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A Comparative Study of the Rule of Law in Iranian Law and International Law

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ABSTRACT

This article presents a comparative analysis of the principle of the rule of law within the legal system of the Islamic Republic of Iran and international law. The principle of the rule of law was initially developed within domestic legal systems and gradually gained recognition in the realm of international law. In domestic law, this principle serves as one of the fundamental pillars of democracy, playing a crucial role in limiting the power of rulers and safeguarding the fundamental rights and freedoms of citizens. Conversely, in the sphere of international law, the rule of law is primarily regarded as a means to maintain international peace and security, promote human rights, and compel states to adhere to universally accepted international norms. This study employs a descriptive–analytical method and is based on library sources to elucidate the essential similarities and differences of this principle in the two aforementioned contexts. The findings reveal that despite their shared foundational principles, the concept and function of the rule of law in international law differ significantly from those in domestic legal systems. Among the most notable differences are those related to systemic structures, enforcement mechanisms, legal subjects, and the methods of implementing legal norms. Furthermore, the close relationship between the rule of law and the protection of human rights, the role of international institutions such as the Security Council, and efforts to combat impunity through the establishment of international criminal tribunals are key features of this principle in international law. Overall, this comparative study indicates that although there are fundamental differences between the two approaches, the shared objective of both systems is the establishment of legal order, justice, and the restriction of unaccountable powers.

Keywords: Rule of Law, International Law, Iranian Law, Comparative Study.

Introduction

The principle of the rule of law, as one of the most fundamental tenets of public law, plays a pivotal role in the legal structure and legitimacy of governmental systems. This principle stipulates that all state and public institutions must operate within the framework of established legal norms and current laws, and that none of the government agents, including the legislature, are permitted to exercise power beyond legal boundaries (1). From this perspective, legality is not merely a tool to limit political power but also a foundation for guaranteeing individual freedoms, social order, and judicial justice (2). In other words, the rule of law serves as a standard for assessing the legitimacy of institutions and governance behavior in modern political systems.



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The history of legal evolution demonstrates that the concept of the rule of law—particularly since the 19th century—has occupied a prominent position in Western political and legal discourse, transforming from a purely theoretical principle into a practical necessity for states (3). In this approach, law is not an instrument of power but rather a comprehensive measure for delineating its limits. Dicey was the first to define the rule of law as a set of principles governing the restricted and regulated exercise of governmental authority and equality before the law (4). Later, with the emergence of critical approaches, this concept expanded to include substantive dimensions such as justice, transparency, accountability, and the right of access to justice (5).

In the legal system of the Islamic Republic of Iran, the principle of the rule of law also holds a distinctive and central place. Several articles of the Constitution—namely Articles 2, 3, 4, 19, 20, 34, and 156—explicitly emphasize the supremacy of law over individual or institutional will (6). However, a distinctive feature of Iran's legal structure is the interconnection between law and Sharia, whereby the validity of every legal rule depends on its conformity with Islamic criteria and the approval of the Guardian Council (7). This integration establishes a fundamental distinction between Iran's legal system and secular legal frameworks, making the discourse on the rule of law in Iran inseparable from concepts such as religious legitimacy, the Guardianship of the Jurist, and Islamic interpretation (8).

Despite these theoretical foundations, the practical implementation of the rule of law in Iran faces multiple challenges. These include divergent interpretations of legal principles, limited institutional independence of the judiciary, political interference in the legislative process, lack of effective enforcement guarantees, and the absence of a deeply rooted culture of legality (9, 10). In certain instances, these obstacles have rendered the law merely ceremonial, weakening its effectiveness against political and economic influence.

Beyond domestic dimensions, the rule of law is equally significant in the international arena. Since the 1990s, the United Nations has emphasized in various documents and resolutions the importance of upholding the rule of law at both national and international levels (11). The Security Council, in its resolutions—particularly concerning armed conflicts and transitional justice—has underscored the necessity of strengthening legal institutions and establishing fair processes to ensure global peace and security (12, 13). Furthermore, the development of international institutions such as the International Criminal Court and ad hoc criminal tribunals (including those for the former Yugoslavia and Rwanda) illustrates the international community's efforts to institutionalize the rule of law in international relations (14). These institutions have not only reinforced the enforcement of fundamental human rights but have also symbolized a global transition from state authoritarianism to legal governance (15).

Accordingly, this study aims to provide a profound and comparative analysis of the concept of the rule of law by examining its theoretical foundations, inherent and substantive principles, formal versus substantive approaches, domestic and international manifestations, its relationship with Sharia in the Iranian legal system, and the structural challenges of its implementation within the national context. Ultimately, it seeks to offer a coherent picture of the status of this principle in Iran's legal framework and propose strategies for its enhancement from both public and comparative law perspectives.

Theoretical Interpretations of the Rule of Law

The concept of the “rule of law” is among the most fundamental yet contentious notions in public law and political philosophy. While it appears self-evident and universally accepted at first glance, theoretical discourse reveals

diverse and sometimes contradictory interpretations. Its intellectual roots can be traced to natural law doctrines, jurisprudential traditions, modern theories of social order, and liberal conceptions of limiting political power (8, 16).

In legal scholarship, two general interpretations of the rule of law are commonly distinguished: the formal (procedural) and the substantive. The formal conception concerns adherence to lawful procedures in the enactment of legislation, emphasizing transparency, generality, stability, and predictability. In contrast, the substantive conception focuses on principles such as justice, equality, human dignity, protection of fundamental rights, and rationality in the content of laws. This distinction originated in the 19th century, notably in Dicey's works, and was later developed in the analyses of theorists such as Joseph Raz, Lon Fuller, Ronald Dworkin, and Tom Bingham (2, 4, 17).

The Formal Conception of the Rule of Law

The formal conception—rooted in the English liberal tradition and the classical interpretations of legality—holds that laws are legitimate if they are the product of lawful procedures: enacted by competent authorities, publicly promulgated, applied prospectively, and characterized by stability, clarity, and enforceability (10). According to Dicey, three essential features define the rule of law: (1) the absolute supremacy of law over all persons and institutions, (2) equality of all before the law, and (3) the dominance of customary legal principles in safeguarding individual liberties (4).

Expanding on this view, Raz argues that the primary objective of the rule of law is to establish a legal framework enabling citizens to predict governmental behavior rather than guaranteeing any specific moral or political content. For him, if the law is clear, stable, and foreseeable, individuals can plan their actions accordingly and enjoy freedom of conduct (17). Thus, formal criteria of legality function as mechanisms for constraining governmental behavior rather than ensuring the substantive fairness of outcomes.

The Substantive Conception of the Rule of Law

Conversely, the substantive conception—especially evident in the works of Dworkin, Fuller, and human rights theorists—asserts that the mere existence of law is insufficient; the content of law must also embody justice, fairness, human dignity, and rationality. From this perspective, any law violating human rights, even if enacted through formal procedures, lacks legal validity (9, 10). The rule of law, therefore, is not simply a means of administrative order but a framework for realizing fundamental human values.

In more recent theoretical developments, including global rule of law indices and United Nations reports, principles such as access to justice, governmental accountability, transparency, non-discrimination, and fair trial are considered inseparable components of the rule of law (5, 11). Within this framework, the law's function extends beyond regulating conduct to guiding it toward justice and equity.

Critique of the Dichotomy and the Integrative Interpretation

Several scholars, in critiquing the excessive dichotomy between formal and substantive views of the rule of law, emphasize that the two are inseparable in practice. Although the law must be formally valid, it loses public trust and becomes an instrument of despotism if it lacks rational and equitable content (1). In other words, the law must be both structured and meaningful in order to restrain power and safeguard rights.

From the perspective of Iranian constitutional law, the rule of law cannot be reduced merely to procedural requirements. In the legal system of the Islamic Republic of Iran, a law is valid only when it passes through proper legislative procedures, conforms to Sharia, and does not contradict the principles of Islamic justice (7, 18). This three-dimensional structure represents the distinctive character of the rule of law in Iran.

Inherent and Core Principles of the Rule of Law

For the rule of law to hold meaning and legitimacy within any legal system, a set of intrinsic and substantive characteristics must be upheld—features that, regardless of political systems or legal structures, constitute the fundamental core of this principle. Derived from both classical theories and contemporary international documents, these principles ensure that without their fulfillment, the notion of the rule of law becomes superficial and risks being exploited as a means of justifying power (10, 17).

A key point about these features is that they differ from purely formal rules; what makes them intrinsic is the requirement that they be realized at all stages of legislation, implementation, and interpretation, not merely at the moment of enactment. The law attains genuine legitimacy only when these requisites are reflected both in its legislative process and in its substantive content (9).

Generality

One of the most fundamental features of law is its generality. Laws must consist of general and impersonal rules that apply to all citizens equally in comparable situations. A law directed exclusively at a particular person or group, granting privileges or imposing disadvantages without substantive justification, cannot be considered a true legal rule—it becomes a tool serving sectional interests instead (10). This principle, along with equality before the law, forms the basis of procedural justice in legal systems.

Publicity

For the law to influence behavior and constrain governmental actions, it must be officially promulgated, accessible, and transparent. A secret or unpublished law lacks both moral and legal binding force. The principle of publicity is recognized in all modern legal systems and is also supported in Islamic jurisprudence through the maxim “no punishment without prior notice” (*qubh al-‘iqāb bilā bayān*) (18). Functionally, this principle ensures that individuals can plan their personal, professional, and social lives only when they are aware of the laws governing them.

Clarity and Precision

The law must be formulated in clear, intelligible, and specific terms. Ambiguity in legal language opens the door to conflicting interpretations, arbitrary enforcement, and the expansion of discretionary power. According to theorists such as Raz and Fuller, transparency and comprehensibility are indispensable components of the rule of law (2, 17). In Iran’s legal system, ambiguity in certain criminal and administrative statutes has led to selective enforcement and a decline in public trust (1).

Prospectivity

Another inherent principle of the rule of law is its orientation toward the future. Laws must not have retroactive effects on individuals' past conduct, since people cannot be held accountable for actions that were lawful at the time of their commission. In Islamic jurisprudence, this is also based on the rule of "*no punishment without prior notice*", and in Iranian law, it is affirmed by Article 169 of the Constitution and Article 4 of the Civil Code. Except for beneficial and exceptional cases, retroactive application of laws contradicts justice and undermines public confidence (9, 10).

Enforceability

A fundamental condition for the binding nature of law is its practical enforceability. A statute that imposes obligations beyond the general capacity of individuals or institutional feasibility is not only ineffective but also illegitimate. The law must be designed in proportion to the actual circumstances of society, institutional capacities, and the cognitive and practical abilities of the people (19). Moreover, enforceability is directly tied to accountability: responsibility before the law is meaningful only when compliance is realistically possible.

Relative Stability

Another essential component of the rule of law is the relative stability and continuity of legal norms. Laws that are frequently amended, revised, or repealed in short intervals deprive citizens of the ability to plan long-term and lead to instability in governance structures (9). Theoretically, legal stability is a prerequisite for predictability and legal security—individuals must be able to organize their behavior according to relatively enduring rules. Excessive or reactionary changes in laws indicate weaknesses in legal policymaking and a failure to understand the real social context (19).

Conformity with Justice

Although some theorists of the formal conception regard the rule of law as devoid of substantive moral content, in practice, no law can achieve public legitimacy without adhering to minimal standards of justice. A valid law must be consistent with fairness, rationality, equality, and respect for human dignity; otherwise, even if formally enacted, it lacks normative acceptance (8, 10). In Islamic jurisprudence, innate justice (*'adl-e fitri*) and divine injunctions have always been considered the evaluative benchmarks of legal content.

Indicators of the Rule of Law in Domestic Law

Within legal systems, the rule of law gains meaning when it is accompanied by identifiable and measurable indicators in practice. In the domain of domestic law, these indicators encompass legal, institutional, and behavioral attributes that reflect the extent to which governance adheres to legal norms. The mere existence or enactment of laws does not constitute realization of the rule of law; rather, it is the consistent observance of these indicators in political and administrative behavior that determines whether the government genuinely abides by law or merely employs it as a façade for authority (1, 9).

Supremacy of Law over Public Officials

The foremost indicator of the rule of law is the binding force of law on governmental authorities. In a lawful state, no person or institution, including the legislature itself, stands above the law. Often referred to as the “supremacy of law,” this principle is essential for restraining power. If law enforcement applies only to ordinary citizens while public officials are exempt, the rule of law loses all meaning (20). In the Iranian constitutional framework, this principle is explicitly affirmed in several provisions, especially Articles 171 and 173 of the Constitution.

Independence of the Legislature and Judiciary

The realization of the rule of law requires institutional and operational independence of two key bodies: the legislative assembly and the judiciary. Legislation must be enacted free from interference by other branches, ensuring that laws reflect public will rather than political interests. Likewise, the judiciary must operate independently and apolitically when reviewing the implementation of laws, adjudicating official misconduct, and supervising compliance with regulations (21). When this independence is compromised, the judicial apparatus becomes a tool of executive authority, nullifying the very foundation of the rule of law.

Accountability and Oversight of Governance Structures

Accountability represents one of the most critical operational indicators of the rule of law. In law-abiding systems, all governmental and public institutions are subject to legal, judicial, and sometimes civic oversight. This may occur through institutions such as the Administrative Justice Court, the General Inspection Organization, the Supreme Audit Court, or parliamentary supervisory commissions. In some systems, higher courts are empowered to review the constitutionality of legislation (7, 8). Without effective oversight mechanisms, legal enforcement becomes meaningless, and the governance structure erodes from within.

Guarantee of Fair Trial and Access to Courts

Another vital indicator is the right to equal, non-discriminatory, and effective access to competent courts, as well as the observance of fair trial standards. Courts must be independent, impartial, and trustworthy, and all individuals—citizens and officials alike—must enjoy equal rights to file claims and defend themselves before the law (22, 23). In this respect, Articles 34 to 39 of the Iranian Constitution clearly emphasize the right to litigation, the right to counsel, the prohibition of torture, and protection from unlawful searches.

Fair Enforcement of Criminal Law

The enforcement of law—particularly in the field of criminal justice—is a clear reflection of the realization or violation of the rule of law. If legal enforcement is influenced by political considerations, institutional bias, or the prioritization of group interests over objective norms, public trust collapses, and the legal system faces a legitimacy crisis (24). Criminal justice must not only be fair but must also be perceived as fair by the public; selective enforcement of law represents the most severe form of inequality before the law.

Legislative and Executive Transparency

Transparency is an indispensable prerequisite for realizing the rule of law. In the legislative process, the drafting of regulations must follow intelligible foundations, clear objectives, and reviewable oversight mechanisms. In implementation, administrative and judicial decisions must be reasoned, foreseeable, and publicly accessible. Laws or practices applied covertly, ambiguously, or without coherence not only undermine legal certainty but also call legal legitimacy into question (18, 19).

Observance of Proportionality and the Prohibition of Arbitrariness

In a law-governed system, the enforcement of law must comply with the principle of proportionality; that is, state intervention should be limited, purposive, necessary, and proportionate to the circumstances. No institution should be permitted to interfere arbitrarily with individuals' freedoms or property, except on the basis of precise legal standards and following clear legal procedures (10, 22). Arbitrariness in the exercise of power stands in direct opposition to the rule of law and is illegitimate even when cloaked in a legal façade.

Manifestations of the Rule of Law in International Law

The concept of the rule of law, rooted in national intellectual and legal traditions, has in recent decades become one of the core principles of the international legal order. Although international law is built upon state consent and institutional decentralization, the expansion of international institutions, human rights, international criminal justice, and globalization has strengthened this principle in the international domain, where it has gradually been accepted as a foundational norm (3, 18). Especially in the post–World War II era, with the adoption of the United Nations Charter and the establishment of bodies such as the International Court of Justice, the trend toward the juridification of international relations accelerated.

United Nations Emphasis on the Rule of Law

Since the early 1990s—particularly after the end of the Cold War—the United Nations has systematically brought the rule of law into its global discourse. In key documents, including the 2005 World Summit Outcome and reports of the Secretary-General, the institutionalization of the rule of law at national and international levels is emphasized (25). These documents portray the rule of law as a precondition for sustainable peace, human development, and the protection of fundamental rights. Since 1992, the UN General Assembly has consistently adopted resolutions calling on states to establish independent judiciaries, transparent lawmaking, and accountable structures (11).

The UN Security Council—especially in resolutions concerning armed conflict and post-conflict settings—has underscored the rule of law as an instrument of reconstruction, peacebuilding, and combating impunity. Resolutions such as 1325 (on women and peace), 1674 (on the protection of civilians in armed conflict), and 1820 (on sexual violence in conflict) stress the development of judicial institutions and respect for fair-trial principles (12).

The Role of International Judicial Institutions

A tangible manifestation of the rule of law in international law is the development of judicial and quasi-judicial bodies with global or regional jurisdiction. Foremost among these is the International Court of Justice, the principal

judicial organ of the United Nations, which adjudicates inter-state disputes and issues advisory opinions. In its jurisprudence, the Court has consistently invoked the rule of law as a benchmark for assessing state conduct (26).

In international criminal law, the establishment of ad hoc tribunals such as the International Criminal Tribunal for the former Yugoslavia and for Rwanda, followed by the creation of the International Criminal Court upon adoption of the Rome Statute, exemplifies global efforts to implement the rule of law at the international level. These bodies have sought to impose accountability on political authorities by prosecuting grave crimes such as crimes against humanity and war crimes (13, 14). The ICC, in particular—the first permanent international criminal tribunal—has come to symbolize an emerging transnational legal order (12).

Rule of Law and Transitional Justice

The rule of law also plays a pivotal role in processes known as “transitional justice.” In transitions from dictatorship to democracy and in the aftermath of internal armed conflicts, reliance on legal mechanisms for redressing human rights violations, prosecuting crimes, and reforming judicial institutions constitutes a central pillar of the move toward a stable order (27, 28). Experiences in Latin America, the former Yugoslavia, Rwanda, and more recently Liberia and Sierra Leone indicate that without independent and transparent legal institutions, national reconciliation and the consolidation of peace remain fragile (14).

Challenges of Implementing the Principle in the International System

Despite theoretical and institutional advances, practical implementation of the rule of law at the international level still faces significant challenges. First, the traditional structure of international law is grounded in state consent, and many institutions lack effective enforcement mechanisms against major powers. Second, in some instances, the principle of non-intervention in domestic affairs has clashed with the imperative to uphold the rule of law globally (5, 28).

Moreover, selective enforcement by global powers has eroded public confidence in supranational institutions. In some cases, prosecutions of certain officials from developing countries have been pursued, while similar actions against powerful Western actors have been neglected. This double standard threatens the neutrality of the rule of law and leads some states to regard its implementation as a political tool (15).

Even so, the expanding role of the rule of law in shaping the international legal order cannot be denied. Dominant discourse in global, academic, and human-rights institutions emphasizes strengthening this principle at all levels of governance. Today, the rule of law is used as a metric for assessing state effectiveness, degree of development, and even international credibility (29).

The Relationship Between the Rule of Law and Sharia in the Legal System of the Islamic Republic of Iran

One distinctive feature of the Iranian legal system compared to many secular models is the structural linkage between statutory law and Islamic Sharia. Unlike Western legal models, which ground the validity of law in popular will, the social contract, or the primacy of the legislature, in Iran the legitimacy of law depends on conformity with Sharia norms. Enshrined in multiple constitutional provisions, this approach imparts a distinctive character to the rule of law in Iran by interweaving it with religious and jurisprudential considerations (6, 7).

The Position of Fiqh in Legislation and Oversight

Under Article 4 of the Constitution, “all laws and regulations must be based on Islamic criteria; this principle governs all articles of the Constitution and other laws and regulations, and its determination rests with the jurists of the Guardian Council.” This provision not only ties the validity of every legal rule to Islamic Sharia but also conditions the legislative process on jurisprudential oversight (8, 18). Consequently, unlike systems with a strict separation between the legislature and religion, these two institutions overlap institutionally in the Islamic Republic of Iran.

In practice, this means that even if the Islamic Consultative Assembly enacts a statute by majority vote, it cannot be enforced unless the Guardian Council deems it consistent with Sharia. Hence, the legal and religious legitimacy of law in Iran must be affirmed simultaneously.

The Primacy of Fiqh in Adjudication

Beyond legislation, adjudication in Iran is directly influenced by jurisprudential doctrines. Pursuant to Article 167 of the Constitution, a judge must, in the absence of a statutory rule, refer to authoritative Islamic sources and valid juristic opinions. This feature—exceptional in comparative perspective—permits *ijtihād*-based reasoning in judicial decision-making (22). While this mechanism affords a form of legal flexibility, from a rule-of-law standpoint it can generate divergent practices, expand discretionary interpretation, and reduce the predictability of judgments.

At the same time, many procedural rules, Islamic penal principles, and core judicial concepts such as *hudūd*, *ta’zīrāt*, and *diyāt* are derived directly from Imami jurisprudence, indicating that Sharia functions not merely as a consultative source but as a decisive reference framework in Iranian legal decision-making (23, 30).

The Relationship Between Law and the Guardianship of the Jurist

A distinctive element of Iran’s legal structure is the position of the Leader as *Valī-ye Faqīh*. Article 57 of the Constitution provides that the three branches of government operate under the supervision of the absolute Guardianship of the Jurist. This provision delineates a special politico-religious status for the Leader and, by implication, ties the ultimate legitimacy of all institutions to this authority (18, 31). From this perspective, law in the Islamic Republic attains full validity only when it remains within the bounds of Sharia, is endorsed by the Leader, and conforms to Islamic principles.

This configuration complicates the relationship between the rule of law and the rule of Sharia. Conflicts may arise between a positivist reading of law and religious considerations, in which practice often accords primacy to the Sharia-based interpretation. While rooted in the Islamic approach, this structure raises questions regarding separation of powers, judicial independence, and limits on authority (18).

Practical Conflicts and Structural Challenges

Although the close relationship between law and Sharia in the legal system of the Islamic Republic of Iran has deeply intertwined religious identity with legal order, it has also created several challenges. One such challenge arises from divergent interpretations of Sharia among jurists and the absence of a unified jurisprudential approach to contemporary issues. In matters such as women’s rights, civil liberties, the scope of criminalization, and the severity of punishments, differing jurisprudential views can result in the adoption or rejection of laws that conflict with conventional standards or international obligations (10, 19).

Moreover, heavy reliance on jurisprudential sources sometimes causes delays in the legislative process or resistance to legal reforms. For instance, emerging issues in technology law, intellectual property, or cybercrime often lack clear jurisprudential precedents, which in turn hampers or complicates legislative processes in these areas (24, 26).

Obstacles to the Realization of the Rule of Law in Iran's Legal System

Despite the centrality of the rule of law in the legal structure of the Islamic Republic of Iran and the Constitution's repeated emphasis on the subordination of all state institutions to the law, empirical and institutional studies reveal that the actual realization of this principle faces numerous obstacles. These barriers are at times structural and institutional, and at other times behavioral and cultural, often stemming from internal inconsistencies within the legal system or from complex interactions between political power and law (1, 18).

Weakness in the Independence of Supervisory and Judicial Bodies

One of the most significant impediments to the practical realization of the rule of law is the incomplete independence of institutions responsible for overseeing legal compliance and limiting power. Although Articles 57 and 173 of the Constitution stipulate that the three branches of government are to remain independent and that the Administrative Justice Court should supervise executive decisions, in practice these institutions are frequently subject to political considerations, executive pressures, or structural dependencies (9, 21). The lack of genuine independence within the judiciary and oversight bodies enables discretionary behavior and evasion of accountability, thereby eroding public trust in the impartial enforcement of the law.

Selective Enforcement of Law and Excessive Expediency

Another major challenge in Iran's legal system is the selective or partial enforcement of laws. In many cases, implementation depends on the political will or perceived interests of the government or specific institutions rather than on objective legal requirements. This approach not only violates the principle of equality before the law but also fosters public distrust, weakens legal authority, and undermines legitimacy (10, 24). Political expediency, when allowed to override strict adherence to law, institutionalizes lawlessness from within the legal framework itself.

Proliferation and Contradiction of Laws

Another fundamental barrier to the rule of law in Iran is the excessive multiplication, conceptual inconsistency, and lack of coherence among statutes and regulations. The enactment of numerous and sometimes contradictory laws without consideration for predictability, transparency, or relative stability leads to confusion among citizens, diminishes legal authority, and increases the space for discretionary interpretation and application (19). This issue is especially pronounced in fields such as criminal, tax, commercial, and administrative law, resulting in practical challenges for courts in interpreting and applying the law consistently.

Weak Culture of Legalism among Elites and the Public

A deeply internalized belief in the law as the ultimate standard of behavior—both individual and collective—is an implicit yet critical element for the realization of the rule of law. Unfortunately, in many social contexts in Iran, law is

not regarded as a final normative authority but as a political, ceremonial, or formal instrument. Among elites and administrators, personal, factional, or political interests sometimes take precedence over legal norms, which gradually diminishes the authority of law within the administrative and social structure (18, 23). This situation fosters a culture of favoritism, legal avoidance, and circumvention of regulations, undermining both the legitimacy and authority of the law.

Lack of Effective and Unified Enforcement Mechanisms

A key structural weakness lies in the absence of effective enforcement mechanisms for legal rules. Frequently, violations of law are not met with prompt, proportional, or consistent consequences. As a result, incentives for legal compliance diminish, and individuals, institutions, and officials continue their conduct without fear of repercussions (9, 19). Additionally, the inconsistency and fragmentation of enforcement practices across different agencies reinforce perceptions of inequality and injustice within society.

Weakness in Public Legal Education and Awareness

The realization of the rule of law depends on widespread public awareness of laws, judicial mechanisms, civil rights, and oversight processes. However, Iran's public legal education system suffers from significant deficiencies. Textbooks, media, and social institutions rarely emphasize the importance of law, adherence to it, or citizens' legal rights. This lack of legal literacy renders individuals passive regarding their rights and impedes the formation of a legally conscious and rights-demanding society (10, 16). Therefore, strengthening public legal literacy and promoting civic education are indispensable prerequisites for consolidating the rule of law.

Conclusion

In conclusion, the principle of the rule of law is not merely a theoretical or abstract concept but one of the most essential foundations of legal order, justice, and the limitation of political power in modern systems of governance. The position of this principle within the legal framework of the Islamic Republic of Iran is both unique and prominent. The Constitution repeatedly emphasizes the supremacy of law over individual and institutional will, while also locating the ultimate legitimacy of laws in their conformity with Islamic Sharia. This structural connection between law and religion gives the concept of the rule of law in Iran a distinctive character—one that is simultaneously faithful to Islamic tradition and responsive to the imperatives of modern public law.

What matters in practice is not merely the formal proclamation of this principle in constitutional or statutory texts but the quality of its realization within the processes of legislation, implementation, and adjudication. Analyses show that the full realization of the rule of law in Iran encounters serious structural, institutional, and cultural challenges. The lack of independence among supervisory and judicial bodies, the conflict between political interests and legal imperatives, the selective and inconsistent enforcement of laws, and the dominance of political expediency over legal adherence have all weakened public trust in law and, over time, eroded the foundations of the legal system itself.

Iran's legal order, drawing on its rich jurisprudential heritage and modern institutional structures, possesses the potential to develop an indigenous and effective model of the rule of law. Yet this potential will only be actualized when fundamental principles—such as equality before the law, transparency in the legislative process, independence of the branches of power, and effective oversight of officials—move from rhetorical affirmation to

practical realization. What transforms law into an instrument of justice is not its text but its enforcement mechanisms, the orientation of political elites, and the conduct of responsible institutions. In the absence of these elements, even the most precise statutes can easily be ignored or rendered ineffective.

The relationship between the rule of law and Sharia—rightly recognized as a defining element of Iran's legal system—requires a clear, coherent, and transparent delineation of their respective domains. Where divergent jurisprudential interpretations create inconsistency or instability in legislation, a dynamic and rational approach to jurisprudence must be adopted to balance tradition with legal functionality. Islamic jurisprudence, as the authentic source of Islamic law, inherently possesses the capacity to adapt to social and legal developments, provided that it is reinterpreted in the language of modern law, in accordance with the realities of governance, and with due respect for the principle of intrinsic justice.

It must also be acknowledged that public trust in the law is the cumulative product of consistent conduct, institutional impartiality, and fairness in execution. Any form of double standards, discrimination in enforcement, or leniency toward violations undermines this trust and widens the gap between the state and society. A community that perceives the law as selective, pliable, or powerless in the face of authority will gradually develop a culture of legal avoidance. Therefore, rebuilding trust through transparency, accountability, and genuine commitment to the rule of law is an unavoidable necessity.

On the international level, the rule of law represents a functional prerequisite for global order. In recent decades, the international community—through the establishment of international courts and the strengthening of human rights norms—has sought to transform the rule of law from a national concept into a universal standard. As an active member of the international system, Iran must also draw upon international legal capacities to reinforce its domestic legal order. Enhancing legal cooperation with the international community, particularly in areas such as criminal justice, human rights, and institutional transparency, can provide a complementary framework for the more effective internal realization of the rule of law.

Taken together, these findings indicate that the rule of law in Iran must be reconsidered and restructured not only as a legal obligation but as a political, social, and cultural necessity. Building an efficient legal system cannot succeed without effective implementation, independent enforcement mechanisms, and a public culture of respect for the law. The rule of law will be achieved only when law itself becomes the sole reference for decision-making and legitimacy—rather than individuals, factions, or transient expediencies. Only then can the law be expected to serve not as an instrument of power but as the guardian of justice and freedom.

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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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