

# People Supervision on Sovereignty from the Perspective of Islam and Iranian Laws

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## Abstract

The subject of “participatory” and “observing” societies in the area of politics and society throughout the world is associated with the topic of “people participation in determining destiny” and “monitoring the performance of government and states” and this has been studied since many years ago from the perspectives of sociologists and lawyers in their specialized aspects. The significant issue prior to the study and dealing with the subject of people supervision over the performance of governments is that to the extent that the circulation of information is done freely, and also to the extent that the volume of information transferred among the people (either through websites, news agencies and governmental media or through social networks) is greater, to the same extent (not only the promotion of people’s information rate towards issues around them in the society and quality of their perception of the incidents will be deeper but also the sense of peoples’ participation and responsibility acceptance vis-à-vis society and other citizens and hope in determination of their destiny will increase. So, in this article, efforts have been made to provide a clear elaboration of the subject of “people participation” and its connection with the “supervision over the performance of governments and rulers” and the necessity of this supervision from the viewpoint of Islam and scientific theories.

**Keywords:** Supervision, Sovereignty, Government, Law, Islam, Iran

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## Introduction

In the viewpoint of Islam and through Qur-an verses, “people” are the basic pillars of the government. Holy Qur-an reads “We sent aforetime our messengers with clear signs and sent down with them the Book and the Balance (of right and wrong), that men may stand forth in justice” (Qur-an, Hadid Surah: 25). So, Islam which has some programs for the application of justice in the society considers that performance of justice valuable which is done by people and people make it not by the government and rulers.

### People Supervision over Government in the Viewpoint of Islam

The relationship between people and government in the viewpoint of Islam can be summarized in the following pivots:

#### *Election of the Islamic government system by people*

In the Islamic government, people elect the Islamic system with love and interest and desire the performance of divine rules and basically without the election and support of people, the Islamic government has no administrative possibility. On this very basis, Imam Ali (a.s.), despite the fact that had been appointed by God to lead and guardian people, but prior to taking an oath of allegiance with him by people, in practice did not make any attempt to do this responsibility, because the executive grounds to perform his guardian and leadership was not in place.

But, when the ground was paved, Imam did not give up responsibility. In respect of this issue, Imam states: If there was not the abundant present of declarers of allegiance and companions have not made their duties and if God had not asked the promise of scholars not to be silent towards the voluptuousness of oppressors and hunger of the oppressed , I would not have hung the rein of the camel of caliphate on her hump and would have freed her and watered the end of caliphate with its first bowl , then you would have seen that in my view your material world is less valuable than the kid’s snot (Nahjolbalaghe, Sermon 3).

These phrases by Imam Ali (a.s.) indicate that though the formation of the government to perform justice and taking the rights of the oppressed from the oppressors is a duty entrusted to Imam by the God , but since the performance of this duty is not possible without the presence, oath of allegiance and support by people, as long as people are not present in the scene of formation of Islamic government, the infallible Imam (a.s.) does not have a duty in this area to force people to obey him, but giving awareness to the people , Imam paves the ground for the presence of people.

Concerning the role of oath of allegiance in the side of people, the late Imam Khomeini ® states” Guardian of Muslim affairs and formation of the government depends on the votes of Muslims which has also been mentioned in the Constitution and at the early days of Islam, it had been interpreted as oath of allegiance with the Muslim guardian<sup>1</sup>.

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<sup>1</sup> The position of people in the Islamic system from the late Imam Khomeini’s views , p. 9, Institute for the Adjustment and Dissemination of Imam ® Works

In the Islamic system, ruler is the administrator of commands and orders of the God and acceptance of allegiance has meaning for only this purpose.

### *Election of the officials of the system by people*

In the Islamic government, the election of the officials of the system (leader, President, Parliament representatives and ...) is by people and some of these elections are performed directly and some others indirectly.

People directly elect the president, the representatives of the Expert Assembly, and representatives of Islamic Consultative Assembly, representatives of city and village councils and indirectly (via an intermediate) have a role in the election of the leader by their selected experts.

Also indirectly (via an intermediate) have a role in the election of ministers and other high ranking officials which are elected by the president and Islamic consultative assembly.

Election of officials by the people is one of the obligations of the Islamic government. The great architect of the Islamic revolution, i.e. the late Imam Khomeini® has stated on this case: These are the people who should elect their efficient and trustworthy people and entrust the responsibility to them to manage the affairs<sup>1</sup>.

In another place, Imam has stated “We state that the one who wants to manage a government, the one to whom we want to entrust our destiny, should be a person who is elected by people and moves ahead by the election of people<sup>2</sup>.”

### *Consultation of the Islamic Ruler with People*

It is necessary for the ruler to learn about the peoples' views through consultation and use it to manage the society more efficiently, but anyway, the final decision making is by him whether or not follow his own view or the others' views. In a case where the command of an issue has been stated by the God and the infallible (a.s.), the ruler is obliged to perform in accordance with that, even if it is in opposition with the peoples' views and people have no right to object to it, because they have accepted that their government to act in agreement with the divine commandments and Islamic regulations. In this regard, Imam Ali (a.s.) stated: That you told me to consult with you, I oath to God that I had no motivation to guardian and governance, but you called me for that and entrusted that duty to me. I feared that in case of refusing your offer, the Islamic nations could face dispute, so when I was entrusted with this duty, I viewed the Book of God and the way of life of the holy prophet (p.b.u.h.) and his tradition and practiced based on the instructions of the Book and Tradition and pursued them and had no need to your views and those of the others, but if I could not find a case in the Book

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<sup>1</sup> The position of people in the Islamic system from the late Imam Khomeini's views, p.10, Published by the Institute for the Adjustment and Dissemination of Imam ® Works

<sup>2</sup> The position of people in the Islamic system from the late Imam Khomeini's views, p.11, Published by the Institute for the Adjustment and Dissemination of Imam ® Works

of God and the Tradition of the Prophet , and there was a need to consultation, I will consult with you.

When Imam Ali (a.s.) with that high scientific position who used to say: Before I leave you, ask me about your problems (Nahjolbalaghe, Sermon 5-189), considers himself dutiful to consult with the people, it is natural that the non-infallible leaders are in need and dutiful to consult with skilled and informed people about new issues.

The issue of the necessity of consultation of administrators and following up the views of the majority of consultants, has been elaborated now based on law and forecasted institutions and the macro and main decision making of the administrative and judicial branches are based on the votes of the Islamic Consultative Assembly and in practice, obeying the votes of the majority has been accepted at this level. At the leadership level, also the Expediency Assembly and the groups of leader advisors are considered the strong and efficient advisory arms for the macro decision making of leadership.

In the Islamic government, which is based on a specific democracy, neither the ruler nor the governing body has a right to prevent the people from intervention in the current affairs of the government and so called, politics, and neither the nation has a right to leave all the responsibility load of country administration to the government shoulder and its administrators and put aside himself from the current affairs. But, from the viewpoint of Islam, Islamic country belongs to people and all individuals of the country, from the head of the state to other walks of life, all and all are dutiful and responsible for the better administration of the country. Islam has certain ways and instructions for the involvement of all individuals of the nation in the current affairs of the country and sense of responsibility for all layers of the people in an effort to have a better administration of the current affairs of the county whose spirit is the very principle of freedom of expression and pen which is forms the second base of political freedom.

Also in the Islamic government, people through their representatives, have the possibility to participate in legislation (on the current country regulations) and participation in the decision makings and current affairs of the country.

Islam has another way apart from the mentioned way (public supervision) to create a healthy society in which all its members consider themselves responsible for the current affairs of the country and that is the advice and benevolence. This principle which is the same conciliatory method of Promotion of Good and Prevention of Evil, instructs the people that each individual of the nation, should consider himself/herself a benevolent towards all people. What he/she wants for himself/herself could desire for the others and makes effort to amend and redevelop the disorder condition of the society and whenever he/she felt that the other are at the edge of fall and they might release from deviation and misfortune through advice and benevolence, then if he/she avoids advice, he/she will be out of the realm of religious people and will be considered a traitor towards them.

Holy prophet states: Religion means benevolence. He was asked: Who, oh prophet, He replied: for God, His prophets and the public, either regular people or famous and specific people.

There is also a quotation from him that he said, whoever passes a night and has no intention to amend the work of the Muslims, he will not be considered a part of them and if he/she hears the voice of an oppressed person asking for help and does not help, he will be excommunicated from the Muslim society.

### *Participation in Legislation*

People in the Islamic government, through election of the representatives of Islamic Consultative Assembly, which is the legislative body in the country, contribute in the approval of the administrative rules in the country. The principle of the approval of the Constitution which is a base for the administration of the country was put into practice through referendum and peoples' votes.

### *People Supervision over Rulers*

People with open eyes and ears monitor all actions, speeches and behaviors of the rulers and since old time, they have used the instrument of monitor over the rulers in playing their role in the sovereignty and have been preventing the deviations through criticizing the actions and plans of the government.

In the Islamic government, also people monitor the smooth performance of the divine rules, observing the Islamic rules such as justice, removing discrimination and inequality, observing the peoples' status, enjoying the management and necessary power to govern, avoiding pride and selfishness, responsibility before the God and people, purification of oneself prior to the purification of others, honesty and righteousness and in a phrase, practice the commandments of the Qur-an and tradition. This supervision is performed in different methods including:

Promotion of good and prevention of evils: Religious teachings have motivated and encouraged people to do this great duty in particular in connection with the rulers

Imam Ali (a.s.) states: All good deeds and Jihad in the path of God in comparison with the Promotion of good and Prevention of Evil is like a drop against a vast and wavy sea and Promotion of good and Prevention of Evil will distance ultimate moment of death and will not decrease the livelihood and more importantly than all of these is uttering a truth word before an oppressor ruler (Nahjolbalaghe, Wisdom 374).

The reason for the virtue of talking about justice before the tyrannical ruler is that people are basically obedient to their leaders and their actions, due to vastness causes misleading of the society, so their orientation and giving advice to them is of a high value.

Imam Bagher (a.s.) states: The one who goes before a despotic Sultan and commands him to divine virtue and advises him and makes him fear of the lack of virtue, he will have a reward as equal as the reward of Jinn (Vasael al Shiah, 12:3, Wisdom 11).

From the viewpoint of Islam, promotion of good and prevention of evil of the ruler is of a a importance that leaving it will cause the divine punishment. Imam Ali (a.s.) states: God will never punish people for leaving the hidden sins of the elites , but if elites commits sins openly and the public do not object , then both groups ( ordinary and the elites) will be subject to God's punishment (Vasael al Shiah, 12:3,Wisdom 1).

### Advising the Leaders

In elaborating his mutual rights (as an Imam) and the people (Ummah) , Imam Ali (a.s.) states: Oh people , there is an obligatory right for you and me .. , my right for you is that you remain faithful to the oath of allegiance with me and openly and in hidden advice me benevolently (Nahjolbalaghe, Sermon 34).

Advice here means benevolence in favor of Imams and leaders. That is to say , that people in a benevolent way should monitor the affairs of their own societies and the methods of their rulers and in this way, they should not have any shortage in assistance , cooperation and finally obeying them in the path of truth.

## **Supervision of People over Rulers in the Islamic Republic of Iran's Constitutional Law**

### *Direct Supervision*

The Principle Eight, Chapter One of the Constitution reads: In Islamic Republic of Iran, Promotion of Good and Prevention of Evil is a public duty and mutual undertaken by people towards each other, government towards the people and people toward the government.

### *Indirect Supervision*

With the broadness of societies and diversity of activities and duties of the government administrators, the possibility of the direct supervision of all people over rulers and administrators becomes less and the grounds are paved for the application of indirect supervision by the people.

People elect some individuals as their own representative to undertake the sovereignty and in addition to shifting the responsibility to the delegates; they put their own supervision duty on their shoulders, while they have not negated their authority of supervision from themselves.

In the Constitution of Islamic Republic of Iran, in various principles, there is a reference to the election of people representatives to undertake different affairs including the followings:



1. Election of the representatives of Islamic Consultative Assembly that in addition to the important and critical duty of legislation and interpretation of regular rules , deal with their own supervising roles in different methods whose main ways include: Research and investigation on all country affairs, giving notes, question, impeachment of each of the ministers, president, the cabinet members and dealing with the peoples' complaints about the method of performance of different organizations in the country (Principles 62-90).

2. Election of the president for the presidency of the Administrative Branch and implementation of the Constitution and supervising the executive affairs of the country and the work of each of the ministers (Principle 137).

3. Election of the representatives of the Leadership Experts Assembly in order to determine the qualified leader and monitoring over his performance and study the survival of the specific conditions of the Islamic society leader (Principle 107).

4. Election of the Islamic councils at the level of village, district, town, province in order to play their special duties which have been forecasted in the regulations and also the supervision over the smooth performance of different regulations and rules within the limit of their election jurisdiction in the affairs which have been entrusted to them by the rule (Principle 100).

A. Other supervising instruments of people over rulers and administrators:

1. Political and cultural groups and parties (Principle 126).

2. The press and mass media (Principle 124).

Ali (a.s.) always emphasized on the role of people in the realization of the government and Ummah's goals , because the all purpose of revelation and prophets and divine saints ( a.s.) is education and purification to enable people understand their lofty positions and know their rights and then in the position of humanity and divine caliphate do their obligations before them and other creatures correctly, so the pivot of religion and prophets, Islamic government and religious leaders is people.

On this basis, in all Islamic teachings, people enjoy the highest position and everything is at their service. Scientists, scholars and leaders are dutiful to make people aware of their rights, so that they will be able to have the control of the affairs and redevelop their life within the framework of intellect, revelation and based on the teachings and commandments of intellect and religion and demand their own rights. Here there comes the issue of guardian and people supervision, because this is the people who are the patrons of all governments and official not that the government and officials to be the patrons of people. In other words, government, officials and leaders are servants of people and these are the peoples who are the real owners of the governments.

### **The obligations and duties of believers towards each other**

In a lower position, there is guardian relationship between people of faith and that is also the continuation of the divine guardianship. In the lowest rank and degree, the guardian relation is held among the Muslims. Each Muslim has a guardian status towards the other Muslims and this mutual guardianship cause to consider certain rights and obligations for them. In respect of this guardianship, the holy prophet (p.b.u.h.) states:

Each of you is a shepherd and responsible towards the others. God states:

*The believers, men and women are protectors, one of another: they enjoin what is just and forbid what is evil: they observe regular prayers, pay Zakat and obey Allah and His messenger. On them will Allah pour His mercy: for Allah is exalted in power, wise. (Tabuah Surah, Verse 71).*

This means that every Muslim and believer has certain rights and obligations towards himself and the others. Having knowledge about these rights and obligations will cause the release of human from eternal damage which in the world everybody is involved in it , because by knowledge about these obligations towards God , creatures and their rights and those of the others and their performance , human can grasp fortune and have salvation in the world and the world after.

*By the time, verily man is in loss, except such as have faith and do righteous deeds and join together in the mutual enjoining of truth and of patience and constancy. (Asr Surah)*

Of course, as the knowledge about these rights and obligations can not be managed by intellect, because intellect can perceive and prove generalities, but fails in expressing the details and its knowledge, therefore revelation comes to help with the intellect to express all these obligations and rights. God even sends and introduces leaders upon whom people can identify the path and the quality of performance of the obligation. These individuals are the same prophets and saints who have been introduced as the good and top and complete models.

*Ye have indeed in the Messenger of Allah an excellent exemplar for him who hopes in Allah and Final Day, and who remember Allah much ... Ahzab, and also other verses (Principle 127).*

### **The Way of People Supervision in the Viewpoint of Imam Ali, the Commander of Believers (a.s.)**

As Imam Ali (a.s.) expressing the general principle of people supervision, he also describes the ways of monitoring, so that the people could deal with the amendment of government behavior within its framework:

1. Reinforcement of the responsibility-taking spirit: People should reach to a such intellectual maturity that could participate in all affairs and do not give up. The divine leaders have always made people noticed that people should know their rights and stand to materialize it



*We sent aforetime our messengers with clear signs and sent down with them the Book and the Balance ( of right and wrong) , than men may stand forth in justice and we sent down Iron in which great might as well as many benefits for mankind, that Allah may test who is that will help , unseen Him and His messengers, for Allah is full of strength exalted in might (Hadid, Verse 25).*

And their purpose is to create the spirit of responsibility taking, defending the right and their own rights and stand even by sword. Ali (a.s.) also states: Oh people, have a fear of God and be virtuous, because all of you will be asked in the resurrection day. You are responsible for all creatures of God even cities and animals. Obey the God and do not refuse His commandments. When you observe goodness, select it and if you observe evil , avoid it. (Sermon, Verse 127).

The divine caliphate of human necessitates this meaning that they must try to cultivate the land (Qur-an, Hood, 61) and even breed animals and support them. So , their roles towards the officials and leaders who have undertaken the leadership of the society is more than anybody and anything else and they must track their behavior and thoughts fully and in case of deviation , force them to justice and resistance and correct them (Salehi, 2012).

In line with the supervisory ideas of all walks of life, individuals such as Montesquieu in the book of The Spirit of the Laws reached to a comprehensive doctrine. It was in this way that the ruling forces compiled three branches of legislations, administration and judicial and each of them are made through the presence of the people representatives which are elected by the free election and direct poll of people. The first dimension of the participation of people in the formation of governments and supervision on their performance is fulfilled in this way. In a more simple words, when people are contributing in determining their own representatives in the legislative system and also the executive and judicial branches and the individuals which are placed in these three ruling branches are elected out of the society and public of people, definitely, they will have more full awareness of the problems of people and their solutions. Also the direct presence of people is not summarized only in determining their own representatives, but people who determine their own representatives in the governmental three branches and consider them as a person of their own nature , will monitor their behaviors and deeds and remind them their critical suggestions to their appointed representatives and if the elected administrators are afflicted with deviation from the people policies, then due to the public participation of the society in monitoring their behaviors, they will be forced to move in a correct way and if resist in this path , they will be removed from their positions by the people supervising instruments. The participation of the peoples' public in the two dimensions of the election of representatives and administrators and monitoring their performance can be done directly. However, in societies like Iran in which there is the diversity of race, tribe, and ethnic groups and also its population is high, the possibility of a pervasive surveillance over the rulers' performances by people will face problems in practice. In line with this, in order to maintain the participation of people in their own social and individual destiny and monitoring the administrators' behaviors suggest the

formation of organizations and centers taken from the public and people-based organizations which are famous as NGO's.

### **Fear of Public Opinion**

In the countries in which the people's intellectual maturity has reached to a level where people participate in all pillars of their governmental destiny, this participation can take place through formation of parties and NGO's which have a specific and formal constitution and consolidated members. The representatives of these parties and peoples' groups can be elected and appointed as the representative of the public in the ruling branches and the public supervision of the society over the performance of the rulers can be materialized through party and guild organizations. Also in line with this, it is possible to suggest the presence of hard working and pervasive mass media including written or virtual ones to fulfill the people's participation in the society. To the extent that the books, newspapers, journals and social websites are received by the people, and these mass media and collective communicative tools are aware of their mission and social awareness duty, such that people can get up-to-date information by link with these media and have no fear of censorship and news deletion and could criticize or give views to improve the behavior of administrators and inform the cases of violation through these media, to the same extent, the public participation of the society will be full materialized.

This participation, in addition to preventing from the crime occurrence by the officials, at least due to the fear of public surveillance of people, parties and media, is considered also as a public punishment for those individuals who commit violation from their legal duties. In the developed and democratic countries, a minister or a manager of a governmental company afraid of the divulge of financial misconduct before the public views and mass media rather than judicial prosecution, imprisonment or penal punishments. So, people participation is the best way to prevent from committing a crime by the administrators and rulers. Thereby, the statistics of the judicial cases in the Ministry of Justice branches will also decrease.

### **What can be done?**

Unfortunately, in our country in particular in recent years, due to international and economic problems resulting from sanctions which took place for Iran and the livelihood and economic problems of the people, the public participation of the society has decreased to some extent. Fortunately, with the new administration and paving the ground for the activities of cultural and group mass media and increase of newspapers, journals and news websites, the peoples' monitoring is in progress, however, there is a long distance by the final ideal.

The implementation of the principles of the Constitution of the Islamic Republic of Iran in the part of nation rights, in particular the determination and elaboration of the limits and borders of political crimes and their detachment from the security crimes, also the specifications of the divine duty of Promotion to Good and Prevention of Evil which has been emphasized in Qur-an and the tradition of the household of the prophet is very significant. Also on the other hand, as it was discussed earlier, the sense of

benevolence and sympathy in the side of mass media and NGO's should be increased. Observing the red lines of the Islamic system, these groups can play a highlighted role in supervising the performance of the administrative staff on behalf of people and the result of this will definitely be greater public participation in line with the ideals.

In social abnormalities and society wrongdoing damages, the media propagations should be in the direction of participation of people who are combating these damages and presenting them the treatment methods. Producing and broadcasting educational programs in television networks, will be helpful in anatomical study of social abnormalities, the causes of their emergence and public education to people. Moreover, the establishment and increase of public information news headquarters within the framework of telephone numbers or voice post boxes, through which people can express their views easily and be assured that their voices and critics are heard can have a noticeable contribution in line with these objectives.

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