

Evaluating the Challenges of the Islamic Republic of Iran in Achieving Political Justice in the Legal Sphere

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Abstract

The fulfilling of justice and hence political justice as the primary goal of the Islamic Republic of Iran faces challenges as it is perceived as a significant obstacle to achieving this goal and, on the other hand, poses a threat to the efficiency of the system. Therefore, the present study focuses on the topic of law in response to the main question: 'What challenges does the Islamic Republic of Iran face in achieving political justice in the legal sphere?' By utilizing the conceptual framework of political justice and employing a descriptive-analytical method, the research aims to evaluate the progressive challenges of the Islamic Republic based on the current status of political justice. The findings indicated that while the conditions for equality at the level of legislation are relatively favorable, the elements of equality are not well realized at the levels of implementation and monitoring. The failure to apply and promote the element of competence in law-making is considered a barrier to achieving political justice.

Keywords: Islamic Republic, Challenges, Political Justice, Law.

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Introduction

The Islamic Republic of Iran, being a new political system without any historical precedent in forming an Islamic government, has always been of interest to public opinion both domestically and internationally. This has led to the inefficiency of the Islamic Republic having negative effects and tarnishing its image in the public eye, both domestically and internationally. Therefore, regarding the importance of the issue of inefficiency and the challenges shaping it, this article seeks to address the question of 'What challenges the Islamic Republic of Iran faces in achieving political justice in the legal sphere?' The reason for choosing this topic is that justice is one of the vital and fundamental goals of the Islamic Republic and a sign of its efficiency. Furthermore, the challenges ahead in achieving justice considering their contribution to the inefficiency of the Islamic Republic and endangering its survival make them greatly significant.

Additionally, in the assessment of achieving political justice, one of the important dimensions is the legal sphere, as law organizes the conduct and structures governing the government, playing a crucial role in realizing political justice and therefore holding great importance for the Islamic government.

The present study aims to evaluate a practical model of political justice in the legal sphere within the Islamic Republic of Iran and explore the challenges it faces. This perspective on political justice in relation to a specific legal issue in the Islamic Republic of Iran, along with an examination of its challenges, is a novel topic that has not been addressed in previous books and articles.

For example, prior research on political justice has focused mainly on theoretical discussions, as seen in works such as "Introduction to Political Justice Theory in Islam" (2009 AD/1388 SH) by Ali Akbar Alikhani, et al. In contrast, this current research delves into the challenges faced by the Islamic Republic in achieving political justice, representing a significant thematic difference. In the book "Political Justice in the Holy Quran" (2018 AD/1397 SH) by Sayyid Kazem Sayyid Baqeri, the author's perspective on the issue of political justice is theoretical, while the present research examines the challenges faced by the Islamic Republic in achieving political justice, representing a significant thematic difference.

Furthermore, regarding political justice and related subjects, articles such as "Justice and Politics" by Najaf Lakzaee (2004 AD/1383 SH), "Political Justice Discourse in the Islamic Revolution" by Mohammad Rahim Eyvazi (2005 AD/1384 SH), "Political Justice in the Jurisprudential Political Islam Discourse" by Mansour Mirahmadi and Akram Shiri (2009 AD/1388 SH), "Introduction to Political Justice

Criteria in the Iranian Islamic Model Progress" by Mohammad Taqi Karimi (2012 AD/1391 SH), "Political Justice according to the Quran and Narrations: A Reflection on Political Equality" written by Mahmoud Shafiei (2016 AD/1395 SH), "Political and Social Justice in Three Jurisprudential, Philosophical, and Sociological Approaches" by Naser Jamalzadeh (2018 AD/1387 SH) have been written.

None of these, as their titles suggest, have any direct relevance to the legal sphere and the challenges it faces in the Islamic Republic. On the other hand, the article "Theoretical Challenges of Social Justice in Islamic Republic of Iran" by Gholamreza Behrouzlak and Gholamreza Zabetpourkar (2022 AD/1391 SH), while different in thematic nature, does create a link between the two subjects of justice and challenges faced by the Islamic Republic.

However, since it mainly deals with theories of social justice, it is fundamentally distinct from the current research, which focuses on political justice in a legal context within the Iranian Islamic framework.

Overall, the present paper seeks to explore the challenges faced by the Islamic Republic of Iran in achieving political justice in the legal sphere. It puts forth the hypothesis that in the realm of law, there are instances where the principles of equality and merit are violated, and maximizing these two components in the country is not being well-implemented in the enforcement and oversight of the law.

The lack of application and prevalence of the principle of merit in legislation is perceived as a barrier to achieving political justice. Removing these obstacles and challenges in the legal realm could significantly contribute to fulfilling the political justice in the country and enhance the effectiveness of the Islamic Republic in achieving its main goal, which is justice.

1. A New Conceptual Framework of Political Justice

Given that justice, including political justice, is considered a central goal of the Islamic government in accordance with explicit commandments in the Holy Quran (al-Ḥadīd: 25) and is also perceived as part of the nature and essence of the Islamic Republic, as emphasized in various articles of the Iranian Constitution, such as Article 2's sixth provision ensuring fairness and justice, the presence of diverse and sometimes conflicting perspectives on political justice, alongside a lack of common understanding and clarity of this concept, has hindered the development of a common and clear approach to the concept of political justice among intellectuals and theorists. Therefore, in the introductory section of evaluating the challenges the Islamic Republic faces in achieving political justice, the present research strives to present a clear model and theory of

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political justice that is both scientific and practical, allowing for its adaptation and evaluation in different contexts. This involves first evaluating the components that constitute such a theory.

1.1. Components of Political Justice

Understanding the components of political justice contributes significantly to grasping this concept. When it is said that justice is putting everything in its rightful place, it is a general definition of justice that necessitates clarifying its dimensions, including the political dimension that the present research focuses on. Therefore, it is essential to explain the components that lead to the realization of political justice, thereby clearly defining justice as putting everything in its rightful place.

1.2. Equality

Equality is one of the key components shaping the concept of justice. According to this principle, humans are equal in creation and existence, and no one is superior to another; just as the Prophet (PBUH) addresses the people: "O! mankind, your Lord is one, and your father is one. All of you are from Adam, and Adam is from clay... An Arab has no superiority over a non-Arab, nor a non-Arab over an Arab, except by piety."¹ (Harrani, 1977 AD/1398 AH: 33)

In this regard, the existing distinctions among human beings stem from their inherent natures, and their existence is essential for human life. Therefore, the differences in the creation of human beings are not meant to create discrimination or advantage but solely for the purpose of recognition and differentiation among human beings (al-Ḥujurāt: 13). Accordingly, justice founded on this primary human principle of equality for all human beings should prevail.

Based on this view, which arises from the equality of human beings in creation and sharing the same human identity, the modern political philosophy emphasizes that if society is organized based on equality, a considerable amount of human energy and talent is unleashed to achieve the goals of a free governmental system. The influence of the governmental system in society increases, and the sense of identity, civic duty, and cohesion in society are strengthened (Kolman, 2001 AD/1380 SH: 126).

It should be noted that the implementation of the equality component in realizing justice is feasible only when social realities such as differences and constraints do not pose obstacles to its achievement in society. In such conditions, it can only be reminded that the realization of equality as a primary principle governing justice is possible, much like the right to self-determination, which is not subject to resource limitations

١. يَا أَيُّهَا النَّاسُ إِنَّ رَبَّكُمْ وَاحِدٌ وَإِنِّ أَبَاكُمْ وَاحِدٌ كُلُّكُمْ مِنْ آدَمَ وَ آدَمَ مِنْ تَرَابٍ ... لافضل لعربي على عجمي ألا بالتقوى.

in the first place and does not lead to unequal uses unless the inequalities among individuals are to the extent that a person is intellectually incapable of exercising this right; for instance, children and individuals with mental illnesses who cannot exercise this right, in which case their right is annulled for the benefit of all (Alikhani et al., 2009 AD/1388 SH (B): 67).

1.3. Competence

Islam, alongside the equality of all humans, emphasizes the importance of competence and considers it the basis for the superiority of some individuals over others. Just as in the Holy Quran, Allah Almighty regards the possession of competence as the criterion for the superiority of humans over each other and states: "Verily, the most honorable of you in the sight of Allah is the most righteous among you."² (al-Hujurat: 13)

Additionally, a narration from the Prophet of Islam (PBUH) mentions: "All people are the family of Allah, and the most beloved of them to Allah the Exalted is the one who is most beneficial to His family."³ (Hurr Amili, 1988 AD/1409 AH: 16, 345)

After dividing justice into shared and common benefits belonging to all members of society, Farabi believes that this division should be based on two criteria: equal opportunity and competence (Farabi, 1986: 71-142).

In this context, the concept of competence comes into play when the principle of equality among individuals is challenged by deep and significant differences emerging when individuals enter society. Some of these differences are self-induced, while others are regarding the social, environmental conditions, parental upbringing, past generations, and other factors beyond personal control. Alongside these differences, we are faced with an undeniable reality known as the limitation of socio-political advantages such as resources, opportunities, and positions. This limitation prevents the equal distribution of these advantages based on the principle of equality among all members of society.

In such circumstances, the most fundamental question arises: 'Which individuals in society should have access to these limited socio-political advantages based on political justice?' In response to this question and considering the two social realities mentioned, the component of competence is introduced in connection with political justice. This mechanism enables us to achieve justice in society in these inevitable social conditions and prioritize the most deserving individuals in benefiting from limited socio-political advantages (Muhammadi Zia, 2021 AD/1400 SH: 67).

٢. إنَّ اكرمكم عند الله أتقاكم.

٣. الخلق كلهم عيال الله فأحبهم إلى الله عزوجل أنفعهم لعياله.

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The concept of competence is a general concept, the criteria and standards of which vary in different societal conditions. On the one hand, an important point in achieving the competence component in establishing political justice is defining it as a significant, complex, and distinct issue. In this regard, the best solution is to draw upon the traditions of wise individuals and societal norms, just as some believe that consensus among intellects, which can be achieved through scholarly discussions, can be the main criterion for the validity of fair practices. Accordingly, determining any component for competence without considering the mentioned condition can itself be an example of assumed injustice and undermine the purpose of achieving desirable political justice (Alikhani et al., 2009 AD/1388 SH (A): 387).

1.4. Maximizing Equality and Competence

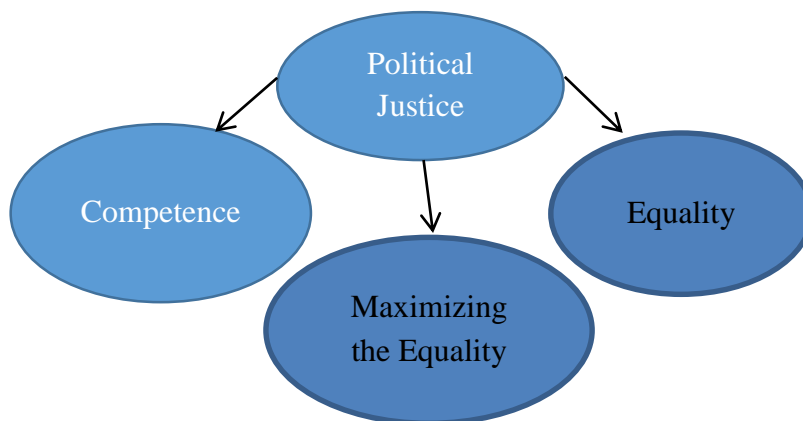
Farabi, after dividing justice into shared and common benefits belonging to all members of society, believes that this division should be based on two criteria: "Equality" and "Competence." (Farabi, 1986: 71-142)

He does not present a mechanism for balancing these two criteria or explain how they should be balanced. In solving this issue, we employ the mechanism of maximizing. Therefore, the concept of maximizing aims to combine the two components of equality and competence in political justice, in a way that, based on this concept, the maximum number of individuals relative to their deserving status will benefit from the limited socio-political resources of society. This component is applicable when achieving mere equality is not enough, and achieving competence alone is also not sufficient.

It pertains to a situation where justice will be possible through the combination and maximizing of the two components of competence and equality. In these circumstances, where we refer to as maximizing, it applies to situations where despite resource limitations, differences, and competencies, in order to achieve justice, the greatest number (to fulfill equality) of the most deserving individuals (to fulfill competence) should benefit from the resources, positions, and political advantages.

For example, one can refer to the distribution of limited political positions in society, in which the government must create conditions based on the mechanism of maximizing to ensure that the maximum number of the most deserving individuals in society benefit from these political positions.

Diagram 1- Components of Political Justice



(Source: author)

1.5. Political Justice

Muhaqqiq Naeini defines political justice as equality of individuals in relation to the government and interprets it as the equality of all the people with each other and with the ruler in all aspects. He regards the law of equality as a pillar of Islamic politics and the foundation and basis of justice and the spirit of all laws, which, alongside the principle of freedom, is the second principle of the Islamic government (Naeini, 1982 AD/1361 SH: 68-69).

Some also consider political justice as related to the decision-making and planning of rulers, believing that the decision-maker should desire for others what they desire for themselves in a way that they would be satisfied to exchange their place with the other person(s) for whom the decision was made (cf. Alikhani, 2003 AD/1382 SH).

Others have mentioned political justice as conformity to the rule of law because the law regulates politics and political life, encompassing the fundamental rights of individuals and the power structure and regulating it (Alikhani et al., 2009 AD/1388 SH (B): 65).

In summarizing the definitions of political justice that have been mentioned, it should be noted that a desirable definition should be based on a scientific foundation and, on the one hand, be comprehensive and prevent ambiguity. Based on these two characteristics, it must be said that some of these definitions are not constructed based on a scientific foundation and only provide a perspective on the issue of justice. Moreover, these definitions lack the necessary comprehensiveness and are based on an ambiguous understanding of the concept of justice; they have not been able to properly understand the relationship between justice

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and politics and, therefore, have not presented a comprehensive definition that prevents injustice in political justice.

In conclusion, it can be said that based on the constituent elements of political justice and by employing some useful elements from the mentioned definitions, it can be stated that the concept of political justice is that the principle of governing the political system, along with the laws and procedures governing its affairs and the decisions of the authorities of the political system based on the components of equality, competence, and maximizing these two, organizes the political life of the people, allowing them to continue their lives in a fair environment without the slightest injustice.

This definition provided of political justice, contrary to past definitions, is not general but has addressed political justice in a detailed manner. Moreover, unlike past definitions, this definition has been practical because by providing the three components of equality, competence, and maximizing these two, it presents a method for achieving justice in various political issues and by mentioning elements such as the principle of governance, laws, procedures, and decisions of the authorities, the possibility of evaluating its achievement exists externally.

On the one hand, the mentioned definition, by mentioning elements like the principle of governance, laws, procedures, and the performance of rulers, has been comprehensive in all aspects of political justice and on the other hand, it prevents confusion and excludes other forms of justice such as social and economic justice from its scope.

Alongside all these advantages, another important feature of this definition is paying attention to the element of competence in realizing justice, which includes definitions and interpretations such as sufficiency, proportionality, entitlement, and similar matters. In this way, when limited resources and advantages based on the competence component reach the most deserving individual in society, in fact, the proportion between advantage and the deserving individual's advantage is observed, and on the other hand, this individual deserves to receive this advantage (Muhammadi Zia, 2023 AD/1402 SH: 21).

2. Desired Status of Political Justice in the Law Sphere

Regarding the evaluation of the challenges of the Islamic Republic of Iran in achieving political justice in the law sphere as one of the crucial areas of its fulfillment, we can evaluate these challenges when a desirable situation is outlined, and the current situation is evaluated in relation to the desirable state. This evaluation will help us to clearly identify the

challenges faced by the Islamic Republic in achieving the desirable state of political justice in legalism.

2.1. Equality in the Law Sphere

Achieving the desired political justice requires everyone to be equal in relation to all laws of the political system and for no discrimination to exist. This component of political justice, which is realized in the three aspects of legislation, enforcement, and supervision of the law, necessitates that in the legislation aspect, in cases where we are not faced with the feature of limitation, a fair law based on equality and equal treatment of all should be enacted.

This is while in the realm of law enforcement, justice necessitates that all types of political powers are controllable and subordinated to it, and in the monitoring aspect, no discrimination and inequality should be imposed.

In this regard, Imam Khomeini defines the goal of the Islamic Republic as the establishment of Islamic justice, with one of its indicators being equality of all individuals before the law, so that the first person in government and the last person are all equal before the law (Imam Khomeini, 1999 AD/1378 SH: 9, 425).

According to the writer's belief, it can be inferred that Imam Khomeini believes divine laws, which are essentially based on divine justice, if implemented in society without discrimination and in an equal and fair manner, will pave the way for the realization of the desired justice in society.

In accordance with the Constitution of the Islamic Republic of Iran, Article 14 of the Third Principle, Article 20, and Article 107 emphasize equality before the law, obligating the Islamic Republic government to use all its resources to achieve this goal. The Supreme Leader also introduces the immediate goal of establishing the Islamic system as establishing social justice and Islamic fairness, and in line with achieving this; he has referred to the component of equality in front of the law (Khamenei. Message on the occasion of the first anniversary of Imam Khomeini's demise. 10/03/1369).

2.2. Competence in the Law Sphere

Alongside the component of equality as the most fundamental element of justice, the component of competence is present, which complements it and gives meaning to the concept of justice. According to this component, in conditions where we have limited resources and advantages in society, in the legislation aspect, these limited resources and advantages should be placed in the hands of deserving individuals.

Therefore, lawmakers should strive to focus on the component of competence in legislation and place limited resources, advantages, and

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positions in the hands of the deserving individuals. This is while the component of equality in justice necessitates that everyone has equal access to this competence and that equal access be observed in the enforcement of the law. In this regard, the Supreme Leader also believes in the importance of the relationship between justice and the two components of equality and competence by referring to the crucial role of the competence component alongside equality as achieving the desired justice.

Certainly, justice is not always about "Equality" everywhere. Let's not make a mistake. Justice means putting everything in its rightful place... Justice is not the meaning that exists in the minds of some simple-minded individuals and superficial thinkers... No! One works harder... One holds more value for the progress of the country (Khamenei. Statements in a meeting with officials. 17/10/1371).

2.3. Maximizing Equality and Competence in the Realm of Law

Maximizing the law, which pertains to the status of lawmaking, is said to occur under conditions where we face limited characteristics, and the law does not necessitate absolute equality. Therefore, in these circumstances, a law should be established that allocates the highest-ranking individuals in society proportionate to their deserving status. The synthesis of this condition, achieved through prudent policies and considering societal norms without personal or group interests, establishes a law that, in the context of limited resources, benefits the majority of society from the most deserving individuals.

Imam Khomeini believes in the necessity of realizing fair laws in Islamic society, considering Islam to have an instrumental view of law, regarding it as an instrument to achieve justice in society. Accordingly, he believes that the law, for its execution and the establishment of fair social order to nurture a cultured individual (Khomeini, (n.d.): 73).

In this regard, the esteemed leader of the revolution also points out that in the Islamic Republic, policies are organized based on justice, and the goal of the Islamic Republic is to ensure justice in society. He introduces the meaning of justice in the Islamic Republic as creating a society based on the verse "So that people may be established in justice,"⁴ and considers one of the manifestations of this justice to be just laws (Statements. Meeting with system functionaries. 17/10/1371).

2.4. Current Status of Political Justice in the Realm of Law

Islamic Republic of Iran is based on the model presented for political justice and, in accordance with the ideology and perspectives of Imam Khomeini and the esteemed leader of the revolution, has always

emphasized achieving equality, competence, and maximizing these two around the law. References to upholding justice in this realm are also made in various sections of the constitution.

However, this justice-centered view of the Islamic Republic alone is not sufficient to achieve the desired political justice in the legal realm, and it is necessary to assess the challenges faced by evaluating this matter based on the model presented for political justice, taking into account the current situation of the Islamic Republic in three areas: Formulation, implementation, and monitoring of the law.

2.5. Formulation of Just Laws in the Islamic Republic of Iran

Discussing the formulation of just laws is essentially discussing a law that encompasses two characteristics: Equality in the absence of constraints and maximizing both equality and competence in the presence of limitations. To evaluate these two components of justice in the Islamic Republic of Iran, one can refer to the mother of laws, namely the constitution, and assess the relationship of this law with these two components.

By referring to the constitution of the Islamic Republic, one can observe the component of equality in its various principles. For example, in the third clause of the third principle of this constitution, emphasis is placed on providing free education and physical training for all, obligating the government of the Islamic Republic to utilize all its resources to achieve this. Additionally, in the sixth clause of the same principle, one of the duties of the government is to eliminate any form of tyranny, autocracy, and monopolizing.

Similarly, in the eighth clause of the third principle, public participation in determining their own political, economic, social, and cultural fate is emphasized, and in the ninth clause of the same principle, the government of the Islamic Republic is obligated to eliminate unjust discriminations and create fair opportunities for all. In line with this, the fourteenth clause emphasizes securing the comprehensive rights of all individuals, regardless of gender, ensuring fair judicial security and equality before the law, and in the fifteenth clause, it stresses the development and strengthening of Islamic brotherhood and public cooperation among all people.

In line with respect for the principle of equality, the sixth principle of the constitution refers to reliance on public opinion in the administration of the country, and in the eighth principle, commanding good and forbidding evil is designated as a universal duty. The twelfth and thirteenth principles recognize the freedom to adhere to religion and belief for all followers of religions and faiths in the country, and in the nineteenth principle, emphasis is placed on equality for all individuals,

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both men and women, in enjoying legal protection and benefiting from all human, political, economic, social, and cultural rights.

Based on the evaluation of the constitution as the mother of laws in the Islamic Republic, it can be concluded that despite the emphasis on the equality component in various parts of the constitution and the mention of equality and equal access to political and social advantages in many sections, the competence component is rarely addressed.

Naturally, if competence is not considered, the concept of maximizing equality and competence, which seeks to ensure that the most deserving individuals in society benefit the most from political and social advantages, will also not be adequately addressed in this law.

By assessing other laws in the country, some unjust provisions based on the stated criteria of justice can also be observed. For example, in evaluating the Law on Civil Service, as one of the most vital laws related to the concept of political justice, there are issues that challenge the realization of political justice in the country. In this regard, according to Article 42, which outlines general conditions for employment in executive bodies, certain provisions such as the third and fifth clauses are inconsistent with the principle of equality.

According to clause B, Article 54 of the Law on Civil Service, the dismissal and appointment of officials in political management positions such as heads of the three branches of government, the first deputy president, and other matters are within the authority of higher authorities, and the evaluation of competence, or lack thereof, as an indicator of achieving political justice, has no interference in these decisions.

Chapter ten of the Law on Civil Service and its related provisions, which pertain to the subject of rights and benefits, and fall under the realization of political justice in the distribution of financial resources to holders of positions in the system, without considering criteria such as the quality of work performance and lack thereof, the difficulty of work, and its various components such as the volume and scope of work, energy consumption, and time... and only focusing on the importance and complexity of duties and responsibilities and job sensitivity within the management table, poses a major obstacle to the advancement of the principle of competence in the allocation of financial resources.

This is while achieving a better standard of competence without considering the criterion of lack of good work performance in the direction of reducing managerial benefits has not been considered.

Given the constraints of volume in a research article, based on an evaluation of the constitution as the mother of laws, which other laws are also compared with by the Guardian Council, and also the Law on Civil Service, which plays a crucial role in the realm of distributing resources

and socio-political advantages, it can be summarized that in the legislative field, unlike the component of equality, which receives attention and holds a relatively desirable status, there is a gap between focusing on the component of competence and the mechanism of maximizing equality and competence to reach desirable conditions. We are faced with some unjust laws as a significant challenge in achieving political justice.

2.6. Justice in the Implementation of the Law in the Islamic Republic of Iran

To assess the criterion of universal equality in relation to the law as one of the components of political justice, in a national survey of values and attitudes of Iranians conducted in 31 provinces of the country in 1394, the people of the country expressed their views on the statement, "In our society, to what extent is the law enforced regarding officials." 18.8% very little, 27.9% low, 39.9% moderate, 12.1% high, and 1.2% very high. In Tehran, people also expressed their views on this statement as 26.5% very little, 35.1% low, 26.6% moderate, 10.7% high, and 1.1% very high (Office of National Plans of the Ministry of Culture and Islamic Guidance, 2014 AD/1394 SH: 459).

This perspective, especially in Tehran where the highest number of system officials resides, indicates that this component of political justice is not viewed favorably by the people.

In a survey regarding political equality in the three cities of Tehran, Mashhad, and Yazd, people were asked about the statement "In the current situation, the law is equally enforced for all individuals." 24% agreed with this legal equality, while 59.6% of the people disagreed with this legal equality, and 16.5% expressed doubts about this issue (Yousefi, 2004 AD/1383 SH: 12, 75).

In this survey as well, the status of equality under the law was not desirable in the eyes of the people, with only an average of 35.9% of the people believing in achieving universal equality under the law in society. The majority of people do not consider this component of political justice favorable in the Islamic Republic system (ibid: 77).

This is while the United Nations report on human development in Iran has indicated Iran's index in legality ranges from -2.5 (very bad) to +2.5 (very good). This index has been reported as -0.39 by the United Nations Development Program (United Nation Development Program, 2002: 39). The index has been evaluated as very weak by the United Nations.

Additionally, in another research study, 66% of people believe that the law is not equally enforced for everyone in our society, while only 13% of people believe that the law is equally enforced for everyone in our society (Hezarjaribi, 2011 AD/1390 SH: 58).

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Furthermore, in a survey conducted by the Research Center of the Islamic Consultative Assembly in the years 1389 and 1390, in response to the question 'In recent years, what changes have occurred in the status of legalism and enforcement of laws by officials in our society?' the people's perspectives are presented in the following table.

Table No. 3. Research survey by the Research Center of the Islamic Consultative Assembly on legalism (Research Center of the Assembly, 1389 and 1390)

Response	Year 1389	Year 1390
It has become much more and more	28/4%	31/5%
It doesn't matter	37/9%	41/2%
It has become less and much less	22/4%	24/7%

As mentioned, based on the presented model of the desirable state, everyone, including the general public and holders of power and political positions, should be equal before the law. In the realm of law enforcement, political justice requires all forms of political power to be restrained and subject to it. In fact, according to this model, the closer the satisfaction percentage of the people is to equality and non-discrimination, the closer we are to the desirable model. The results of surveys indicate that due to the low percentage of people's satisfaction, there is still a distance to be covered until reaching the desired state in society.

Moreover, the annual reports of the Court of Audit regarding the implementation of the budget by various organizations confirm the widespread lack of enforcement of laws by institutions and various organizations. For example, in the report of the Court of Audit on the evaluation of the budget law for the year 1400, out of a total of 405 provisions, clauses, parts, and articles of the national budget law in that year, we see that 30% of the provisions have been fully implemented, partial implementation of 51%, and non-implementation of the remaining 19%.⁵ Furthermore, in the report of this organization on the evaluation of the budget law for the year 1396, about 38% of legal provisions have been complied with. Legal provisions in 46% of cases have not been fully or partially complied with, and 16% of provisions are non-performing.⁶ Based on the Court of Audit's report on the evaluation of the budget law for the year 1391, 42% of legal provisions have been fully complied with, 46% of provisions have not been fully complied with, and 12% of provisions are non-performing.⁷ In line with the model described in terms of law enforcement, political justice requires all forms of political power to be restrained and subject to it. Therefore, examples from the Court of Audit reports over the years and various governments indicate the fact

5. <https://www.tasnimnews.com/fa/news/1401/07/26/2789882/>

6 . <https://www.tabnak.ir/fa/news/874043/>

7 . <https://www.isna.ir/news/92122114200/>

that the budget law has not been fully implemented by institutions and organizations for various reasons, putting the fair implementation of the law in the country at risk.

2.7. Justice in Monitoring the Implementation of Law in the Islamic Republic of Iran

In accordance with the principles and various provisions of the Constitution, various institutions such as the Court of Audit, the General Inspection Organization of the country, and the Islamic Consultative Assembly (Parliament) have the responsibility to monitor the implementation of laws. For example, according to various constitutional principles, the duty of oversight for the Islamic Consultative Assembly includes dealing with complaints received regarding the functioning of the three branches of power (Article 90), the right to investigate and inquire into all national affairs (Article 76), oversight of the annual budget implementation of the country through the Court of Audit (Articles 54 and 55), and monitoring the duties and performance of the President and ministers through warnings, questioning, and impeachment.

Additionally, based on field research conducted in Kurdistan province, the most vital factor in the spread of corruption has been identified as the weaknesses in the supervisory and external control mechanisms. Furthermore, in other research conducted in this field, weaknesses in oversight and control have been pointed out as one of the reasons for the emergence and spread of corruption in Iranian society (Khani, 2017 AD/1396 SH: 41).

Despite these circumstances and evidence indicating weaknesses in comprehensive oversight in the country, it can be inferred that monitoring the implementation of laws in the country is still far from achieving desirable and fair conditions.

In this regard, the General Inspection Organization of the country is one of the comprehensive supervisory bodies. In accordance with Article 2 of the law establishing this organization, it is tasked with continuous inspection and oversight over all ministries, departments, administrative and financial judicial affairs, organizations and bodies affiliated with the judiciary, military and police forces, government institutions and companies, municipalities, and related institutions, official document offices, public utility institutions, revolutionary institutions, and organizations in which all or part of their capital or shares belong to the government or the government controls them in any way, as well as all organizations that, according to a regular program, fall under the scope of this law, should be mentioned by name.

This inclusiveness and comprehensiveness provide the grounds for achieving fair and comprehensive supervision by the Inspection

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Organization in the country and are essential tools in achieving it. On the other hand, this organization, to achieve comprehensive and fair oversight with the aim of preventing crimes, combating corruption, developing a culture of legality, and improving the health of the administrative system, has established a unit called the "Office of Comprehensive Supervision Development" within its organizational structure (cf. Baba Muhammadi, 2015 AD/1394 SH).

In line with achieving comprehensive and electronic monitoring as two important dimensions of modern oversight, the Inspection Organization has taken steps towards changing the traditional view of supervision by expanding communication with the public through the establishment of a Public Communications Center and launching a system for registering public complaints, with the aim of achieving comprehensive and fair oversight by increasing the role of the public (Safarkhani, 2009 AD/1388 SH: 62).

However, according to research conducted, it has not yet been achieved as expected that the General Inspectorate Organization of the country in the field of modern oversight and combating corruption, including elements such as expanding communication with the public, implementing a comprehensive monitoring and inspection plan in the organization, developing information technology and electronic monitoring, all contribute to achieving comprehensive and fair oversight in society (Mehrvarz et al., 2022 AD/1401 SH: 107).

On the other hand, despite the supervisory mechanisms in place for evaluating the overall state of oversight in the country, Khalil Esfandiyari, one of the senior officials of the General Inspectorate Organization of the country, argues in his article that despite the presence of multiple supervisory centers in the Islamic Republic system such as the Islamic Consultative Assembly, Ministry of Economy and Finance, Court of Audit, Supreme Council of Economy, and the General Inspectorate Organization of the country, there is still a significant gap to be bridged in achieving the desired point in terms of reducing corruption (Esfandiyari, 2016 AD/1395 SH: 83).

Furthermore, looking at the performance of the Islamic Consultative Assembly in carrying out its oversight duties in areas such as asking questions, impeachment, and investigating various institutions of the system, it has been accompanied by ups and downs throughout various terms.

Considering the desirable pattern of political justice that should entail no discrimination or inequality in the context of overseeing the law, the evaluation of the oversight functions of the Assembly in three areas of admonition, question, and impeachment, in addition to being unbalanced,

has not been comprehensive compared to the number of ministries and organizations in the country, and has been limited to only a few ministries and specific ministers (cf. (n.n), 1988-2008 AD/1367-1387 SH).

Also, in evaluating research and inspection as another important oversight tool of the Islamic Consultative Assembly, it should be noted that, according to the report of the Parliamentary Research Center, many of the topics requested for research and inspection in the eighth term of the Assembly are common with the topics requested in the ninth term. This overlap may indicate that many of the research and inspection activities in the Assembly have not been concluded, and therefore have been repeated in the subsequent term (ibid: 11). This reality indicates that the level of research and inspection in the Assembly is very limited and, on the other hand, common, which has failed to effectively implement the elements of justice and equality in oversight.

In this regard, the Court of Audit is one of the supervisory organizations affiliated with the Assembly, whose main duty is oversight and auditing of the implementation of the budget law by ministries, companies, institutions, and government agencies. According to research conducted, the Court of Audit has effectively fulfilled its inherent duty of fair and comprehensive oversight of the implementation of the budget law in different years, and criticisms and shortcomings towards this organization are from other aspects and beyond the scope of the current research (cf. Fazelinejad and Shafiei Sardasht, 2021 AD/1400 SH).

In a general summary, it must be mentioned that some institutions, organizations, and officials of the country, regarding the various reasons such as the lack of comprehensive and effective oversight, lack of necessary deterrents, some organizations' dependency on the leadership institution, having power to prevent oversight, and similar issues, have not been subjected to proper and equitable oversight, jeopardizing the principle of universal oversight in the political system. In this regard, the absence of mutual oversight between the three branches of power and the lack of clear oversight mechanisms for institutions under the supervision of the leadership can be evaluated as important challenges that have led to the formation of this approach in the country.

Conclusion

Based on the conceptual framework presented for political justice, this concept reflects conditions in the areas of power, law, decision-making, and governing policies in the country based on the three components of equality, competence, and maximizing these two in society. Accordingly, the desirable realization of political justice can be considered in the realm

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of law as conditions in which the enactment of laws, without limitations, is based on the principle of equality, and in situations of limitation, the most deserving individuals in society benefit the most and are included.

Given this desirable situation of political justice, in evaluating the state of achieving justice in the field of law in the Islamic Republic of Iran, we witness some challenges in this area, so that although the component of equality has been more emphasized in the realm of legislation, in a general assessment, we sometimes see violations of the two principles of equality and competence, and maximizing these two components. In the realm of implementation, surveys also indicate the reality that legalism and equal treatment of all, whether masses of people or holders of power and positions, are not yet at the desired level and require improvement of the conditions. In the field of law enforcement, evaluations also show that although much effort has been made for the realization of fair oversight in the country, there is still a long way to go to reach the desired point.

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