jurisprudence, the theory of guardianship of the jurist (*wilayat al-faqih*) provides the framework for governance during the occultation of the Imam. According to this theory, the jurist possesses authority to administer public affairs and preserve the Islamic system (10, 27).

The concept of expediency (*maslahah*) plays a central role within this framework. In cases of conflict between individual freedom and public interest, individual freedoms may be restricted in favor of preserving societal order and collective welfare (17, 33). This approach can be compared to security-based legal theories in Western legal systems, with the key distinction that, in the Islamic legal framework, expediency is defined within the normative boundaries of Shari'a (5, 12).

The primary challenge in this area lies in establishing objective criteria for determining expediency and preventing overly broad interpretations. If the criteria for expediency remain ambiguous, they may result in excessive limitations on legitimate freedoms and undermine the protection of citizenship rights (13, 14).

Detailed Analysis of Citizenship Rights in the Constitution of the Islamic Republic of Iran and Comparison with the Universal Declaration of Human Rights

The Principle of Equality and Non-Discrimination

Equality in the Universal Declaration of Human Rights

The principle of equality constitutes one of the foundational pillars of the international human rights system. Article 1 of the Universal Declaration of Human Rights provides that all human beings are born free and equal in dignity and rights. Article 2 further prohibits any discrimination on grounds such as race, color, sex, language, religion, political or other opinion, national or social origin, or other status (8). Article 7 also emphasizes equality before the law.

In human rights theory, equality is understood not merely as formal equality before the law, but also as the prohibition of structural discrimination and the guarantee of equal opportunities (1, 9).

Equality in the Constitution of the Islamic Republic of Iran

Article 19 of the Iranian Constitution provides that "the people of Iran, whatever the ethnic group or tribe to which they belong, enjoy equal rights; and color, race, language, and the like do not bestow any privilege." Article 20 further states that all members of the nation, both women and men, are equally protected by the law and enjoy all human, political, economic, social, and cultural rights, *subject to compliance with Islamic criteria* (2, 3).

An analysis of these provisions indicates that the Iranian Constitution recognizes the principle of equality, yet the qualification "subject to Islamic criteria" situates the scope of equality within the framework of Shari'a. In certain

domains—such as inheritance, blood money (*diyah*), testimony, and eligibility for certain governmental positions—this qualification has resulted in legal distinctions between women and men, or between Muslims and non-Muslims (5, 24).

From a comparative perspective, the key difference is that the Universal Declaration articulates equality without a religious or ideological qualification, whereas in Iran's legal system, equality is interpreted within the normative framework of religious law. The analytical question is whether such distinctions constitute unjust discrimination or reflect a different normative value system (5, 28).

Freedom of Expression and the Press

Freedom of Expression in the Universal Declaration of Human Rights

Article 19 of the Universal Declaration of Human Rights provides that everyone has the right to freedom of opinion and expression, including the freedom to hold opinions without interference and to seek, receive, and impart information and ideas through any media and regardless of frontiers (8). In modern human rights interpretation, freedom of expression is regarded as a cornerstone of a democratic society, and its limitations must be exceptional, necessary, and proportionate (7, 15).

Freedom of Expression in the Iranian Constitution

Article 24 of the Iranian Constitution provides that “publications and the press are free to express their contents, except when it is detrimental to the fundamental principles of Islam or the rights of the public.” This provision recognizes freedom of expression but introduces two core qualifications:

- non-impairment of the foundations of Islam
- non-impairment of public rights

The conceptual ambiguity of the phrase “the foundations of Islam” has meant that, in practice, the scope of these restrictions is often shaped by supervisory and regulatory bodies. In Iran's legal system, the Press Law and legislation related to cybercrimes have also imposed further limitations in this area (3, 31).

Comparatively, both legal systems reject an absolutist conception of freedom of expression; however, within the international framework, restrictions are typically limited to public order, national security, and the rights of others, whereas in Iran, religious concepts also function as criteria for limitation (5, 15).

Freedom of Assembly and Political Associations

International Standards

Article 20 of the Universal Declaration of Human Rights recognizes the right to freedom of peaceful assembly and association (8). This right is also guaranteed under the International Covenant on Civil and Political Rights, and any limitations must be based on necessity in a democratic society (15, 20).

The Legal Framework in Iran

Article 27 of the Constitution of the Islamic Republic of Iran provides that “public gatherings and marches may be freely held, provided that arms are not carried and that they are not detrimental to the fundamental principles of

Islam.” Article 26 also permits the formation of parties and associations, subject to the principles of independence, freedom, national unity, and Islamic criteria (3, 11).

In this domain as well, the qualifications relating to “the foundations of Islam” and to “independence and national unity” play a decisive role in evaluating the legality of assemblies. Analytically, the central issue concerns the application of the proportionality principle: whether the restrictions imposed satisfy the requirements of necessity and proportionality (7, 18).

Freedom of Religion and Belief

The Universal Declaration of Human Rights

Article 18 of the Universal Declaration of Human Rights guarantees freedom of thought, conscience, and religion, including the right to change one’s religion (8).

The Iranian Constitution

Article 12 of the Iranian Constitution declares Islam and the Twelver Ja’fari school as the official religion of the country. Article 13 recognizes certain religious minorities (Zoroastrians, Jews, and Christians) and grants them freedom in performing religious rites. Article 23 further prohibits the inquisition of beliefs (2, 3).

In comparative terms, the principal difference concerns the issue of conversion and the recognition of religions beyond those explicitly acknowledged. The Universal Declaration imposes no limitation in this regard, whereas in Iran’s legal system only specified religions are formally recognized, and the issue of apostasy remains debated within Islamic jurisprudence (5, 12).

The Right to a Fair Trial

International Standard

Articles 10 and 11 of the Universal Declaration of Human Rights emphasize the right to a fair, public, and impartial hearing (8). These guarantees are further articulated within the International Covenant on Civil and Political Rights (15).

The Iranian Constitution

Articles 32 to 39 of the Iranian Constitution are devoted to safeguards of fair trial, including:

- prohibition of arbitrary arrest (Article 32)
- right of access to a competent court (Article 34)
- presumption of innocence (Article 37)
- prohibition of torture (Article 38)

In this area, there is substantial overlap between the Iranian constitutional framework and international standards. The principal challenge is not the normative recognition of these rights, but rather their effective implementation in practice (4, 35).

Challenges, Interpretive Tensions, and Convergence Capacities between Imami Jurisprudence and the Universal Declaration of Human Rights

The Question of Universality versus Cultural Relativism in Human Rights

One of the most fundamental debates in the field of human rights concerns **universality** versus **cultural relativism**. The Universal Declaration of Human Rights is premised on the assumption that the rights it enumerates are binding and valid for all human beings, irrespective of cultural, religious, and political differences (8). This approach is grounded in human-centeredness and the inherent dignity of the human person as a foundation independent of religion and culture (1, 9).

By contrast, some scholars argue that contemporary human rights are the product of Western historical experience and its specific cultural and political transformations, and therefore cannot be generalized to other societies without attention to their distinct cultural contexts (1, 5). In the Islamic world, this debate has been articulated with particular intensity, because many jurisprudential rulings are grounded in divine Shari'a and revelatory sources rather than collective human will (16, 17).

In the Islamic Republic of Iran, the official approach emphasizes that human rights must be interpreted within the framework of Islamic values. This view presupposes a form of religious cultural relativism. However, the central question is whether adherence to Islamic foundations necessarily implies the negation of the universality of human dignity, or whether an interpretation can be developed that accommodates both (14, 28).

Some contemporary Muslim theorists have argued that the universality of human rights can be reconstructed from within the Islamic tradition itself, provided that the interpretation of religious texts is undertaken with attention to historical and social transformations (12). This approach is premised on dynamic *ijtihad* and historical rereading of legal norms.

Foundational Tensions: The Source of Legitimacy of Rights

The principal difference between the modern human rights system and Islamic jurisprudence lies in the source of the legitimacy of rights. In modern human rights theory, the origin of rights is human will and inherent human dignity. Rights exist prior to the state, and the state bears the duty to guarantee them (6, 7).

In contrast, in Islamic jurisprudence, the ultimate source of rights is God's legislative will. Even if rights are recognized for human beings, they are defined within the framework of Shari'a. Accordingly, freedoms are not treated as absolute natural entitlements, but rather as recognized claims and permissions within the boundaries of divine norms (16, 17).

This foundational divergence manifests in areas such as freedom to change religion, gender equality in certain inheritance and testimony rules, and the idea of legislation independent of Shari'a. In such cases, the tension is not merely practical or institutional, but philosophical.

Nevertheless, some Islamic thinkers contend that reason (*'aql*) plays a significant role in deriving legal rulings in Islamic jurisprudence, and that the concept of expediency (*maslahah*) can function as a bridge between Shari'a and the requirements of changing social conditions (17, 33). From this perspective, tensions can be mitigated through jurisprudential reinterpretation and methodological reform (12, 14).

The Challenge of Interpreting Legal Qualifications: “Islamic Criteria” and “Foundations of Islam”

A central challenge in Iran’s legal system concerns the conceptual ambiguity of terms such as “Islamic criteria” and “foundations of Islam,” which appear across multiple constitutional provisions as qualifications on rights and freedoms. From the standpoint of public law, any limitation on fundamental rights must be precise, transparent, and foreseeable. The principle of legality of restrictions requires that individuals be able to anticipate the boundaries of permissible conduct in advance (3, 18).

If restrictive concepts remain broad and open to expansive interpretation, they may enable far-reaching limitations. In Iran’s legal system, the Guardian Council is the official authority responsible for determining conformity of legislation with Islamic criteria. Consequently, the scope of citizenship rights is, to a considerable extent, dependent upon the interpretive approach of this institution (2, 11).

Analytically, this institutional structure generates significant centralization in the interpretation of freedoms. By contrast, in many human-rights-based constitutional systems, constitutional courts interpret limitations using principles such as proportionality, necessity, and minimum impairment (7, 15).

Convergence Capacities within Imami Jurisprudence

Despite foundational differences, Imami jurisprudence contains doctrinal capacities that can facilitate convergence with human rights principles:

Dynamic *Ijtihad*

Ijtihad in Shi’a jurisprudence is an ongoing rational process that enables reassessment of textual understanding. Many contemporary jurists maintain that governmental and social rulings are contingent upon the conditions of time and place, and may be modified within the framework of expediency. This view provides a basis for reinterpreting certain restrictive rulings in the domain of citizenship rights (12, 14).

The Principle of Expediency (*Maslahah*)

The concept of expediency in political jurisprudence can function as a mechanism for regulating the relationship between individual freedom and public interests. If expediency is defined rationally, transparently, and on the basis of objective criteria, it may be aligned with the proportionality principle in human rights law (7, 27).

The Principle of Justice and the Rejection of Oppression

The principle of justice, which occupies a central position in Shi’a thought, can serve as a foundation for strengthening equality and prohibiting discrimination. If justice is interpreted as requiring equal respect for basic human rights, greater proximity to international standards becomes possible (21, 26).

Implementation Challenges

In addition to theoretical issues, implementation challenges play a crucial role in the realization of citizenship rights. Even in areas where normative overlap exists (such as fair trial guarantees), the practical enforcement of these rights may face difficulties (4, 35).

Some key implementation challenges include:

- insufficient transparency in defining the scope of permissible limitations
- concentration of interpretive authority in specific institutions
- weakness of independent judicial oversight
- conflicts between ordinary legislation and constitutional guarantees

These challenges are not necessarily rooted in jurisprudential foundations; rather, they may arise from institutional design and executive–administrative structures (3, 19).

Conclusion

The present study was conducted with the aim of examining citizenship rights and legitimate freedoms within the legal system of the Islamic Republic of Iran through a jurisprudential approach and a comparative analysis with the Universal Declaration of Human Rights. The analysis of theoretical foundations, legal documents, and jurisprudential sources demonstrated that the relationship between these two legal paradigms is neither one of absolute conflict nor complete convergence; rather, it represents a combination of normative commonalities, foundational differences, and interpretive and implementation-related challenges.

At the level of theoretical foundations, modern human rights are grounded in human-centeredness and inherent dignity independent of religious foundations (1, 9). In contrast, in Imami jurisprudence, human dignity has a divine origin, and rights are defined within the framework of Shari'a. This divergence in the source of legitimacy constitutes the root of many differences concerning the scope and nature of individual freedoms (16, 17).

Nevertheless, analysis of jurisprudential texts indicates that principles such as justice, the prohibition of oppression, the principle of no harm (*la darar*), consultation (*shura*), and human dignity possess significant capacity for supporting citizenship rights. These principles may serve as a theoretical foundation for the interpretive development of legitimate freedoms, provided that *ijtihad* is applied dynamically and in accordance with changing temporal and social conditions (12, 21).

At the normative level, the Constitution of the Islamic Republic of Iran recognizes a broad range of citizenship rights. Articles 19 through 42 of the Constitution demonstrate considerable overlap with the provisions of the Universal Declaration of Human Rights, particularly in areas such as fair trial guarantees, prohibition of torture, presumption of innocence, and protection against arbitrary detention (3, 8). However, the qualifications relating to “Islamic criteria” and “the foundations of Islam” in certain constitutional provisions limit the scope of freedoms within the interpretive framework of Islamic jurisprudence (2, 5).

At the implementation level, the principal challenge lies not merely in the existence of Islamic qualifications, but in the manner of their interpretation and application. Conceptual ambiguity in certain constitutional limitations and the concentration of interpretive authority within specific institutions may result in broader restrictions on freedoms. From a comparative constitutional law perspective, the greater the clarity and precision of limitation criteria, the stronger the legal certainty afforded to citizens (7, 18).

Based on the findings of this study, a three-layered model may be proposed for strengthening citizenship rights:

First layer: Interpretive redefinition of Islamic qualifications

Concepts such as “the foundations of Islam” should be interpreted narrowly and in accordance with the principle of proportionality. Any restriction on freedom must:

- be based on explicit legal authority;

- demonstrate necessity;
- impose the least restrictive interference possible (7, 15).

Second layer: Strengthening independent judicial oversight

Expanding the role of judicial institutions, including administrative courts and general courts, in protecting fundamental rights may help establish a balance between public authority and individual freedoms (19, 35).

Third layer: Development of a jurisprudential human rights discourse

Constructive dialogue among jurists, legal scholars, and human rights theorists may contribute to the development of an indigenous theory of citizenship rights grounded in Imami jurisprudence—a theory that remains faithful to Islamic legal principles while responding to contemporary legal and social requirements (12, 14).

Legislative and policy recommendations

1. Drafting a comprehensive citizenship rights law with precise definitions of restrictive concepts;
2. Explicit incorporation of proportionality and necessity principles in legislation governing limitations on freedoms;
3. Increasing transparency in interpretive processes conducted by supervisory institutions;
4. Strengthening citizenship rights education within the national educational system;
5. Expanding interdisciplinary research in the fields of Islamic jurisprudence and human rights (13, 20).

Ultimately, it may be concluded that the relationship between Imami jurisprudence and the Universal Declaration of Human Rights is neither characterized by complete conflict nor full conformity, but rather represents a dynamic and interpretive relationship shaped by jurisprudential reasoning and institutional application. If dynamic *ijtihad*, the principle of justice, and human dignity are placed at the center of legal interpretation, it is possible to develop a model of citizenship rights that is both legitimate within the legal framework of the Islamic Republic of Iran and substantially convergent with international human rights standards (1, 12).

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Authors' Contributions

All authors equally contributed to this study.

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The authors of this article declared no conflict of interest.

Ethical Considerations

All ethical principles were adhered in conducting and writing this article.

Transparency of Data

In accordance with the principles of transparency and open research, we declare that all data and materials used in this study are available upon request.

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