

## Investigate the possibility of establishing a parliamentary system Rights in Islamic Republic of Iran

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**Abstract:** Political systems in the world to head a democratic, parliamentary and mixed into Political system can be mixed semi-parliamentary semi-Chairman and understood. The political system of parliamentary feasibility study will form the subject matter. The possibility of political change in Iran's parliamentary officials often discussed and analyzed in the context of the research behind it can be a viable solution. Possible establishment of a parliamentary system is the political system of the Islamic Republic of Iran? And if you act on this background is required in any case, what would be the effects of such change?

[Sajad tavakoli. **Investigate the possibility of establishing a parliamentary system Rights in Islamic Republic of Iran.** *Rep Opinion* 2018;10(5):66-70]. ISSN 1553-9873 (print); ISSN 2375-7205 (online). <http://www.sciencepub.net/report>. 10. doi: [10.7537/marsroj100518.10](https://doi.org/10.7537/marsroj100518.10).

**Keyword:** Political system, parliamentary system, political parties, constitutional rights to Iran

### Introduction

Since the inception of the state of human and political power, different political cultures, governance and political systems have been tested in the crucible of criticism. The West, in the absence of religious governance, each with different types of governance to try and alter his theories of thinkers can experience a new kind of political system. Today is the era of democracy and democratization. People believe that it can work on political decisions and play a role in determining political functions. The president can be named as one of the albums of democratic governance. In the type of person who has the power, directly or indirectly, the people have chosen. The Republic is divided into two parliamentary and non-parliamentary political systems in most of the world it is.

The Holy Prophet (SAW PBUH) and Imam Ali (peace of Allah against) the basis of political power were explained in terms of religion and Islam.

Western democracy is based on the shape, without extension, including various systems of government that is formed with a central human humanist idea that even the critics of ancient Greece, such as Plato, Aristotle and Herodotus has it, "the idiots and governance ignorance "has also been interpreted.

Lakki is described democracy as "government of the poorest, most foul Jahltryn and those are great." Carlisle, democracy, the rule of "charlatan opportunists and are" Carlisle, democracy, the rule of "charlatan opportunists and are" called. Some of the most expensive forms of democratic government has been spending large amounts spent on advertising and the elections.

In fact what Imam Khomeini (Rahma of Allah against) pulled out of tradition and carried it to the appropriate governance model occultation and "Islamic Republic" 98% majority of the people who

chose this method and the state model the majority of its members are directly elected. Parties involved in this type of democratic system is very bold to say that parties play a major role the fullest possible context for meritocracy and competence and expertise to provide the heads, not the players, politicians and policy issues such as freedom and equality simply by advertising on the issue of power and prosperity be realized. Any system that can provide a better way to achieve the same principles can progress more rapidly and also maintain its freshness The political system is a parliamentary system of the Islamic Republic of Iran dates back to the early Islamic Revolution But both the president and prime minister post so that high authority had been anticipated, but the result was a wide difference of opinion. League leaders with Imam Khomeini in 1368 (against cruel God) and formed a group of experts, the prime minister removed from the constitution and powers of the president, the prime minister was transferred.

The political system, the prime minister and the president both had Tamh authority, problems had arisen. In this system, the president is elected by popular vote, but no great powers of the Prime Minister and vice versa will be elected by the vote of a lot of options.

Always had problems with the executive authority so we can remove the prime minister at the time, had logic dependable.

### General

Political systems in the world to head a democratic, parliamentary and mixed into Political system can be mixed semi-parliamentary semi-Chairman and understood. The political system of parliamentary feasibility study will form the subject matter.

**Purposes and Benefits**

The possibility of political change in Iran's parliamentary officials often discussed and analyzed in the context of the research behind it can be a viable solution.

**Research questions**

Possible establishment of a parliamentary system is the political system of the Islamic Republic of Iran? And if you act on this background is required in any case, what would be the effects of such change?

**Research hypotheses**

Possible establishment of a parliamentary system of law is possible.

**Materials and Methods**

Theoretical study and library.

**Structure Research**

The table of contents and table of contents.

**Keyword**

Political system, parliamentary system, political parties, constitutional rights to Iran.

Diversity of political systems based on the power

**The first - the fundamentals of the political system**

Fundamentals of the political system and its variants are reviewed in this section.

**Chapter One - The meaning of political system**

Political system can be defined as a set of political institutions within a state and a legal framework and the interactive elements of a political organization, power and political authority in a country is exercised. In fact, the political system and government power and public institutions, including the political, administrative, economic, judicial, military, religious institutions and the rules and regulations governing how it is.

**Chapter Two - Types of political systems**

In general, the government and the political system have split into different species that most divided state as follows:

- 1 - The form and structure of government;
- 2 - The content and form of government;
- 3 - The legal personality of the State.

When we formed government, we discuss the methods by which we are reminded of the military, government and political power is applied

But when we consider the content of the state and its sovereignty, and the rule of power of the community takes shape and forms apply to.

**Part II - Classification of political regimes**

Political systems can be classified according to various criteria

Among the forms of popular participation or democracy based on the separation of powers and how to implement the rule.

**Chapter One - Types of political systems based on democratic criteria**

As in past years focused on Ancient Greek Political Thought of lawyers, the government, the image is divided into three types: the individual, the nobility, government of the Republic.

First topic - the monarchy

Monarchy headed by the King, and the King was given without legal responsibility of your actions may be ruled country.

Second - Republic

Elected officials in the exercise of sovereignty in terms regime, is divided into three types:

1 - Of the nation, the election of members of the legislature, the executive office of the president, who is responsible for the selection, as well as the Islamic Republic of America?

2 - That the only representatives of the legislature, elected by the people and the president of the parliament are determined, such as the French Fourth Republic, according to its president, was elected in a joint session of both houses.

3 - Of the nation, the parliament and the president, members of the judiciary are the responsibility of the Supreme Court is elected as President of Mexico.

**The third topic - Comparison of the system of domination and Republic**

In all republics, the deposed president's responsibility is equally unpredictable. In some republics, such as the French Republic, the President of having committed treason, and liable to be prosecuted and convicted him through parliamentary proceedings and the Supreme Court, the vote is issued.

In some republics, such as America, President of the crime, was in charge of congress (parliament) will be held under the chairmanship of Chief Justice and the President of the two-thirds majority vote, has condemned the dismissal, competent court to try him.

The constitution of the Islamic Republic of Iran is predicted that when the House voted to give the president a political incompetent or courts of competent jurisdiction, to prove infringement of his constitutional duties, the leader can not dismiss the president.

Developments based on freedom, the leaders of the parliamentary constitutional regime Cup constraints royal authority as a traditional system in the UK, Belgium and Denmark is preserved, replaced the autocratic and monarchical constitution was passed

**Chapter Two - Types of political systems based on the rule**  
In line with the conventional systems in the world, it should be noted that all these systems are rooted in the fundamental concept of separation of powers. The separation of powers, the powers of government are legislative, executive and judicial.

In history, there has been a gradual correction mode, the first chief of the U.S. system is the head of the parliamentary system is a system where the reputation of the UK.

The third system, the system board is the best experience and worst experience you have on is the administration of the panel means that people choose. Fourth system was created in France were on the experience.

The first debate - Presidential political systems  
Section I - Principles Presidential System

Presidential system, a system that comes from the United States of America Initially, the great migration to America and conquered it takes the form of patriarchal politics and tribal peoples migrated in America came and patriarchy prevailed in America. Obviously, when democracy was common in Europe, where civilized people immigrated to America in order to construct a democratic structure since it was patriarchy Democratic People's father, was elected to the Presidential system of America was created.

A) Presidential system advantages and benefits:

- 1 - Ensures stable government.
- 2 - Continuous policy is followed.
- 3 - The President is elected by the people and responsible to the legislature.
- 4 - The official responsible for the formation of necessity.
- 5 - It uses the services of experts.
- 6 - To countries with different communities is the best form of government.
- 7 - Ensure policies are guaranteed.
- 8 - The spirit of partisanship appears to be minimal.

B) Presidential system flaws and shortcomings:

- 1 - The chief executive is authoritarian.
- 2 - Hard does not allow him the time to be synchronized.
- 3 - Decisions are delayed and abnormal.
- 4 - For countries with medium size is inappropriate.
- 5 - Responsibility is not fully guaranteed.

### **The third discourse - political systems of mixed**

Or semi-parliamentary semi-Presidential system to a mixed system, said profits at the same time encompass different aspects of the gathering forces together. A complex system is a system board.

System board is composed of elected parliamentary system in which the first and second attempt to elect a parliament that Board The board will select a few people as they govern according to dealing.

The law came into Parliament and the board is responsible for governance. In the board's chairman of the board for the short term that means the president.

History of parliamentary system and its instances

History of parliamentary system is linked to fundamental British political history to which we refer.

### **Chapter One - History of parliamentary system**

Basically, in particular in terms of fundamental rights on the British parliamentary system is the product of political history, there is a general consensus. In fact, this system is a procedure that changes the shape of the fourteenth century, as the prosecution and the trial has been common in the country. Under this procedure, the House of Commons House of Lords would have to present to the Minister charged with a criminal offense. This is the rationale that time, the General Court did not have jurisdiction to investigate violations of public affairs officers.

### **Section III - Compliance with the principles of parliamentary political system.**

According to the principles mentioned in the parliamentary system is operating properly, both the best and the worst In particular the ethnic and language diversity and breadth of the country's parliamentary system in good condition, it is best But by contrast, the absence of a strong civil society, including political parties and free press, parliamentary systems would be the worst option, and not only does not increase the level of political participation, but it reduces the level of the individual and the closed lane reduce.

In the presidential system, in the current situation is very low, even less interest in the parliamentary system would be ideal.

However, it is always possible to change the presidential campaign, which is the optimal partly be realized, however, such as the nonpartisan parliamentary regime change in Iran cannot be expected.

Unfortunately, the revised constitution in 1368, more than variation due to requirements of the Chairman of the parliamentary system, the new system because the dress was sewn measure of the stature of politicians.

In general it can be said that if Iran wants to create a parliamentary system, due to the Supreme Being and the stationary element is above Parliament. Are not a parliamentary system and a quasi-parliamentary system, parliamentary system will create without any merits it may have.

Summary and conclusions

In general, the people and the democratic Presidential, parliamentary, and mixed (semi-Presidential and Parliamentary half) are divided.

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In general, the people and the democratic Presidential, parliamentary, and mixed (semi-Presidential and Parliamentary half) are divided. Some

countries, like France has a mixed effect of both cases are called.

In the parliamentary system, the president is elected by Parliament and ceremonial functions, and can only intervene in times of crisis.

So people just because they choose the parliament, the conflict between Congress and the president would be, and of the chief executive is the prime minister and the parliament is elected by the majority party.

These systems are stronger in countries where democratic traditions are Mrsvmtr.

In some of them, there is no time like the UK and Japan, emperor, president or king or queen, who is the symbolic authority.

In general, some of the advantages of a parliamentary system.

Parliamentary form of government in a more homogeneous environment has to be flourishes.

Increasing importance and validity of legislative and loss aversion law: In parliamentary form of executive and legislative powers, there is close contact between the "in the executive office of the true will of the legislature depends.» In of the election, the representatives groups and parties held parliamentary elections are more important for people with care and parliamentary elections are more important than things.

Possibility of meritocracy: that MPs should be composed of professionals and committed and qualified staff can have more ability to choose a better understanding of executive pay in the first person.

Prime Minister work with the strengths are.

Identifying talents: the extent to which political parties and political education and recruitment, identification of talents and train them.

Prevent the tyranny of the executive power against another: the presence of the opposing party and the opposition party and provided safe and efficient, the ruling party's hold on the right track and is an obstacle to executive tyranny.

But the disadvantages are also found in the system.

The risk of falling in capitalist societies that are governed by a parliamentary democracy to fascism, it looks serious. This is due to the ongoing crisis in the capitalist societies.

Permanent economic crises, political crises in the vast majority of powerlessness, lack of personality perverse capitalist society, foreign policy crises, especially in the global system, and the apparent lack of theory and methods for solving this crisis. Moreover, the socialist revolution, anti-capitalist and anti-imperialist steady growth from time to time, will be strengthened.

Because it determines the general policies of the leadership that may be incompatible with certain parties so it's possible that his party may want to offer additional programs, would conflict with the infused and the Guardian. Accordingly, in terms of tools and fields in our country, there is no realistic possibility that the parliamentary system is also provided. Also, the role of political parties and Political Activism Among the first requirements is to establish a parliamentary system, in a very weak and sick species.

There is a large and powerful party in a parliamentary system is the biggest problem in our country but it is missing the ring In other words, in our country, not only for parties, but not making the bed on the pretext of dealing with the parties being Because it determines the general policies of the leadership that may be incompatible with certain parties So it's possible that his party may want to offer additional programs, the system can be infused and the Supreme Conflict Accordingly, in terms of tools and fields in our country, there is no realistic possibility that the parliamentary system is also provided. Also, the role of political parties and Political Activism Among the first requirements is to establish a parliamentary system, in a very weak and sick species

The regime is more like a Presidential System But this does not mean that it can be part of the Presidential system was Because of the political system has significant differences with both the president and parliament.

This is explicitly stated in the constitution of the Islamic Republic's forces to be independent but in some cases, so the task force wraps Tuesday that separate them from the hard work and independence are questioned So we can say that the Islamic Republic of Iran is the only system that is based on Islamic thought and jurisprudence parsley To the extent that it cannot be part of a special group of systems, so in general it is preferable to co-ordination systems. So Iran without strong parties independent of and not the custom of the constitution cannot be changed to a parliamentary system, established may not be limited to the ceremonial position.

Such a move is defined by the absolute power of the political system of jurisprudence is not possible, and even added leadership responsibilities.

## List of Resources

### A) in Arabic

1. Doctor Massaad Asfour, an Arab Alqanvn, 1954.
2. Doctor Abdul trustee, AlmfsI Arab Alqanvn Fi.
3. Professor V. Compassion, Arab Alqanvn, 1937.
4. Doctor Abdul trustee, Azmh Alsyasyh Alanzmyh.
5. Professor Anwar al-Khatib, in principle Albrlmanyh, Darallm Llmlayyn 1961.

6. Doctor Hassan Al Hassan, an Arab Alqanvn, Mktbh Alnjah, Beirut 1963.
  7. Professor A. Cucumbers, Alnzm Alsyasyh and Aldstvyryh, Daralbahs, Beirut 1980. in Farsi
  8. Abvalhmd, doctor Abdul (1365): Foundations of Science Policy, Tehran, Birch Press, third edition.
  9. Afshar, doctor, H. (1369): General Journal of Tehran, Tehran University Press.
  10. Aristotle, (1358): Tourism, translated by Hamid Enayat doctor. Third edition, Tehran, Pocket Book Company.
  11. Stone, F. Ferdinand. (1350): The basic bodies Rights United States of America. Translated doctor Seyyed Hossein Safaei, Tehran, Pocket Book Company.
  12. Amiri, M., (1374): The Clash of Civilizations, Bureau of Political and International Studies, Tehran.
  13. Barnett, Eric (1382): An introduction to the fundamental rights of translation doctor Abbas sheriffdom Tehran, emission rate.
  14. Domishel, Lalvmy Pierre Andre and Pierre (1376): Public Law, translated by doctor A. Ghazi Shariat Panahi, Tehran, Justice publication.
  15. Radir, Rene (1371): An Introduction to Comparative Law, translated doctor Seyyed Mohammad Alavi, Tehran, Islamic Republic of Iran's international legal services.
  16. Rezaie, Hossein, principles, and examples of the separation of powers in a democratic system, Journal of Law, No. 29.
  17. Shabani, GH (1379): Rights and the Constitution of the Islamic Republic of Iran, Tehran, publishing information, Seventh Edition.
  18. Shaykh al-doctor Syed M. (1380): Comparative Constitutional Law, Shiraz Kvshamhr publications.
  19. Tabatabai Motameni doctor, M. (1380): Fundamental Rights, Tehran, publication rates.
  20. what the doctor Hashmat Ullah (1348): The political regime in Tehran: Publication of Ibn Sina.
  21. Naraghi, E. (1363): Social Sciences and the developmental progression of Tehran, Nikan Press, third edition.
  22. Hashmi, doctor, SM (1377): Fundamental Rights in the Islamic Republic of Iran, Vol II: government and political institutions, Tehran, released Justice, Third Edition.
- B) in French**
1. Ardant, Philippe (2000): Institutions politiques et droit constitutionnel, Paris, L.G.D.J., 12e edition.
  2. Beaute, J. (1996): "Le reglement interieur de la chambre des communes britanniques d'hier a aujourd'hui", RDP.
  3. Brown, B. (1994): L'Etat et la politique aux Etats Unis, paris, PUF.
  4. Brun, Henri et Guy Tremblay (1997): Droit constitutionnel, Cownasville ) Quebec) Ed. Yvon Balais inc., 3e edition.
  5. Duverger, Mauris (1971): Institution politiques et droit constitutionnel, t.2: Le systeme politique francais, Paris, P.U.F., 4e edition.------(1966) Institutions politiques et droit constitutionnel, Paris, Dalloz.
- D) In English**
1. Andreson, loach, essential Framework of Presidential Assignment at Parliamentary Systems of Governance, Elsevier Academic Archive, [www.sciencedirect.com](http://www.sciencedirect.com), jun 2006.
  2. Cross held, Martin, Evaluation of Constitutional Law, Department of France, Springer Code summary, January 2011.
  3. Oliver, D, Governance and changing Constitution, 6<sup>th</sup> Edition, Academic Archive of SSRN, 2012.
  4. Minerson, J, The constitutional Law Systems of Parliamentary Power, Academic Archive of E. book, Elsevier, Sciencedirect, 1991.
  5. Freizer, Sabine. What Civil Society After Civil War? A Study of Civil Society Organizations' Effect on Peace Consolidation in Bosnia-Herzegovina, Russia and Tajikistan. PhD, The London School of Economics, 2004.
  6. Hartman, Jonathan K. Political transition in Central Asian republics: Authoritarianism versus power-sharing. PhD, University of Denver, 2012.
  7. Webster, s new tewntiencentieth century Dictionary unabridged second editlon world U.S.A New York Press.1998.