

## **AN OVERVIEW OF CITIZENSHIP RIGHTS IN THE IRAN'S CONSTITUTION**

**Arezoo Ghorbani\*<sup>1</sup>, Azadeh Ghorbani<sup>2</sup>, Hosein Javadi<sup>3</sup>, Saeed sharifi<sup>4</sup>**

<sup>1</sup>\* *Department of Criminal Law and Criminology, Islamic Azad University of khorasgan branch, Isfahan, Iran*

<sup>2</sup> *Department of Criminal Law and Criminology, Islamic Azad University of Naragh branch, Iran*

<sup>2</sup> *M.A.Student Law and Criminology of University of Tarbiat Modarres, Tehran, Iran*

<sup>3</sup> *Department of Cultural Management, Isfahan Science and Research Branch, Islamic Azad University, Isfahan, Iran*

### **Abstract**

*The present paper aims to review the rights of citizenship in the Iranian Constitution. Research methods was Descriptive and analytical. Iran's Constitution research community and its subject territory the provisions of citizenship rights. Investigation showed that technically the term citizenship in the Constitution is not applied. But the principles of the third, sixth, twenty-sixth, twenty-seventh, and fifty-nine related to political citizenship. The twelfth to nineteenth principles of civil citizen (citizenship that freedom of expression, belief and religion), The third principle, twenty-first and twenty-eighth to thirty-first, and forty-three of the Constitution relating to the social citizenship.*

**Key words:** *Rights, Citizenship, Civil Rights, Constitution of Iran.*

### **1- Introduction**

The Constitution of each country has rules and principles that the general policy and the country's macro policies and specify the. With the importance of finding the concept of citizenship, especially in recent times in Iran, according to this concept in the field of law and political sciences has found a lot of credit. On this basis seems to be paying attention to the content of the basic law regarding the rights of citizenship is a special importance.

### **2- Conceptual Framework**

#### **2-1- City**

The city cannot be only from a perspective of various dimensions or Echelon who constitute, because economic, political, social and cultural rights in today's world, much of the impact and the impact on both faces, Although the genesis and growth of the city is not only a killer, but sometimes economic factors (excess production), military, social and cultural, communication, etc. The dominant factor in the formation of the city has title [1].everybody on the side of making urban spaces and a reasonable relationship between the city if you are in need of natural environment and cultural and social status is with physical. Hence pay attention to other aspects of space non-City economic and political dimension, including culture and urban culture is especially important.

The importance of culture in the city of Zonkin (1997) book culture and urban culture as a powerful tool of control and the development of the city a source of identity reconstruction

of memories and inspire urban heritage, as does [2] Must bear in mind the only operating surplus rural community production has been the rise of cities, but also the formation of social relationships among individuals of a specific transmission makes countryside surplus production of village to city and was placed in the margins of agriculture. The increasing needs of urban emergence, migration from the countryside to the possibility of inducing that would increase municipal problems, in facing these problems and in order to meet the needs of rapid growth in cities, urban form makes.

### **3- Citizen**

The notion of the citizen as well as a lot of words and concepts, there are numerous definitions and examples of the variety. A new concept of citizenship is a concept, that it can be the most dynamic modern society concept. Modern man is merely a manifestation of citizenship in a new space and not in the name of the city fabric, because it features in ancient Persian and Islamic vocabulary and similar assignments even today seen.

The main element of the concept of citizenship at least four national identity, cultural and social affiliations and effective legal system, civil and political participation is internal communication with these concepts and interact and in fact are a reality, i.e. four to reflect the concept of citizenship [3]. While not a field of citizenship studies has not been established, but it was as a true field since 1990 in the humanities and social sciences began including the reasons for staying back to other fields of citizenship studies, not only learn new concepts, such as calling into question the concept of the new and different perceptions of globalization but it is (citizenship) in the State and has been in various communities.

If we define citizenship should be open in three-axis in terms of breadth (enrolment rules and norms and exclusion), the volume or content (rights and duties) and depth to be investigated under the power of the modern concept of citizenship. Government that includes a wide arena of political and social power is disputed and placed battle.

As a result of the different conflicts over identity and differences (racial, ethnic, gender, ecology, global, technological, distribution) leads to the formation of the new modernist post way, claimed that interpretation of claims of citizenship is not only the legal position-based, but to open science and social, political as well as economic redistribution is concerned.

Hence, studies of sexual citizen with titles, heterogeneous ecological citizen, citizen (distinct), multicultural, Aboriginal, and citizen studied social and political impact of the world placed [4].

Janoski and Gran (2002) in a document entitled the political citizen, pointing to different definitions of citizenship stating that citizenship in a interpretation of membership in a State that is the nation to human society could have special rights to be interpreted according to the citizen who lack legal versus non-like class, gender, race and handicapping groups takes place. In other words, the potential for active citizenship in political influence and legal rights available under the passive system is included in the third interpretation of the citizenship rights of citizenship, and the rights that the legal basis adopted by the ignorant to all the citizens of executables. In the fourth of the interpretation of citizenship equality in rights and duties without any restrictions can be expressed [5].

According Ibn Khaldun citizenship from the perspective of religious culture, evaluated the data and use it to teach citizens as cultural characteristics and the weakness of its era, it (VIII and IX century) the following paragraph 8 is in the title:

1. Fade in these religious rites
2. Rule culture of banality and luxury-seeking between citizens
3. The inability to deal with the devastating cultural factors
4. Loss of religious and cultural values of the good citizens of the
5. Spiritual issues fade in front of materialistic
6. Non-perception of Shiite scholars and spiritual issues

7. The lack of a sense of belonging to a particular place on the part of citizens and drop it when the risk
8. Cultural foundations of loosening due to conflict between social classes [6].

In the age of Ibn Khaldun is deemed the concept of citizen, peasant and caste with absolutist nature, engaging the people and the Government, and from this perspective the Racquet, the new luxury city and according to Ibn Khaldun has been corruption. Why not just the rule of the people's representative did not even reach to the people's representatives as well. Hence the culture of citizenship the absolute sovereign vassal under the life-style of the above features has been having.

## **2-2- Citizenship rights**

Technically the term citizenship in the Constitution is not used but the third, the sixth, and the principles of the twenty-sixth, twenty-seventh and fifty-ninth and interact with the political citizenship, principles of civil citizenship until the 19th to the 12th (the citizenship freedom of expression, belief and religion), the principles of the twenty-third, twenty-first and the thirty-eighth to forty-first and third Constitution in interaction with social citizenship [7].

## **3- Citizenship Rights, Perspective of constitutional law**

In the Constitution the rights of citizenship, the rights of the nation, public rights, the rights of the public, social and individual rights, all have been considered identical. The draft Constitution, which was drafted after the Islamic revolution has twelve chapters and about hundred and fifty original and in its fifth season, twenty-two of the principles of the rights of the nation up to forty-eight written, of course, in some of its principles (principle 3 and 6 and 74, etc.) as well as the rights of the nation has been raised.

The third chapter of the Constitution entitled the rights of the nation during the twenty-three principles of the people's rights, freedom of opinion, thought, life, education facilities, housing, jobs and the like it is recognized. The 20th Constitution in principle all citizens in law and human rights, political, social, and cultural events. Outlined in accordance with Chapter III of the Constitution the rights of a nation are as follows:

### **3-1-Equal rights**

In accordance with article 19 of the Constitution of each nation and people that has equal rights, sponsors and color, race, language and the like shall not be cause of these points. In principle 20 States: all citizens are equal in men and women, including support for the law and human rights of all political, economic, social and cultural, with observance principles of Islam.

### **3-2- Freedom of the Faith**

In accordance with article 23 of the Constitution: the Inquisition is forbidden, and no one shall be of the opinion, having to spend put strangers. freedom of opinion is in charge of in terms of traditional wisdom and is approved and accurately on the origin of the Constitution the principle of creating turn-around space during the repression prevailing in the society before the revolution and the industrial revolution before it in Europe.

### **3-3- Freedom of the Press**

In principle 24 States: freedom of expression and of the press on the periodicals content except the ones that are opposed to the principles of Islam or the general law. In particular it is the law.

### **3-4- Freedom of the Parties**

In the principle 26 is prescribed: parties, and population. Political community and Islamic forums and religious minority, provided that the limits of the known principles of independence, freedom, national unity, the Islamic principles the basis for the violation of the Islamic Republic of Iran of the appointment. No soul shall be prohibited from participating in it, or to participate in one of them will have.

### **3-5- Freedom in Career Choosing**

Everyone has the right that is interest a job that not disagree Islam and public rights and others rights choosing. The Government is duty bound to different jobs with the need of the community, the possibility for all individuals to equal employment conditions for creating jobs for authentication.

### **3-6- Social Security**

In accordance with article 29 of the Constitution: the enjoyment of social security in terms of retirement, unemployment, aging, and the first task of overseeing, left, in a way, the accidents, the need for health services and medical and etc is care for the right to universal insurance. The State is obliged in accordance with the laws of the place where the General income and income derived from the participation of people, services and financial support for a country's people above does provide.

### **3-7- Free Education**

In accordance with article 30 of the Constitution: the State is obliged to free education for all citizens up to the end of secondary education and higher education to provide the means to become a country free of needless to expand.

### **3-8- Housing**

Having the right to housing in accordance with the need of each individual and the family is Iranian. The Government is duty bound to observe that with their particular priority for workers of the villages and the fields they perform provide originals (Article 31)

### **3-9- Security**

No soul shall be held unless a specific law to sentence and the sequence. In the event of arrest, charges should be communicated to the accused, and provides reasons for the issue immediately and as much as most of the file within twenty-four hours of the pilot to the competent judicial and judged arrangements to be provided, as soon as possible. Violation of this article shall be punished in accordance with the law. (Article 32)

### **3-10- The Right of Residence**

No soul shall be of his place of residence or place of stay in exile, his favorite banned or compelled to reside in the community, except in the cases prescribed by the law. (Article 33)

### **3-11- Litigation Right**

Each person's inalienable right litigation and litigation he can refer to the competent courts in order to order. All citizens have the right to such courts have available and no soul shall be the Court that under the law the right to refer to it is he barred. » (Article 34)

### **3-12- The right of Choosing Attorney**

In all the courts of both parties has the right to choose their delegates for whom and if do not have the ability to choose their delegates should provide facilities for defining delegates. Article 45)

### **3-13-The penalty in accordance with law**

It should be punished by sentence and execution only by a competent court and in accordance with law. (Article 36)

### **3-14- The principle of presumed innocence**

The principle of presumed innocence and no soul shall be guilty of the Act except that the crime he is competent at trial. (Article 37)

### **3-15- Prohibition of Torture**

Any kind of torture for obtaining confessions or getting information is prohibited. Forcing a person to testify, confess or swear not allowed such testimony and confession and the lack of value and credence. Violation of this article shall be punished in accordance with law. (Article 38)

### **3-16- Maintain the sanctity and dignity of the people**

The desecration of the sanctity of the law and the dignity of the person arrested the sentence of detention prisoners or exile to any event that shall be prohibited and liable to punishment. (Article 39)

### **3-17- Prohibition of infliction of others**

No soul shall not exercise the right of its none or by the infliction of the general interests of the rape he said. (Article 40)

### **3-18- The right to the nationality**

The nationality of the country of Iran is Persian and the inalienable right of any person of any Iranian Government stripping citizenship shall not, unless he himself requests it or if the nationality of another country follows. (Article 41)

## **4- Discussion and conclusion**

With the analysis above can generally be found in the Constitution of citizenship rights in four categories, which include:

### ***1- Socio Political Rights of Citizens:***

In the sixth paragraph of the third principle of the Constitution of the Elimination of all forms of despotism and autocracy and monopoly of the seventh paragraph of this article and welcome in the provision of social and political freedoms by the State and to work to eliminate all possibilities for the participation of the public in the political, economic and cultural interpretation of its destiny as an important State and Government assignments, including cases that the Foundation of social and political rights legislators of the people has been plotted.

The lack of legitimate freedoms even stripping with the name of the country's independence and territorial integrity using the tools of the law and the status of laws including the ninth principle emphasized strategies legislators is in the Constitution. In the eighth principle of the Constitution and be of mutual rights and assignments as the Government and the people of Indonesia, he added. Restrict Inquisition and avoid violation of the principle of good faith, due to the free publications and press releases-23 in all expression, prohibition of inspection of letters, phone calls, voice recording and reveal no change for wireless communications and eavesdropping, censorship and eavesdropping and avoid any search Article 25-access to the parties and the population, the political community and the Iranian and Islamic forums. Including social and political principles have been confirmed in the Islamic Republic's Constitution.

### **2- Economic and Social Welfare Rights:**

the right to choose jobs and the possibility of choosing a career – the original 28-31-the principle of having the appropriate housing, and housing and jobs during the offensive, the sanctity of private property, the principle of 46 and 47 and the enjoyment of social security-article 29-including some that economic rights as legislators and social welfare has been considered.

### **3- Judicial Rights:**

Eight principles of the Constitution of the judicial rights of the citizens of a given allocation. The principles of 32, 33, 34, 35, 37, 38 and 39 judicial rights of citizens have been pursued.

Main objective of the judicial right of the citizens in judicial security for members of community. In paragraph 14 of the third principle of the Constitution on the provision of comprehensive rights of individuals from the judicial security of men and women and the creation of fair and equal for all public law shall have been confirmed. Not retroactive law-the principle of innocence principle-the principle 169; 37; the principle of judicial security, the principle of the right to use a lawyer principle 32;-the principle of prohibition of torture and of obtaining principle 35; the confession by threat and intimidation, the principle being the proceedings shall, principle 38; 15; the original principle of the inalienable right of litigation-the principle of the judicial rights of citizenship, including 34 in the Constitution of Islamic Republic of Iran has taken into consideration.

### **4- Cultural Rights:**

Although in principle 20 of the Constitution, and shall support the enjoyment of people in all aspects of human rights, economic, social, cultural, political, with the observance of the principles of Islam, as the civil rights policies of axial, but on the principles of cultural rights details specific to the manifest is not discussed. Cultural rights confirmed in the Constitution, giving the right to the use of local and ethnic languages in the press and the mass media, literature and teaching them in schools alongside English language for different ethnic groups residing in Iran. Also, the third paragraph of the third principle of the Constitution being on free education and physical education for all at all levels, and to facilitate higher education stress is experienced. Free universal education and making up the Middle until the end of the period of education and academic education are free of charge with the observance of the Constitution of facilities in principle 30 has been stressed.

## **References**

- [1]Navabakhsh, M and Fathi. S. (2008). Growth and urban development in Iran. Journal of Urban Planning (2), pp. 9-37 Expediency Council's Center for Strategic Studies

- [2]Zonkin , s. (1997). the culture of cities, Blackwell. Pp 1-47
- [3] Khatib Zanjani, N.(2006) Citizenship Education; needs of today's society, newspaper, Kayhan, No. 18703
- [4]Isin. Engin F. and Turner. Bryan S. (2002). Citizenship Studies: An Introduction, HANDBOOK of CITIZENSHIP STUDIES, SAGE Publications, pp 1-11
- [5]Janoski. T, Gran B. 2002. Political citizenship: foundations of rights, handbook of Citizenship Studies, Sage publications, New Delhi ,13-53.
- [6]Alimardani, M. (2006). Evolution of the social phenomenon of urbanization and urban characteristics in the thought of Ibn Khaldun, Journal of Human Sciences University, No. 59, pp. 98-122
- [7]Tavassoli, GH and Nejati Hosein (1383). Reality of civil society in Iran. Iranian Sociological Quarterly, No. 2, pp. 32-64