



The Concept and Process of Leadership Oversight in Iran

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ABSTRACT

Objective: In the Islamic Republic of Iran, following the 1357 SH/1979 AD Revolution, the political system brought about a structural transformation in leadership accountability by establishing the institution of the Leadership (alongside the three branches of government) and abolishing the absolute immunity of the monarch. This article examines the concept, significance, and mechanisms for overseeing the Leadership and its associated institutions within the framework of the Constitution of the Islamic Republic of Iran.

Method: The overall approach of this article is descriptive-analytical. Given the diversity of its content, three research methods have been employed: First, a comparative research method is used to analyze the foundations of political legitimacy in the theory of Velayat-e Faqih (Guardianship of the Islamic Jurist) and the issue of oversight from the perspective of these foundations. The second method is used in documentary reviews, which are confined to legal subjects and legislative texts. The third method is "Discourse Analysis," which broadly governs the article. From this perspective, the oversight of the highest authority in the political system before and after the 1979 Islamic Revolution is generally compared.

Results: This article analyzes the three main theories of legitimacy in the Islamic Republic of Iran: the theory of appointment (divine legitimacy), the theory of election (popular legitimacy), and the divine-popular theory (a combination of both). Despite differences in their theoretical foundations, these three perspectives emphasize the necessity of oversight over the Leadership and its associated institutions. Accordingly, the Constitution of Iran and statutory laws have provided for the necessary mechanisms for oversight.

Conclusions: This article demonstrates that, despite systematic provisions for overseeing the Leadership, the oversight system in Iran faces structural challenges. The dispersion and overlap of jurisdictions among multiple oversight institutions can lead to parallel efforts, overlapping functions, and ambiguity in responsibilities. Overcoming existing challenges is possible through strengthening coordination among oversight bodies, clarifying laws and resolving ambiguities, guaranteeing the independence of oversight institutions, utilizing new technologies, and fostering a culture of accountability.

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Introduction

The Islamic Revolution of 1357 SH/1979 AD brought about three fundamental changes in Iran's political system: first, the monarchy was replaced by a republican system; second, a secular system was transformed into a religious one; and finally, in addition to the three main branches of government, the institution of the Leader, with significant powers, was added to the structure of the state. These major changes are rare in contemporary political systems, both in comparison to other systems and to Iran's pre-1357/1979 political system.

The political system before the Revolution, which was based on a monarchy with a 2500-year history, was redefined within the framework of the Constitutional Law of 1285 SH/1906 AD, following the Constitutional Revolution. However, despite the separation of powers, the vast authority of the monarch made him absolute, and according to Article 27 of the Supplement to the Constitutional Law, the executive power was exclusively held by the monarch. Nonetheless, according to Article 44 of the Supplement to the Constitutional Law, the monarch was immune from accountability, and no oversight existed over him. The monarchy was for life and, according to Articles 36 and 37; it was hereditary, with the throne passing to the closest male relative in the royal family in the absence of a son.

Now, following the 1357 SH/1979 AD Islamic Revolution, which created extensive changes in the power structure and added the institution of the Leader to the three other branches, various issues can be raised. One of the most important issues is the oversight of the Leader and their related institutions—an issue whose absence in the previous political system is considered one of the most important factors that led to the 1357 SH/1979 AD Revolution. Therefore, given the experience of the revolutionaries in 1357 SH/1979 AD, the question arises: "Has the new political system devised a solution for overseeing political power, especially the highest political authority, the "Institution of the Leader"? This key question is the central problem addressed in this article."

Of course, other topics are raised under this main question that is important for formulating the final answer. For example, the issue of oversight from the perspective of the political legitimacy foundations of the Islamic Republic is one of them. In this regard, the theories of political system legitimacy are reviewed and the issue of oversight over the institution of the Leader is analyzed from the perspective of these theories. The next important step is to examine whether and how oversight over the Leader is addressed in the legal structure of the Islamic Republic, including the Constitution and other laws. The article concludes with an

analysis of the challenges of overseeing the Leader in the political system of the Islamic Republic.

1. Research Background

Academic written works published directly on the oversight of the Leader in the Islamic Republic of Iran are very limited, consisting of one book and two articles. There are, of course, non-academic works such as interviews, short notes, and chapters or sections of other works that address the topic of leadership oversight, which are not listed here but were used in the preparation of this article.

1.1. Books

The only book published on this subject is "The Selection and Oversight of the Leader in the System of the Islamic Republic of Iran" by Hossein Javan Arasteh, published in 2009 AD/1388 SH, which has also reached its second edition. As the title suggests, this book focuses on the selection of the Leader and their oversight by the Assembly of Experts. The author analyzes how the Leader is selected from the perspective of the theories of appointment and election but does not express the views of these two theories on oversight. It examines the oversight of the Assembly of Experts in two scopes: a minimal scope (oversight over the continuity of the Leader's criteria and attributes) and a maximal scope (oversight over the organizations under the Leader's supervision). Other topics in the book include the judiciary's duty to oversee the Leader's assets according to Article 142 of the Constitution, the trial of the Leader if necessary according to Article 107, and the possibility of the Islamic Consultative Assembly's oversight over the Leader according to Article 76, which grants it the right to investigate and scrutinize all affairs of the country. The lack of a review and analysis of other important oversight capacities that exist in the Constitution is one of the shortcomings of this book.

1.2. Articles

- "Oversight of Institutions under the Leader's Supervision in the Legal System of the Islamic Republic of Iran." (2018 AD/1397 SH) This article examines the authority of various oversight bodies over institutions under the Leader's supervision and emphasizes that no institution is completely exempt from oversight. With a legal approach, the authors try to resolve the ambiguities in this area and show that oversight mechanisms also exist for these institutions. As its title indicates, this work

focuses on a specific topic and cannot be expected to address all aspects of the oversight of the Leader.

- "The Assembly of Experts and Oversight: A Jurisprudential-Legal Review of the Role of the Assembly of Experts in Overseeing the Leader." (1999 AD/1378 SH) This article answers four fundamental questions about leadership oversight. First, is the religious leadership subject to oversight? The author answers in the affirmative from a Shi'ite perspective, using narrative sources, without considering the theoretical and political foundations of the theory of *Velayat-e Faqih*. Second, can oversight over the Leader be institutionalized? This question seems unjustified because the third question is its own answer. In any case, the author uses some of the answers provided for the first question to answer the second and considers institutionalization not only possible but necessary. Third, has the Constitution provided for oversight of the Leader? The author cites the oversight of the Assembly of Experts, which is enshrined in Article 111, as the answer to this question. And finally, what is the role of the Assembly of Experts in this oversight? In response, the author discusses the debate on the oversight of the Assembly of Experts in two scopes: minimal and maximal. One of the shortcomings of works on the oversight of the Leader in the Islamic Republic is the lack of attention to the views of the theories of *Velayat-e Faqih* on the subject of oversight, which this article addresses as an innovation. Another point not seen in other works, which this article tries to include for non-Persian-speaking readers, is addressing all aspects of the topic of leadership oversight in the Islamic Republic. These include: "A comparison of the highest political authority before and after the 1979 Revolution from the perspective of the scope of powers and oversight, an introduction to the institution of the Leader in the Islamic Republic, the foundations of this institution's legitimacy and the differences in this regard, an analysis of the issue of oversight from the perspective of these theories, and finally, how the Leader is overseen, both by the body that elects the Leader, the Assembly of Experts, and by other governmental bodies belonging to the legislative, judicial, and even executive branches." The article concludes by addressing the challenging aspects of leadership oversight.

2. Research Methodology

The overall approach of the article is descriptive-analytical, and given the diversity of the content, three research methods have been used. The first is the comparative research method, used to analyze the foundations of the political legitimacy of the theory of *Velayat-e Faqih* and the issue of oversight from the perspective of these foundations. Among the two comparative methods, "Causal" and "Descriptive" (Costello, 2023), the descriptive comparative method has been used in this article. Key variables such as divine legitimacy, popular legitimacy, minimal oversight, and maximal oversight were considered to highlight the similarities and differences between the various theories. The second method was used in the documentary reviews, which are limited to legal topics and legal texts. Among the multiple and complex methods of this research, the "Textualism and literal interpretation" method has been used. This approach prioritizes the plain, ordinary, or literal meaning of words in legal texts as they would have been understood at the time of enactment. This method is based on the assumption that the legislature's intent aligns with the public's understanding of the language, and it is especially important for constitutional norms because the constitution is a product of the people's choice and should be accessible to them (Nunes Madeira, 2024). In this article, the Constitution of the Islamic Republic of Iran, the Supplement to the Constitutional Law, ordinary laws, and the detailed records of the proceedings of the Final Review Assembly of the Constitution (1985 AD/1364 SH) and the Constitutional Review Council (1990 AD/1369 SH) have been analyzed using this method. The third method is "Discourse Analysis," which broadly governs the article. From this perspective, the way the highest authority of the political system was overseen before and after the 1979 Islamic Revolution is compared in general terms. The data collection method is library-based and involves legal documents, specifically constitutional law. The discussion begins with an introduction to the institution of the Leader in the Islamic Republic.

3. The Institution of the Leader in the Islamic Republic

The Leader in the Constitution of the Islamic Republic of Iran is the most important political authority in the country. According to Article 5 of the Constitution, this position holds the "Guardianship of the Islamic Jurist and Leadership of the Community" during the absence of the 12th Imam, appointing a just, pious, well-informed, courageous, resourceful, and capable

jurist. According to Article 107, the Leader is elected by the Assembly of Experts, who are themselves elected by the people. The qualifications and attributes of the Leader, based on Article 109, include the necessary scholarly and spiritual qualifications for religious jurisprudence and authority, sound political and social insight, resourcefulness, courage, management skills, and sufficient power for leadership. If there are multiple qualified individuals, the one with stronger jurisprudential and political insight takes precedence.

The duties and powers of the Leader are outlined in Article 110 of the Constitution as follows: "Determining the general policies of the system after consultation with the Expediency Discernment Council, overseeing the proper implementation of these policies, commanding the armed forces, declaring war and peace, and mobilizing forces, appointing and dismissing the jurists of the Guardian Council, the head of the judiciary, the head of the state radio and television organization, and high-ranking military and law enforcement commanders, resolving disputes and regulating relations between the three branches of government, resolving systemic problems through the Expediency Discernment Council, signing the presidential decree after a popular election and the approval of the candidates' qualifications, dismissing the president after a ruling by the Supreme Court for legal violations or a vote of no confidence by the Islamic Consultative Assembly, and pardoning or commuting the sentences of convicted individuals. The Leader can delegate some of their duties and powers to another person."

According to Article 107, the Leader is equal to all other citizens of the country before the law. According to Article 111, whenever the Leader becomes unable to perform their legal duties or loses any of the qualifications mentioned in Articles 5 and 109, or it is discovered that they lacked some of the qualifications from the beginning, they will be removed from office. In case of dismissal by the Assembly of Experts or inability to perform duties, a council will temporarily take over their responsibilities. Thus, unlike the previous political system, the leadership is neither for life nor hereditary, and their dismissal by the Assembly of Experts, which is elected by the people, is also provided for. In addition to the Assembly of Experts, the Constitution of the Islamic Republic provides for other ways to oversee the Leader and related institutions. We will first discuss the importance and objectives of oversight over the Leader.

4. Importance and Objectives of Oversight

Oversight of the Leader and any other political institution is carried out with at least two objectives: "To increase efficiency, and second, to increase political legitimacy." We will discuss each of these two objectives in turn.

4.1. Efficiency

The concept of oversight of political power is a fundamental topic in political philosophy. In this context, oversight is defined as an activity that compares "What is" with "What should be" (Izadi, 2009 AD/1388 SH: 214-216). Effective oversight, by increasing transparency and reducing corruption, directly contributes to the efficiency of the political system. This improves the quality of public services by making officials accountable for their performance. The modern purpose of oversight goes beyond merely controlling and restraining the power of rulers; it emphasizes increasing the efficiency of the behaviors and actions of government officials. This approach considers oversight not just as a tool for discovering violations but as a strategic mechanism for optimizing the performance of political systems and ensuring alignment with public expectations and legal standards. It seeks continuous and proactive improvement.

The efficiency of any political system is defined and evaluated based on its specific value framework. Oversight of the performance of various institutions, including the Leader, is a tool for upholding legal principles and ensuring the accountability of high-ranking officials to oversight bodies and the people. This oversight, especially in areas that directly affect people's lives (such as judicial, economic, and defense policies), plays a vital role in maintaining public trust. In Iran's political system, oversight, particularly by an institution like the Assembly of Experts, is the backbone that paves the way for its increased efficiency and stability.

4.2. Legitimacy

Political legitimacy, the cornerstone of governmental stability, can be analyzed from two perspectives: the philosophy of governance (normative-legal) and the sociology of power (empirical-public acceptance). In the second or functional aspect, citizen satisfaction is the

criterion for legitimacy. Citizens pay more attention to the impact of rulers' decisions on their social, economic, and cultural lives (Bashiriyeh, 1995 AD/1374 SH: 17-19). This view links legitimacy to political efficiency. Increasing government efficiency, which is a result of effective oversight, directly helps strengthen political legitimacy (Shafi'i Far et al., 2016 AD/1395 SH: 192-194). Seymour Martin Lipset defines efficiency as "The system's actual performance or ability to fulfill the basic functions of a government." (Lipset, 1995 AD/1374 SH: 10) Increasing efficiency leads to greater public satisfaction and, consequently, greater legitimacy. A system may have normative legitimacy but lack popularity (non-normative legitimacy), or vice versa.

In the Constitution of the Islamic Republic of Iran, oversight of the Leader encompasses both normative and functional legitimacy. The Leader's normative legitimacy stems from the "Guardianship of the Islamic Jurist and Leadership of the Community" and specific qualifications (Article 5 of the Constitution). The Assembly of Experts, which is elected by the people, selects the Leader based on these qualifications and oversees the maintenance of them (Articles 107 and 109 of the Constitution). Although the initial legitimacy is normative, its survival and strengthening also depend on efficiency. The Leader's duties, such as "Determining the general policies of the system" and "Overseeing their proper implementation" (Article 110 of the Constitution), directly affect the government's performance. The oversight of the Assembly of Experts on the Leader's "Political and social insight, resourcefulness, courage, and management" (Article 109 of the Constitution) implicitly refers to his ability to manage the country. If these conditions are lost, the Leader is dismissed by the Assembly of Experts (Article 111 of the Constitution), which indirectly strengthens the system's accountability and functional legitimacy. Therefore, oversight of the Leader in Iran has a deep connection to both normative legitimacy (adherence to principles) and functional legitimacy (impact on public needs).

5. Theoretical Foundations of Oversight over the Leader and Related Institutions

Disagreement over the oversight mechanisms for the leadership structure and governmental institutions has always been at the center of academic disputes and contemporary political discourse. These analytical conflicts are rooted in fundamental differences in various interpretations and understandings of the concept of "Political Legitimacy" in political

systems and, of course, in the system of the Islamic Republic of Iran. Given this intellectual challenge, we will first attempt to re-examine the theoretical foundations of legitimacy in this political system.

5.1. Different Theories on the Legitimacy of the Islamic Republic of Iran

The concept of legitimacy, which comes from the word "Legitimacy" and the Latin root "Lex" or "Leg" meaning law, expresses the legality of a political system. Such an interpretation of "Political Legitimacy" provides a basis for the rational justification of the ruler's exercise of power (Larijani, 1993 AD/1372 SH: 51). In this aspect of legitimacy, because a political system has political, religious, and secular presuppositions, it addresses fundamental questions such as what a government is, whether a government is necessary, what the scope of government's authority is, what the types of governments are, who should rule and with what characteristics, and what their duties and responsibilities are. The answers to these questions are influenced by the value system on which the foundations of political philosophy are based. In religious systems, in addition to political philosophy, political theology and political jurisprudence also play a decisive role in answering these questions (Hatami, 2005 AD/1384 SH: 14).

In a religious system like the Islamic Republic, according to the theory of *Velayat-e Faqih*, the normative legitimacy of the political system is conditioned on the legitimacy of the Supreme Leader, and it is he who, through the Guardian Council, the endorsement of the presidential decree, and the appointment of the highest judicial authority, grants legitimacy to the three branches of government: the legislative, executive, and judicial. The selection of the Supreme Leader by the Assembly of Experts is also based on criteria, some of which are derived from religious values, such as jurisprudence and justice (Javadi Amoli, 2000 AD/1379 SH: 137-138). On the other hand, in this aspect of the political system's legitimacy, one cannot ignore the role of popular acceptance and only suffice with the normative criteria explained and described in political philosophy or political theology and jurisprudence, because these people must be ruled.

Given this introduction, which bases legitimacy in the Islamic Republic on religious criteria and popular acceptance, three narratives of the foundation of legitimacy can be assumed, which have been produced in political literature so far: the theory based on divine legitimacy,

the theory based on popular legitimacy, and the theory based on divine-popular legitimacy. We will explain them in order.¹

5.1.1. The Theory of Appointment

The theory of appointment, as one of the oldest theories of political legitimacy in Shi'a thought, is based on the belief that the legitimacy of government is granted by God Almighty. According to this view, the right to rule fundamentally belongs to God, and any human authority must originate from divine permission and authorization. This theory, by emphasizing the existential and legislative guardianship of God, considers legitimacy to be a divine matter and not merely arising from the will and desire of the people. This view challenges theories of legitimacy based on the mere will of humans and seeks the source of political power in the divine realm.

The antiquity of the theory of appointment can perhaps be traced to the opinions and views of well-known Shi'ite jurists during the Great Occultation. Kulayni (873-941 AD/250-319 AH) and Shaykh Saduq (906-980 AD/296-370 AH) were the first famous Shi'ite jurists, who were more like narrators of traditions, to collect and categorize the traditions received from the Prophet (PBUH) and the Shi'a Imams (AS). Of course, in this categorization, they enumerated duties and rights for Shi'a jurists regarding the affairs of guardianship and imamate in the era of Occultation, which had just begun, such as paying the *Khums*, leadership over spoils of war, establishing Friday prayers, and the recourse of believers to jurists for judgment instead of to the judges of the oppressive government, among other things. In this categorization, despite the discretion that was necessary during the rule of the Abbasids, the political purpose is clear, but they preferred to provide reference books for subsequent generations of Shi'ites without going into detail² (Alimohammadi, 2008 AD/1387 SH: 18-20).

Shaykh Mufid (942-1010 AD/323-401 AH) is the first jurist who, with a correct and realistic understanding of the era of the Great Occultation, explicitly addressed the issue of the jurist's deputyship from the impeccable Imam (AS) (Mufid, 1992 AD/1413 AH: 675). After him,

¹. Since the subject of this article is the issue of oversight of the Supreme Leader and related institutions, we will briefly address the theoretical foundations of the legitimacy of the Velayat-e Faqih theory, only to show how the issue of oversight is viewed from these three perspectives.

². "*Uṣūl Kāfī*" by Kulaynī and "*Man Lā Yaḥḍuruḥu al-Faqīh*" by Ṣadūq are two of the four major Shia Hadith books, which, after the Quran, are considered the primary source of Shia beliefs and laws."

other Shi'ite jurists until the Constitutional Revolution entered this topic with relatively similar theological, jurisprudential, and rational arguments, and they are implicitly considered to be proponents of the theory of appointment. This is because until the Constitutional Revolution, there was no notion of the practical participation of Shi'ite jurists in a government where the will of the people had a serious effect on its establishment and continuation.

However, from then on, Ayatollah Na'ini (1862-1936 AD/1239-1315 SH), by confirming the role of the people in the form of a consultative assembly in a government that jurists oversee, brought about a transformation in the theory of appointment. As a result, some have considered him a supporter of the theory of appointment (Khosropanah, 2004 AD/1383 SH) and others a supporter of the theory of election (Firahi, 2016 AD/1395 SH). With the victory of the 1979 Islamic Revolution, the duality of "Appointment" and "Election" was raised more than ever in the debates related to the foundations of the political legitimacy of the Islamic Republic. Here, without intending to enter into these debates, we will briefly discuss the views of one of the most famous proponents of the theory of appointment in the present era, Ayatollah Mesbah Yazdi, with respect to the main purpose of this article.

He begins the discussion on the foundation of the legitimacy of the *Velayat-e Faqih* by raising the topic of "Legitimacy". In his view, in both ancient democracies, such as the Greek city-states, and new democracies, the opinion of the majority of the people is the basis of legitimacy and popular acceptance. When the people accept someone, the government is legitimate and legal. He raises numerous criticisms of the mentioned theory, some of which are based on the oppression of the minority by the majority (Mesbah Yazdi, 2012 AD/1391 SH: 1, 24-26).

He then considers God, who is the creator of man, to be the best and most superior source for enacting laws, and the most rational way to explain the legitimacy of earthly rule is to submit to the rule of prophets and divine saints, because they have been appointed by the Lord. God is not only the existential Lord but also the legislative Lord, and this is a necessary belief for a Muslim. Therefore, the requirement of God's legislative Lordship dictates that the management of society and government should be in the hands of those appointed by God. During the Occultation, this duty falls to the jurists of Islam (Mesbah Yazdi, 2012 AD/1391 SH: 56-57).

Ayatollah Mesbah, by raising the necessity of government to prevent chaos, provides rational arguments to prove the "Most prudent government" is in the hands of a jurist. He also

considers the narrative arguments to be valid. In this path, the continuity of Islamic rulings from a Muslim's perspective leads to the rule of the most competent person during the Occultation, namely the jurist with all the necessary qualifications, who is the most competent person in implementing the rulings of Islam (Mesbah Yazdi, 2018 AD/1397 SH: 187-203).

The appointment of jurists by the Impeccable Imams (PBUH) is a general appointment and does not specify a particular individual, but rather enumerates attributes. In Mesbah Yazdi's view, the selection of the jurist by the Assembly of Experts is merely an act of discovery and nothing more. That is, the jurist gains authority and legitimacy through appointment by God and the Impeccable Imams (PBUH), and our duty is to discover and identify the qualified jurist (Mesbah Yazdi, 2018 AD/1397 SH: 217-218). However, in his view, the jurist in the very establishment of his government never resorts to force or coercion, but like all prophets and imams, he will only form a government if the people themselves show a desire for his rule (Mesbah Yazdi, 2010 AD/1389 SH: 73-74).

5.1.2. The Theory of Election

This theory, like the theory of appointment, believes in the general appointment of jurists by the Imams (AS) during the Occultation, but considers it only a suggestion to the believers. The beginning of this theory goes back to the Constitutional Revolution, where Ayatollah Mirza Mohammad Hossein Na'ini's book, *Talkhiz-e Ummah*, was the first step to justify and explain the involvement of citizens in government and politics. However, considering Ayatollah Na'ini as a theorist who supports election is a matter of serious doubt (Qasemi, 2019 AD/1398 SH: 85-89; Zarafshan, 2014 AD/1393 SH: 105-124).

The most important theorist of the theory of election is Ayatollah Montazeri. He acknowledges that this theory is innovative: "It is clear that the discourse of the elders and prominent figures in their works has a tendency towards the appointment, and the path has been shaped exclusively in this direction. They did not pay attention to the election of the community. In their view, the jurists are appointed by the Impeccable Imams through general appointment, and for this, they cite the *Maaanaa of aarr nnnnaaaaaa* and many traditions that have been narrated about the status of scholars, jurists, and narrators of traditions." (Montazeri, 1988 AD/1367 SH: 2, 194)

Ayatollah Montazeri first raises the necessity of government in Islamic societies from a rational and logical perspective and then proves the necessity of a religious government. What is important in his theory is the way the Islamic ruler is determined during the Occultation. In his view, despite the negation of the rule of one person over another, God Almighty, who is their creator, has legislative authority and, out of necessity, has transferred some of his authority to the Prophet (PBUH) and then to the impeccable Imams (AS) and jurists. This transfer of authority to the jurists, in order to spread the rulings of Islam, is due to man's need for guidance and the attainment of happiness, which proves the *Velayat-e Faqih*. He then challenges the narrative arguments for the theory of appointment of jurists and considers them flawed, concluding that there is no other way but the election of jurists by the people during the Occultation of the Impeccable Imam (AS). He provides several reasons for this, including rational arguments and some verses and traditions and the conduct of the Prophet (PBUH), Imam Ali (AS), and Imam Hassan (AS) in consulting the people. In this way, if the community voluntarily entrusts the matter of guardianship to someone, it will certainly follow and even strive to strengthen his rule. If the elected ruler loses the qualifications of leadership or violates his duties, he will be removed from power by the same people (Montazeri, 1988 AD/1367 SH: 2, 192-204).

Thus, the people are responsible for the election, continuation, and dismissal of the Islamic ruler. Regarding the scope of the jurists' powers, although he initially considered the jurist to have the status of giving fatwa, judging, and executive power, he gradually changed his mind and considered only a supervisory status for the jurist, moving from *Velayat-e Faqih* to the "Guardianship of Jurisprudence" and "Oversight of the Jurist." (Montazeri, 2008 AD/1387 SH: 14, 25)

5.1.3. The Divine-Popular Theory

This theory is a combination of the theories of appointment and election, or divine-popular. Works published on this topic consider the views of Imam Khomeini (Hatami, 2005 AD/1384 SH: 457-468) and Ayatollah Khamenei (Khoramshad and Amini, 2018 AD/1397 SH) to be based on this theory. In this theory, the *Velayat-e Faqih* has divine legitimacy from the perspective of its essence (*Tttttt*) and popular legitimacy from the perspective of its manifestation (*ttttt*). Like the theory of appointment, the ruler's qualifications are based on

being the most competent person and on the criteria that are mentioned in the traditions attributed to the Imams (AS), not on the people's choice.

Below, we will limit ourselves to the views of Ayatollah Khamenei, which are more recent. In Ayatollah Khamenei's view, "In the Islamic system, the person who is designated as the Supreme Leader, since his responsibility is fundamentally based on criteria, if he loses these criteria, he automatically loses his position... he does not need to be dismissed; he becomes dismissed on his own." (Khamenei, 1998 AD/1377 SH) He adds that "He loses his legitimacy and obedience to him is no longer obligatory, but rather not permissible." (Khamenei, 2006 AD/1385 SH) This means that one cannot make the people's desire and vote the criterion for being the "Most Competent" and being "Competent". Rather, the Supreme Leader must always be the most competent person, but the actualization of his rule, which is part of the legitimacy of the Islamic government's rule, is the people's acceptance. In fact, the lack of a "Public" opinion, while not actualizing the rule of the jurist, also leads to a lack of legitimacy. Conversely, the people's acceptance both actualizes and legitimizes the rule of the jurist.

In this explanation, "Republicanism" is derived from the essence of Islam. "In the Islamic system, coercion and force have no meaning... authority has meaning, but authority that arises from the people's choice and election; the authority that is based on force, coercion, and weapons has no meaning in Islam... The power that comes from the people's election is respected." (Ayatollah Khamenei, 2014 AD/1393 SH) Thus, in this combined view, legitimacy serves two purposes. First, the legitimacy of the ruler, who must be chosen based on criteria. "In Islam, the people are one pillar of legitimacy, not the entire foundation of legitimacy. The political system in Islam, in addition to the vote and will of the people, is also based on another fundamental foundation, which is called piety and justice. If the person who is chosen for government lacks piety and justice, even if all the people agree on him, from the perspective of Islam, this government is an illegitimate government." (Mohajernia, 2016 AD/1395 SH: 315)

Second is the legitimacy of the government, which must be based on the people's vote. "In the Constitution, power is distributed logically and correctly, and all centers of power are directly or indirectly related to the people's votes, and the people are the determiners and decision-makers; if the people do not want a government, this government has in fact lost its foundation of legitimacy." (Khamenei, 1998 AD/1377 SH)

Of course, the attribution of the divine-popular theory to Imam Khomeini (Akbari Moallem, 1994 AD/1373 SH) and Ayatollah Khamenei is doubtful to some (Mousavi et al., 2022 AD/1401 SH). In their view, they are also among the theorists of appointment.

5.2. The Three Theories of Legitimacy and Oversight

The three theories on the legitimacy of the Islamic Republic were explained. The important question now is whether these three theories support oversight of the Leader and related institutions? And do their differences and disagreements affect the nature of oversight over the Leader and related institutions?

5.2.1. The Theory of Appointment and Oversight

Based on the explanation of the theory of appointment with reference to the works of Ayatollah Mesbah Yazdi, we will also look for the issue of oversight in his views. Although it might initially seem that according to the theory of appointment, the oversight of the Leader by the Assembly of Experts is limited to overseeing the continuation of the necessary conditions for leadership, such as justice, piety, ability, and other matters, according to Ayatollah Mesbah Yazdi, the oversight of the Assembly of Experts goes beyond this. In this regard, he refers to two duties of the Assembly of Experts:

1) The Selection and Dismissal of the Leader

If the Leader, due to old age or other events, cannot perform his duties properly, or becomes afflicted with forgetfulness, or loses his moral qualifications, the Assembly of Experts must, after diagnosing his unsuitability for leadership, announce his dismissal.

2) Oversight of the Leader's Actions to Prevent Possible Errors

The Assembly of Experts performs the task of control and oversight by forming a "Research Board" to prevent any potential error or mistake from the very beginning. In fact, the task of the Research Board is, based on the rule "What is obligatory to be removed after its occurrence, is obligatory to be prevented before its occurrence," to prevent disruptions in the Leader's activities (Mesbah Yazdi, 2018 AD/1397 SH: 341-342).

An analysis of Ayatollah Mesbah Yazdi's view shows that he considers the supervisory role of the Assembly of Experts to be more than the mere duty of maintaining the qualifications of the Leader. His emphasis on announcing the Leader's unsuitability if he loses his qualifications, and especially on proactive and preventive oversight through the "Research Board," indicates a comprehensive and responsible approach to this important duty. His view, which is explained within the framework of his belief in the theory of appointment, emphasizes the importance of helping the elected Leader to maintain the correct path and prevent errors. This view, while respecting the divine legitimacy of the leadership, also emphasizes the active role of the Assembly of Experts in ensuring the correct and effective performance of this influential position. Given the wide range of views on the supervisory role of the Assembly of Experts, Ayatollah Mesbah Yazdi's view, with its emphasis on preventing errors, can be presented as a distinct and noteworthy approach in this discussion and can be influential in how this important institution interacts with the leadership in the future.

5.2.2. The Theory of Election and Oversight

Oversight of the Leader and related institutions in the theory of election is a self-evident and certain matter, because this theory considers the basis of the Leader's legitimacy to be the people's election. This "Basis" gives the people the right to also oversee. By referencing the theory of election to Ayatollah Montazeri, we will also look for the issue of oversight in his works.

Popular oversight of the Leader and related institutions is not explicitly stated in Ayatollah Montazeri's most important work, "The Jurisprudential Foundations of Islamic Government." However, an analysis of Ayatollah Montazeri's views in the second volume of this book, in the chapters "Qualifications of the Islamic Ruler" and "How the Imamate is Established and the Leadership is Determined," indicates a type of oversight. In these two sections of the book, he mentions the qualifications, criteria, and attributes of the Leader and how he is elected by the people. He argued that the Supreme Leader must have specific characteristics, including justice, piety, jurisprudence, and resourcefulness, and if he loses these characteristics, he will be dismissed from leadership (Montazeri, 1988 AD/1367 SH: 2, 390). This view is shared with the theory of appointment and is, in a way, considered a form of pre-

emptive oversight over the leadership. This is because, unlike most prevalent theories in political thought, such strict criteria place the Leader's actions and behavior under scrutiny.

He also emphasizes popular satisfaction and the people's right to dismiss a Leader who lacks the qualifications. "When the community voluntarily entrusts the matter of guardianship to someone, it will naturally become his defender and executive force, and as a result, the guardianship will be strengthened, the system will be integrated, corruption will be repelled, and the unworthy will be expelled from the government. And the community can also dismiss the elected ruler if he loses the qualifications of leadership or violates his duties, which will be discussed in detail in future chapters." (Montazeri, 1988 AD/1367 SH: 2, 204)

In the changes that occurred in Ayatollah Montazeri's thought, where *Velayat-e Faqih* was replaced by "Oversight of the Jurist," the issue of oversight became apparent in his views. "The elected experts will have the right to question, impeach, dismiss, and appoint him under specific conditions—which are provided for in the Constitution as a condition of the contract—in addition to having the duty to oversee his performance." (Montazeri, 1988 AD/1367 SH: 8, 264) Even during these theoretical changes in his thought, "Everyone has the right to oversee, criticize, or protest against the performance of the Islamic ruler and other officials of society. Rather, it is their duty to do so based on the principle of enjoining good and forbidding evil and giving advice to the imams of the Muslims and by establishing organizations and parties." (Montazeri, 1988 AD/1367 SH: 8, 263-264) Thus, from Ayatollah Montazeri's perspective, whether in the theory of election or the theory of oversight, he emphasizes the importance of the Leader's oversight and accountability in a way that is compatible with the foundation of popular legitimacy and provides for various mechanisms for it.

5.2.3. The Divine-Popular Theory and Oversight

According to the combined theory, which in a way separates the legitimacy of the Supreme Leader from the legitimacy of the political system, oversight of the Supreme Leader and related institutions by the Assembly of Experts is also necessary. This is because just as the people provide the ground for the rule of a legitimate and qualified Leader, they can also oversee him, whether directly or through the Assembly of Experts, who are their representatives. Thus, the legitimacy of the political system is also guaranteed by the

legitimacy of the leadership. Ayatollah Khamenei, who is introduced in some academic articles as one of the representatives of this view, has explicitly mentioned the oversight of the Leader and related institutions.

He believes in self-oversight before anything else, just like the theories of appointment and election: "If the position of the Leader loses its justice, it automatically, and without the need for any other factor, loses its leadership." (Khamenei, 1998 AD/1377 SH)

He then addresses external oversight and considers oversight to be necessary in general. "I love oversight, and I am extremely displeased with anyone and anywhere that avoids oversight. The more I am overseen, the happier I am." (Khamenei, 2000 AD/1379 SH)

Regarding the duties of the Assembly of Experts, he also emphasizes the Assembly's oversight of the Leader. "My point about the Assembly of Experts is that, well, the Assembly of Experts has the most important task. This 'designation of the Leader' and 'oversight of the preservation of the Leader's qualifications' are among the great tasks; that is, perhaps the greatest task in the management of Iranian society in the Islamic Republic." (Khamenei, 2023 AD/1402 SH)

Ayatollah Khamenei does not stop at the oversight of the Leader and also refers to the oversight of the organizations and institutions under the Leader's supervision. "No one is above oversight. The Leader himself is not above oversight; let alone the institutions related to the Leader. Therefore, everyone must be overseen. Oversight of those who govern—because government naturally means the accumulation of power and wealth; that is, public assets and social and political authority are in the hands of a part of the rulers—is a necessary and obligatory task to ensure that they are trustworthy, do not abuse their power, and do not become rebellious, and it must exist." (Khamenei, 2000 AD/1379 SH)

Thus, the combined theory, by distinguishing the legitimacy of the leadership from the legitimacy of the political system, also emphasizes the necessity of oversight over the institution of the Leader and its related structures. It seems that all three theories of legitimacy—appointment, election, and divine-popular—each from its own perspective, emphasize the necessity of oversight over the Leader and their related institutions. Their common point is that the Leader must have qualifications such as justice, piety, and management ability, and the Assembly of Experts plays a central role in overseeing the maintenance of these qualifications. We will now examine how these views are manifested in the legal structure of the Islamic Republic of Iran.

Next, the oversight mechanisms over the Leader that are provided for in the Iranian Constitution will be analyzed in detail. This review will show how the theoretical foundations related to oversight have in practice been transformed into specific institutions to ensure accountability.

6. The Constitution and Oversight of the Leader and Related Institutions

According to Article 44 of the Supplement to the Constitutional Law before the Islamic Revolution, the head of state, the monarch, was immune from responsibility and was not accountable for any of his actions. The victory of the Islamic Revolution in February 1979 AD/1357 SH opened a new chapter of political and social developments in Iran and established a new government based on Islamic and democratic principles. The new Constitution set a clear framework for the oversight of the head of state, the position of the Leader, through the Assembly of Experts and other oversight bodies. This section of the article will discuss this topic. According to the Constitution, oversight over the Leader is carried out in five ways:

6.1. Pre-emptive Oversight

According to Articles 5 and 109, which state the conditions and qualifications of the Leader, a form of pre-emptive oversight is exercised over him, as was also mentioned in the theories of political legitimacy in the Islamic Republic. Article 5 of the Constitution refers to the Guardianship of the Islamic Jurist and Leadership of the Community during the absence of the 12th Imam and enumerates the general qualifications of the qualified jurist, including justice, piety, being well-informed about the times, courage, management, and resourcefulness. However, in Article 109, these qualifications are repeated with more detail. These are:

- The necessary scholarly qualifications for issuing fatwas in various chapters of jurisprudence;
- The necessary justice and piety for the leadership of the Islamic community;
- Sound political and social insight, resourcefulness, courage, management, and sufficient power for leadership. It adds that if there are multiple qualified individuals, the one with stronger jurisprudential and political insight takes precedence.

These conditions and qualifications make pre-emptive oversight possible in two stages. First, in the stage of electing the Leader, in that one cannot elect any individual with only a political, religious, or moral condition or qualification, but rather a set of conditions that, while making "Election" difficult, increase trust and confidence. On the other hand, in the second stage of pre-emptive oversight, the loss of any of these conditions and qualifications during the performance of duties leads to the dismissal of the Leader. In other words, these three-faceted conditions and qualifications—religious, moral, and political—must always be combined in the person and character of the Leader. Of course, the diagnosis of this is with the members of the Assembly of Experts, the details of which are specified in Article 111 of the Constitution.

6.2. Public Oversight

According to Article 8 of the Constitution, in the Islamic Republic of Iran, enjoining good and forbidding evil is a public and reciprocal duty of the people towards each other, the government towards the people, and the people towards the government. This article has its roots in Islamic religious teachings and law, which institutionalizes public oversight, both individually and collectively, among all members of society or towards the government. Based on this very article, the law on the protection of those who enjoin good and forbid evil was approved in 2015 AD/1394 SH. Based on this article, oversight of rulers and leaders has a solid foundation.

The principle of "Enjoining Good and Forbidding Evil" is a fundamental duty for all Muslims, especially towards those in power. This principle not only includes inviting people to do well and avoid evil at the individual level but also applies in the social and political spheres and justifies the oversight of rulers' performance from this perspective. The concept of "Advice" to leaders also has a special place in Islamic teachings. Providing sincere and benevolent advice to leaders is considered one of the important duties of scholars and elites of the Islamic community. The first Imam of the Shi'ites, Ali (PBUH), says: "O! People! I have a right over you, and you have a right over me; as for my right over you, it is that you remain loyal to your oath of allegiance and offer sincere advice in both secret and public." (Sharif al-Radi, 1999 AD/1378 SH: 35)

The history of early Islam also testifies to the existence of procedures for overseeing the performance of caliphs and rulers. From a jurisprudential perspective, oversight of the Leader is not only permissible but also seems necessary to preserve the interests of Islam and the Islamic community. "Enjoining good and forbidding evil has various fields and the most important of them is the field of officials." (Khamenei, 2000 AD/1379 SH) Political parties, social elites, mass media, and even ordinary citizens can also, according to this article, use this opportunity to engage in it. The reality of Iranian society today also attests to the implementation and application of this article of the Constitution.

6.3. Financial and Judicial Oversight

In the Constitution of the Islamic Republic of Iran, oversight of the Leader from a financial and judicial perspective has been considered. First, according to Article 142 of the Constitution, the assets of the Leader, their spouse, and their children are subject to review by the head of the judiciary upon entering and leaving the responsibilities of leadership, to determine if these assets have increased illegally. According to the authors of the Constitution, this was intended to prevent officials from abusing power and state resources, and even when there was a Leadership Council, the necessity of overseeing these individuals was considered essential to preserve the sanctity and legitimacy of the system (Detailed Records of the Proceedings, 1985 AD/1364 SH: 2, 1287-1289).

On the other hand, this oversight is not limited to the financial aspect. Article 107 of the Constitution explicitly emphasizes that the Leader is equal before the laws and regulations to any other citizen and does not enjoy any form of judicial immunity, whether substantive or procedural. This is an important basis for the possibility of judicial oversight over the Leader's performance. In this regard, Imam Khomeini also emphasized this principle in his decree to the Revolutionary Council for the establishment of the Office of Enjoining Good and Forbidding Evil. He said: "Even if, God forbid, the Leader of the Revolution or the head of government commits something that requires a legal punishment, it must be carried out against him." (Khomeini, 1999 AD/1378 SH: 9, 213)

6.4. Oversight by the Assembly of Experts

One of the most important forms of oversight over the Leader and related institutions in the Constitution is the oversight of the Assembly of Experts. Article 111 addresses this important matter. However, the word "Oversight" is not mentioned in this article, which has led to ambiguities and disputes. A part of this article states: "Whenever the Leader becomes unable to perform his legal duties or loses any of the qualifications mentioned in Articles 5 and 109, or it is discovered that he lacked some of the qualifications from the beginning, he will be removed from office. The diagnosis of this matter is the responsibility of the experts mentioned in Article 108".

According to a group who infer the oversight of the Assembly of Experts over the Leader and related institutions from this article, the explicit mention of the Leader's dismissal in this article is based on preliminaries that must be carried out by the Assembly of Experts before dismissal, and that is nothing but oversight. This is because with pre-emptive oversight, potential errors can be prevented. Also, reaching a point where the dismissal of the Leader becomes necessary requires pre-emptive oversight, because otherwise, there is a possibility of error and a lack of compassion and justice towards the dismissed authority. In other words, it is not possible to implement this part of Article 111 of the Constitution—the dismissal of the Leader—without oversight of the Leader. On the other hand, oversight should not always be a prelude to dismissal, because oversight can also be a prelude to improvement and efficiency. This point was made by some members of the Constitutional Review Council in 1989 AD/1368 SH: "In Article 111, we have in any case given the experts permission to dismiss the Leader when necessary, and it is not right for us to say that the experts have no authority and should just sit there. Is it really possible for the experts to have no oversight at all and suddenly decide to dismiss him?!" (Detailed Records of the Proceedings of the Constitutional Review Council, 1990 AD/1369 SH: 1264) They also said: "This issue [oversight of the Leader] strengthens the leadership." (Detailed Records of the Proceedings of the Constitutional Review Council, 1990 AD/1369 SH: 1273)

It seems that oversight of the Leader has two aspects:

- The first is the diagnosis of the continuation of the Leader's qualifications and attributes, such as jurisprudence, justice, piety, resourcefulness, and ability to perform the assigned duties. The power to dismiss the Leader requires a mechanism for evaluating and diagnosing the loss of qualifications, which is the essence of oversight. In this aspect of oversight, there is a kind of consensus, and no disputes have arisen.

To perform oversight in this aspect, the Assembly of Experts has formed a Research Commission. This board consists of 7 main members and 4 alternate members from the Assembly of Experts, who are elected by a secret vote of the members for a period of 2 years. This board has the following characteristics: The presiding board cannot be part of this commission. The members of the board must not be relatives of the Leader and must not hold executive or judicial positions on behalf of the Leader. The members of the board must have sufficient free time to perform their duties. If the board's report concerns the implementation of Article 111, namely the inability to perform duties and dismissal, the presiding board must convene the Assembly of Experts at the earliest opportunity, where the Leader can also defend himself (Habibnejad, 2013 AD/1392 SH). In this aspect of oversight, according to Article 41 of the internal regulations of the Assembly of Experts, in addition to addressing received reports and investigating their validity, it also pays attention to the administrative structure of the leadership and assists the Leader in preventing the infiltration and interference of undesirable elements in the structure of the leadership institution.

- The second aspect is oversight over the institutions under the Leader's supervision, for which direct or indirect responsibility is placed on him in Article 110. Examples include the appointment of the jurists of the Guardian Council, the highest judicial authority in the country, and the head of the state radio and television organization, and so on. Of course, regarding the appointment of related institutions, one cannot just rely on Article 110 of the Constitution. Other institutions, such as the Headquarters for the Execution of Imam Khomeini's Order, the 15 Khordad Foundation, the Imam Khomeini Relief Committee, the Foundation of the Oppressed, and the administrations of holy shrines, and other institutions that are not mentioned in the said article, must also be added (Rostami and Qotbi, 2014 AD/1393 SH).

Regarding this aspect of the oversight of the Assembly of Experts over the institutions under his supervision, there are ongoing discussions and disputes in the country's academic and executive spheres, both from a theoretical and a practical perspective. Of course, the Assembly of Experts has not denied its oversight in this aspect. However, according to some members of the Assembly of Experts, the duty of this Assembly is limited to overseeing the

Leader's ability and the continuation of his qualifications.³ However, Ayatollah Mesbah, one of the theorists of the theory of appointment, provides for maximal oversight for the Assembly of Experts: "One of the duties of the experts is to oversee the Leader's actions so that the matter does not lead to his dismissal. The Assembly of Experts performs the task of control and oversight by forming a "Research Board," and it may even be that a gradual process occurs. Therefore, one can start from a point where there is a possibility of error and close the path to error. Thus, the Research Board, based on the rule, what is obligatory to be removed after its occurrence, is obligatory to be prevented before its occurrence, prevents disruptions in the Leader's activities." (Mesbah Yazdi, 2018 AD/1397 SH: 341-342)

Ayatollah Javadi Amoli, who is also a theorist of appointment, while emphasizing public oversight, i.e., the principle of enjoining good and forbidding evil, raises the supervisory duty of the Assembly of Experts in a general way and has not limited the dismissal of the Leader to the Leader's inability and the lack of continuation of his qualifications (Javadi Amoli, 2000 AD/1379 SH: 496-497).

From an executive perspective, due to the diversity and differences in how the institutions related to the leadership are appointed, the scope of the Assembly of Experts' oversight over these institutions has faced challenges. These institutions are divided into several categories:

- Organizations like the armed forces that are managed directly and with all details by the Leader;
- Organizations like the judiciary, the Expediency Discernment Council, the state radio and television organization, the Foundation of the Oppressed, and the Headquarters for the Execution of Imam Khomeini's Order, where the Leader has no involvement in their management and only appoints or dismisses their head;
- Organizations whose approvals must be confirmed by the Leader, such as the Supreme National Security Council and the Expediency Discernment Council;
- Institutions with the presence of the Leader's representative or representatives in them, such as the Guardian Council, the Martyrs Foundation, and the Endowment and Charity Affairs Organization;

³. Ayatollah Alamolhoda, representative of Khorasan province in the Assembly of Experts, see: <http://www.ghasednoor.ir/fa/tiny/news-391>

- The appointment of all members by the Leader, such as the Expediency Discernment Council, the Supreme Council of the Cultural Revolution, and the Supreme Council of Cyberspace (Rostami and Qotbi, 2014 AD/1393 SH: 72-74).

Given their specific characteristics, oversight of each of these organizations and institutions cannot be carried out in a similar manner by the Assembly of Experts. Therefore, according to the Constitution, other oversight bodies, according to laws approved by the Islamic Consultative Assembly, oversee these organizations.

6.5. Oversight by Other Oversight Institutions

The Islamic Consultative Assembly, according to Article 76 of the Constitution, which grants it the right to investigate and scrutinize all affairs of the country, can perform the oversight assumed for the Leader and the institutions under his supervision. According to Note 7 of Article 212 of the internal regulations of the Islamic Consultative Assembly, the investigation and scrutiny of the Assembly do not include the Guardian Council, the Assembly of Experts, the Expediency Discernment Council, ongoing judicial cases, and the substantive judicial affairs. In the case of institutions under the supervision of the Supreme Leader, the possibility of investigation and scrutiny by the Assembly exists with his permission. In addition to the Assembly as an oversight body, the Article 90 Commission, which is one of the Assembly's commissions and has a supervisory role, can also independently perform the supervisory duty over the institutions related to the leadership.⁴

In Ayatollah Khamenei's view, "The investigation and scrutiny of the Islamic Consultative Assembly of various state bodies is one of the suitable tools for maintaining the health of these bodies. Certainly, the existence of this principle in the Constitution is one of the strengths of this solid and comprehensive law." (Khamenei, 2001 AD/1380 SH) Therefore, the investigation and scrutiny of some of the institutions under the Leader's supervision, such as the judiciary, the state radio and television organization, and the Foundation of the

⁴. "Article Ninety of the Constitution of the Islamic Republic of Iran states:

Anyone who has a complaint about the conduct of the Parliament, the Executive Branch, or the Judiciary " Branch, may submit their complaint in writing to the Islamic Consultative Assembly. The Parliament is obliged to investigate these complaints and provide a sufficient response, and in cases where the complaint relates to the Executive or Judiciary Branches, to investigate and request a sufficient response from them, and to announce the result within a reasonable time, and in cases that concern the public, to inform the public. "

Oppressed, by the Islamic Consultative Assembly, has been carried out, although with some opposition from these institutions.

The second institution is the Court of Audit, which, with the interpretation of the Guardian Council under Article 55 of the Constitution, can oversee all institutions under the Leader's supervision, despite their legal and structural differences. This is because the oversight of this institution includes all state and public non-state institutions that use the country's public budget (Fathi, 2015 AD/1394 SH: 27). The oversight of the Court of Audit has no exceptions for institutions related to the leadership or otherwise. The type of oversight of the Court of Audit is purely in financial matters.

The General Inspection Organization of Iran is the third institution mentioned in the Constitution. According to Clause A, Article 2 of the Law on the Formation of the General Inspection Organization of Iran, it has the right to inspect organizations where all or part of their capital or shares belong to the government or where the government supervises or assists them in any way. However, the report on addressing the violations of officials and employees of the judiciary and legislative branches, the armed forces, the Guardian Council, and the institutions under the supervision of the Leader, is an exception to this article to respect the independence of the branches and is not provided to the president (Rostami et al., 2018 AD/1397 SH: 76).

The fourth oversight institution is the Administrative Justice Court. This institution was formed based on Articles 173 and 196 of the Constitution to address people's complaints and grievances about the decisions and approvals of state units. Based on the "Law on the Organization and Administrative Procedure of the Administrative Justice Court" approved in 2013 AD/1392 SH, it consists of branches and a general board. The decisions and approvals of ministries, state institutions, state-owned companies, and public non-state institutions can be challenged in the court. Institutions under the supervision of the Leader can also be a party to a complaint in the Administrative Justice Court if they fall under one of the four aforementioned titles, and being under the supervision of the Leader (regardless of any considerations we might have for being under the supervision of the Leader) does not prevent a complaint from being filed against the decisions and approvals of the institutions in the Administrative Justice Court (Rostami et al., 2018 AD/1397 SH: 74).

Some institutions are explicitly excluded from the scope of this law in the notes to Article 12 of the said law: "The Guardian Council, the Expediency Discernment Council, the Supreme

National Security Council, the Assembly of Experts, the Supreme Council of the Cultural Revolution, and the Supreme Council of Cyberspace." Of course, the exclusion of these institutions in all cases cannot be linked to being under the supervision of the Leader, but rather the decisions of these institutions are usually of a legislative or high and final sovereign nature, not executive or administrative decisions. The Administrative Justice Court was fundamentally established to address complaints about the decisions and actions of executive and administrative bodies and to uphold the rights of the people against them (Rostami et al., 2018 AD/1397 SH: 75).

The last oversight institution is the Audit Organization, an institution affiliated with the Ministry of Economic Affairs and Finance of Iran. Its charter was approved by the Islamic Consultative Assembly in 1987 AD/1366 SH based on the "Law on the Formation of the Audit Organization". This organization, as the largest state auditing institution in the country, provides specialized financial services mainly to the state and public sectors. According to Article 7 of this charter, the scope of the Audit Organization includes many state bodies and executive institutions, including the institutions under the supervision of the Leader. Article 4 of this charter stipulates that this organization can, to perform its duties, establish separate auditing and financial services institutions. Based on this, the Mofid Rahbar Audit Institution was established in 1992 AD/1371 SH under this article, and the auditing of the institutions under the supervision of the Leader was entrusted to this organization. This organization is a member of the Society of Certified Public Accountants and is also a trusted body of the Securities and Exchange Organization in the Islamic Republic of Iran, and it is ranked in Group One among 270 auditing institutions (Rostami et al., 2018 AD/1397 SH: 78-80).

7. Challenges of Oversight

Various challenges may arise in the field of oversight of the Leader and related institutions. One of the most important is related to the decentralization and distribution of oversight authority and bodies over the Leader and related organizations. At first glance, the decentralization of these institutions in the Constitution, such as the Assembly of Experts, the Islamic Consultative Assembly, the Article 90 Commission, the Court of Audit, the General Inspection Organization, the Administrative Justice Court, and the Audit Organization, may be considered a challenge. This is because some of these institutions have overlapping

responsibilities in areas such as overseeing executive performance or addressing complaints. This leads to duplication of work, wasted resources, and confusion for people and institutions when they need to seek recourse. In particular, the dispersion of resources (financial, human, and specialized) among multiple institutions reduces the oversight power of each one. A violation may be overlooked by one institution, or the institutions may act in isolation, making it difficult to focus on major violations or pursue them consistently. If a case is referred between different institutions, the process of handling it becomes long and complicated. Thus, the multiplicity of reports and oversight bodies makes it difficult for the public to understand the performance of the oversight system and to find the correct authority to pursue complaints.

To prevent such occurrences and increase the efficiency of oversight organizations, a council called the Council of Oversight Bodies was formed in October 2008 AD/Mehr 1387 SH. It includes a representative of the Speaker of the Islamic Consultative Assembly, a representative of the president, the head of the Administrative Justice Court, the Minister of Intelligence, the head of the Court of Audit, and the head of the General Inspection Organization. The council meets at least once a month, and its performance report is sent to the Leader and the heads of the three branches of government (Nikounahad, 2011 AD/1390 SH: 2).

It seems that from a legal and administrative perspective, the challenge of the decentralization of oversight institutions has been resolved, but the Assembly of Experts, as one of the most important oversight institutions, is not included. On the other hand, it might be thought that this centralization would have a negative impact on oversight, but it must be remembered that this mechanism is not centralization but rather coordination among different organizations, even those belonging to different branches of government.

Another challenge and criticism raised regarding the oversight of the Leader by the Assembly of Experts and related institutions is the oversight of the Guardian Council's jurists on the election of the members of this assembly by the people. According to some, the appointment of the Guardian Council's jurists by the Leader and the review of the qualifications of the Assembly of Experts' candidates by the Guardian Council's jurists can affect the impartiality of the elected members of the Assembly of Experts and, in other words, create a circular logic (Montazeri, 1998 AD/1377 SH: 31). In response to this objection, three points can be made. First, if this is a circular logic, it is not a philosophical circle of cause and effect, which is a

rational impossibility and is void. That is, its realization is not possible because in political and social matters, the existence and non-existence of a circular logic has no meaning.

The second point is that what is ignored in the critics' statement is the election of the representatives of the Assembly of Experts by the people. That is, it is not the case that the Guardian Council, whose six jurists are chosen by the Leader, chooses the representatives of the Assembly of Experts themselves. Rather, this institution only reviews the qualification of the candidates—an important part of which is "Jurisprudence"—through a process whose basis is a specialized exam. Third, such circular logic can be found in various political systems, and such circular logic is unavoidable, because governance becomes intertwined and cannot be untangled without such circular logic. Two examples of such circular logic exist in different political systems: "One is constitutional councils, the most famous and similar of which is the "Constitutional Council" of France. The French "Constitutional Council" is one of the most similar examples to the Guardian Council, with the difference that the French Constitutional Council has a completely appointed composition, unlike the Iranian Guardian Council, which is a combination of appointment and election." The appointed members of the Constitutional Council are 9 people: "Three are appointed by the president, three by the Speaker of the National Assembly, and three by the Speaker of the Senate for a period of 9 years. Every three years, each of the three appointing bodies appoints a new member." Lifetime membership for former presidents is also allowed if they request it. In the Guardian Council, six jurists are appointed by the Leader for a period of 6 years, and six jurists are chosen by the representatives from a list of candidates introduced by the judiciary for a period of 6 years. Every three years, each of the two bodies appoints or suggests new members for election. The chairman of the Constitutional Council is appointed by the president for a period of 9 years, while the secretary of the Guardian Council is elected from among the members for a period of one year (Fereshtian, 2003 AD/1382 SH: 114-119). The duties of the two mentioned bodies are also very similar in various areas, such as defending the jurisdiction of the institutions and organizations related to the three branches of government, reviewing the conformity of approved laws with the constitution, referendums, constitutional changes, international treaties, and overseeing elections and giving consultative opinions to the president (Fereshtian, 2003 AD/1382 SH: 121-125).

Another example exists in the judicial systems of various countries. However, in Iran, due to the appointment and dismissal of the head of the judiciary by the Leader, this circular logic

does not exist, and it can be said that the judiciary in Iran is completely independent of the other two branches of government. In some countries, high-ranking judges are appointed by the head of the executive branch. These judges may later rule on the legality of the actions of the same head of the executive branch or the parties that support him. They may also decide on the eligibility of opposition party candidates. Some important examples are the United States, India, France, Turkey, and Hungary. For example, in the case of the United States, federal Supreme Court justices are nominated by the president (executive branch). The final appointment requires confirmation by a majority of the US Senate (legislative branch). This process is often highly political and partisan. The challenge of conflict of interest arises when Supreme Court justices may rule on cases related to the president's actions, such as executive orders, or the parties that support him. For example, in the George Bush and Al Gore election case, the Supreme Court's vote influenced the results of the presidential election, or in the Supreme Court's opinion on Obama's health policies, the partisan affiliation of the court's justices has often been criticized (Epstein, 2013).

Conclusion

This article has examined the concept and process of oversight of political power, with a special focus on the position of the Leader in the Islamic Republic of Iran. It emphasizes that effective oversight is not only a theoretical necessity but also a practical requirement for any efficient political system. The main goal of oversight is to ensure the conformity of "What is" with "What should be" to prevent corruption, increase the efficiency of governance, and strengthen political legitimacy. Public trust and accountability are strengthened.

Following the 1979 Revolution, the Islamic Republic of Iran created a fundamental transformation in its accountability structure by establishing the institution of the Leader alongside the three branches of government and revoking the absolute immunity of the monarchy. The Leader, as the highest political authority, is elected by the Assembly of Experts (which is itself elected by the people) and is equal before the law to all other citizens of the country. The Constitution also provides for the possibility of dismissing the Leader if he loses the necessary qualifications, which itself emphasizes the importance of oversight.

This article has analyzed three main theories of legitimacy in the Islamic Republic of Iran: the Theory of Appointment (divine legitimacy), the Theory of Election (popular legitimacy), and the Divine-Popular Theory (a combination of both). The findings of the research show that

despite the fundamental differences in these theories, all of them confirm the necessity of oversight over the Leader and his affiliated institutions. The theory of appointment considers the oversight of the Assembly of Experts to be necessary for the continuation of the Leader's qualifications and even for the prevention of errors. The theory of election, based on the popular foundation of legitimacy, considers the right of oversight and dismissal for the people and their representatives to be self-evident. The divine-popular theory, despite the Leader's divine legitimacy, considers the actualization of his rule to be conditional on public acceptance and considers oversight to be vital for preserving the Leader's qualifications and the system's accountability to the people's needs.

However, the oversight system in Iran faces structural challenges. The dispersion and overlap of the authority of multiple oversight institutions (such as the Assembly of Experts, the Islamic Consultative Assembly, the Article 90 Commission, the Court of Audit, the General Inspection Organization, the Administrative Justice Court, and the Audit Organization) can lead to parallel work, overlapping duties, and ambiguity in responsibilities. This situation, especially concerning the "Institutions under the supervision of the Leader," for which the definition and scope of oversight are sometimes ambiguous, can create oversight gaps and reduce accountability.

In conclusion, this study emphasizes that regardless of the theoretical foundations of legitimacy, efficient and comprehensive oversight of the Leader and related institutions is necessary for stability, efficiency, and gaining public trust in the Islamic Republic of Iran. Overcoming the existing challenges through strengthening coordination among oversight institutions, clarifying laws and removing ambiguities, ensuring the independence of oversight institutions, utilizing new technologies, and strengthening the culture of accountability are vital steps for improving the country's administrative and financial health and ensuring the stability of the system. Also, in this coordination mechanism, a place must be made for the Assembly of Experts.

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