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Examination of the Administrative Justice Court Institution in Iranian Law

Journal of Electrical Systems

Abstract: - Before the Islamic Revolution, on May 27, 1960, a law entitled "Law Concerning the State Council," consisting of 32 articles and 3 clauses, was approved by the Joint Commission of the then-existing Parliament, but it was never implemented. Following the Islamic Revolution, to establish a transparent and equitable administrative system devoid of despotism, tyranny, and monopolistic practices, a new institution was founded as outlined in Articles 170 and 173 of the Constitution. This institution commenced its operations in October 1981, after the passage of its first law, comprising 25 articles and 9 clauses, by the Islamic Consultative Assembly. Later, the Administrative Justice Court Law was interpreted or amended by the Islamic Consultative Assembly several times until finally, on August 29, 2006, a new law for the Court was passed by the Assembly. However, due to some objections raised by the Guardian Council regarding the compatibility of the law with Islamic principles, it was referred to the Expediency Discernment Council. On September 16, 2006, the Assembly deemed the replacement of Article 13 and Clause 1 of Article 19 of the Court's Law to be in the best interest of the system. Consequently, the second set of amendments to the Court's Law was implemented. According to Article 48 of this Law, the Judiciary was obligated to draft a bill of procedure for the Court within six months and submit it to the Islamic Consultative Assembly through the Government. This bill, along with its subsequent amendments, was reviewed by the Judiciary and Legal Commission of the Islamic Consultative Assembly and was eventually approved as the 'Bill on the Organization and Procedure of the Administrative Justice Court' in the Islamic Consultative Assembly on September 13, 2011. Due to objections raised by the Guardian Council and the Assembly's insistence on the previous version, the Expediency Discernment Council finally approved this bill with amendments to articles 94, 90, 89, 12, and 10 on March 15, 2013, deemingbased on the expediency of the system. This article introduces the institution of the Administrative Justice Court in Iran.

Keywords: Law, Islamic Consultative Assembly, Administrative Justice Court, Expediency Discernment Council.

I. INTRODUCTION

Chapter 1: History of Administrative Justice in Iran

Even though during the two thousand and five-hundred-year reigns of kings and nobles over Iran, administrative justice did not show a progressive trend and even in some periods its record was very dark and regrettable for Iran, the situation was not always like this. The image of state power in Iranian society has always been shrouded in a halo of divinity. Kings were bearers of divine and celestial power and possessors of divine wisdom. This belief, which persisted after the arrival of Islam in Iran, was always considered one of the main bases of legitimacy.

Historically, the state has possessed characteristics that necessitate a deeper examination of plans to achieve administrative justice, given its unique features. In Iran, the government has never represented any other class, be it merchants, traders, the progressive, or the peasantry. These classes were also subject to the dominance of higher classes and the absolute authority of the state. Based on this, no class had any legal rights against the state, and the state was positioned above the classes, that is, above society. Consequently, the state lacked continuous and popular legitimacy, meaning that the state's "legitimacy" was fundamentally derived from its actual power (and, as a result, its ability to govern the country). For this reason, "law" meant an arbitrary rule to which the government's decisions were limited, and consequently, it was predictable and there was no arbitrariness. However, the issuance of judgments, orders, and regulations was usually abundant. "Law" was equivalent to the government's opinion which could change at any moment. It was a despotism that was neither based on classes nor limited by law (Katouzian and Hamrayun, 2004: 75). Based on this, researchers have concluded that "Iran has been a despotic state and society throughout its history, meaning that power and authority have not been based on law" (Katouzian and Hamrayun, 2004: 32 and 25).

In Iranian despotism, the state has never bound itself to any law, regardless of any meaning of the word 'law,' and the concept of 'citizenship' has never even existed. In Iran, the king, possessing divine power and the responsibility of preserving order, is only accountable to divine authority, not to the people, whether they are rich and powerful or poor and weak. His authority is divine; therefore, his legitimacy stems solely from this divine authority. It is obvious that in the same position, the origin and source of the wealth, regulations, and social power of individuals in society should be: he can take from whomever he wishes and give to whomever he wishes. In short, his word is the law, and the law is his word. (Ibid. 2004: 89)

When a ruler, as the human symbol of the state, is completely independent of society, no right can exist independently of him. In other words, in the final analysis, no person or class of people can claim any right that is separate from what the ruler has granted or sanctioned. Moreover, what a ruler grants as a privilege to someone can be taken away by his successors as long as they have the practical power to do so. There is no law, in the sense of universal principles that limits the exercise of state power and makes it generally predictable. Where there are no rights, there are no laws. In other words, where the law is merely the arbitrary decision of the legislator, the concept of law becomes meaningless

and superfluous. Although there may be a set of customs and regulations, there is always the possibility that they can be changed unpredictably, regardless of any established conventions. This is the literal meaning of despotism for an autocratic government. Laws (written or unwritten) or established and inviolable traditions, such as those that prevailed in Greece, Rome, and generally in European countries, did not exist in Iran. The arbitrary exercise of power was possible and indeed common. It was for this reason that in Iran there was no fundamental, inviolable law or tradition that could reasonably secure and predict the course of people's property and affairs. Regarding judicial laws, certainly, there were a set of regulations even before Islam, and during the Islamic era, Sharia also presented a comprehensive and developed set of civil and criminal laws. (Ibid., 2004: 116)

Historians, political scientists, and legal scholars believe that after Islam, there is an example of administrative justice, and that is the institution of Mazalim. There is a similarity between Mazalim's judgment and administrative judgment. Therefore, it can be inferred that administrative judgment also existed in the Islamic system. In the Islamic system, the authority of Mazalim is in the hands of the Caliph. He is free to carry out actions that help him discover the truth and uphold justice in general, and he is not bound by the rules of Sharia in the path of upholding justice, meaning that which Sharia has made obligatory.

Maqrizi, in his book "Al-Khitat," states: 'The first person who did not assume the authority of Mazalim was Ali ibn Abi Talib (PBUH), and the first person who established a permanent institution for Mazalim was Umar ibn Abdul Aziz ibn Marwan ibn al-Hakam.' (Barakat, 1976: 41)

Nevertheless, Iranian kings, both before and after Islam, were expected to assume the mantle of religiosity. To gain legitimacy and a popular base in Iran's religious society, they had to at least appear devout and pious. These religious and moral obligations served as a check on their despotism and encouraged them to strive for justice and respect for the public's rights. However, beyond these religious commitments, which often lacked effective enforcement mechanisms, there were no other significant levers to compel kings to uphold the rights of their subjects. History is replete with accounts of excesses and injustices, indicating a rather short and limited record of accountability and justice during these periods.

The drafting and approval of laws governing the structure of government organizations and the mechanisms for challenging the actions and decisions of government organizations and officials can be traced back to the Constitutional Revolution period in Iran. However, comprehensive laws regarding recruitment procedures and the organization of administrative affairs were not enacted and approved by the Parliament until the Pahlavi era. The dictatorial tendencies of this period did not allow for the existence of a court where government actions and decisions could be judicially reviewed.

Despite these brief details in Iranian history, the existence of a reference or authority is proven, whose duties were to receive complaints that the people lodged against high-ranking officials such as governors, beglerbegis, grand amirs, and royal favorites. In fact, in the Safavid era, the general public presented these complaints to the king and sought a resolution. (Shams, 2006: 114) Amir Kabir made an effort to establish the diwan-e-adliye (court of justice), one of whose functions was to hear people's lawsuits against the government. After returning from his first European trip, Nasser al-Din Shah established administrative councils and abolished the custom of bast or sit-ins, which had originally arisen due to the oppression of the powerful and had gradually become a source of scandal. He issued an order to establish the diwan-e-adliye.

With the Constitutional Revolution and the public demand for the rule of law, Iran's political and social history entered a new phase. Essentially, the “Constitutional Revolution was primarily a struggle to establish the law itself, whereas the new European liberal movements were simultaneously limiting the role of the state in society.” (Katouzian and Homayoun, 2004: 116)

Initially, in Iran, Article 64 of the Civil Service Law, enacted in 1922, incompletely provided for the State Council to adjudicate the complaints of government employees against ministers regarding employment rights. In the absence of such a council, the Supreme Court would handle these types of complaints. During the previous regime, some legal scholars identified a significant shortcoming in Iran's judiciary: the obstruction of justice and the adjudication process in a large portion of lawsuits and disputes where one party was a government agency, institution, or public service. (Javan, 1948: 10) Therefore, the establishment of such a court or tribunal, whether under the title of "State Council," "Human Rights Court," or "Complaints Court," was consistently emphasized and advocated by professors and legal experts (Matin Deftari, 2008: 202). Finally, these efforts bore fruit, and the establishment of an administrative body, in the true sense of the word, inspired by French law and in imitation of the Council of State of that country, was passed in a law entitled 'Law on the Council of State' on the 27th of May 1960, in 32 articles and 3 clauses, by the joint commission of the judiciary of the then National Assembly and the Senate. However, this law was never implemented and the 'Council of State' was never formed. And still, the only way for private individuals to seek redress against the

government was to resort to articles of the Civil Code and the Civil Liability Law and file a lawsuit in ordinary courts, which was also difficult and slow, causing reluctance and a lack of follow-up on the part of private claimants. The reason for the non-formation of the Council of State is undoubtedly the scourge of non-supervision, which often afflicts despotic and autocratic governments (Moosazadeh, 2004: 280). With the glorious Islamic Revolution, the long-standing desire of the people and justice-seekers to establish a court for hearing complaints against the government and government institutions was realized. Pursuant to Article 173 of the Constitution of the Islamic Republic of Iran, the 'Administrative Justice Court' was established. This article states: 'For the purpose of investigating complaints, grievances, and protests of the people against officials or units or government regulations and enforcing their rights, a court called the Administrative Justice Court is established under the supervision of the Head of the Judiciary. The scope of the powers and duties of this organization is determined by law.'

The first law governing the Administrative Justice Court was approved by the Legislative Assembly on February 24, 1982, consisting of 25 articles and 9 clauses. This law, with some amendments, remained in effect until 2006. In that year, on December 17, 2006, a new law for the Administrative Justice Court was approved by the Expediency Discernment Council and came into effect in the same month. Now, the Administrative Justice Court is, in a sense, the only general administrative court and, at the same time, the highest administrative court in Iran (Shams, 2006: 116). Based on Article 173 of the Constitution and its own law, it is responsible for hearing lawsuits and complaints from the people (natural and legal persons, including private legal persons) against government officials, units, or regulations, and for upholding their rights.

Since the Administrative Court is a relatively new institution in Iran's legal system, there are some shortcomings and deficiencies in its performance. However, there is the possibility of rectifying these shortcomings and inadequacies. We must wait for these obstacles to be gradually removed so that this noble institution can reach the position it deserves in promoting public law and realizing administrative justice in Iranian society.

Given the aforementioned points, it is necessary to have a deep understanding of the legalistic spirit within Iranian society and the underlying causes and factors contributing to lawlessness and defiance. Over an extended period, and in tandem with the political growth and development of Iranian society, the legal and organizational capacities to realize administrative justice must be expanded. The prerequisites and necessities of this process are fundamentally intertwined with political issues and foundations. To the extent that the inclination towards managing social affairs through public participation increases in our society, the path towards expanding justice in relationships between leaders and followers will be smoother.

Chapter 2: The rationale for the Administrative Court

A significant question that can be examined regarding the Administrative Court of Justice as an administrative court is what its raison d'être or, in other words, the necessity of its existence is. In systems of separation of powers, the judiciary is responsible for hearing lawsuits. According to Article 159 of the Constitution of the Islamic Republic of Iran, "the official authority for grievances and complaints is the judiciary." Given the existence of this judicial authority, what is the need for the Administrative Court of Justice? In response to this question, it must be pointed out that the control of administrative actions and decisions and the adjudication of administrative lawsuits can be done in three ways. One way is for this to be done by the administrative body itself, i.e., the executive branch, which is referred to as "administrative control." The second method is "parliamentary control," meaning that administrative lawsuits are heard by the legislative branch. And the third method is "judicial," meaning that the judiciary hears administrative lawsuits.

In evaluating these methods, it is stated that the administrative apparatus is not suitable for handling such lawsuits; because the adjudicating authority must be impartial, and without impartiality, the rights of the claimant or plaintiff are violated. Experience has shown that the administrative apparatus cannot be an impartial judge in administrative lawsuits.

While parliamentary control is certainly important, this type of oversight is more useful for evaluating the progress of goals and programs. Through its oversight of government agencies and ministries, the legislature becomes aware of their weaknesses and strengths. If an administrative agency fails to achieve its goals and programs due to incompetence or negligence in carrying out its duties, it will be held accountable to the parliament. This accountability, referred to as the 'political responsibility of the government to the parliament' (Articles 90, 122, and 137 of the Constitution of the Islamic Republic of Iran), is another matter that deserves separate consideration. Given these points, most developed countries prefer judicial control as a means of overseeing administrative agencies, as opposed to administrative and parliamentary methods.

Countries that have chosen judicial review as a method of overseeing administrative bodies (the executive branch) can be divided into two categories. In some countries, this is done by ordinary courts of justice (such as the United States and the United Kingdom). However, some countries have established special courts for this purpose (such as France,

Belgium, and Germany). The Islamic Republic of Iran is also among the countries in the second category (Hedayatnia Ganji, 2003: 5).

Chapter 3: Duties and Scope of Authority of the Administrative Court

Article 173 of the Constitution states: 'To investigate complaints, grievances, and protests of the people against government officials or units or regulations and to vindicate their rights, a court called the Administrative Justice Court shall be established under the supervision of the Head of the Judiciary. The scope of authority and the method of operation of this court shall be determined by law.' Based on this, in the Law on the Organization and Procedure of the Administrative Justice Court, the Legislative Branch has defined the duties of this court as follows:

- Investigating complaints against decisions and actions of government organizations, including ministries and organizations
- Investigating complaints against decisions and actions of officials of government units, ministries, and government organizations

Hearing complaints and appeals from the public regarding the final decisions of commissions, boards, and councils established under various laws in ministries, organizations, government agencies, and municipalities, which deal with specific matters; such as administrative disciplinary boards, Article 100 municipal commissions. Hearing complaints related to bylaws, regulations, and other government and municipal rules and regulations that are contrary to Islamic law or other laws or beyond the authority of the executive branch.

Hearing complaints from judges and employees covered by the Civil Service Law and other employees of units and institutions regarding the violation of their employment rights, such as: (group, level, rank, degree, promotion, right to work, leave, place of service, mission, disability, retirement, dismissal, buyback).

It should be noted that only natural or legal persons (private law entities) can be plaintiffs in the branches of the Administrative Court. Therefore, complaints and protests of government units cannot be filed or heard in any case in the branches of the Administrative Court. This is with the explanation that the Administrative Court is tasked with resolving problems between people and administrative bodies, not with resolving internal problems of administrative bodies or relationships between two institutions. Additionally, this court cannot take any action against non-governmental organizations (NGOs), which are considered private law entities and do not have an organic connection with the government, because these entities are outside of the official administrative institution of the country. (Mahmoudi, 2007: 223)

Chapter 4 - Organization of the Administrative Justice Court

The President of the Administrative Justice Court, who heads this institution, is appointed by the Head of the Judiciary. Currently, the President of the Administrative Justice Court of the country is Hojat-ol-Islam-wa-al-Muslimin Hekmat Ali Mozaffari, a cleric and a senior judge of the First Branch of the Court of Appeals of the Administrative Justice Court and the General Assembly of the Administrative Justice Court, who has been appointed to this position by Hojat-ol-Islam-wa-al-Muslimin Mohseni Ejei. In addition to various deputy positions that operate under the supervision of the President of the Court, the "Office of the Presidency and Public Relations," "Office of Planning, Statistics, and Information Technology," and "Office of Protection and Information" are units under the supervision of the President of the Court. In the organization of the Administrative Justice Court, there are a total of five deputy positions, four of which are judicial and one is non-judicial.

Deputy Judiciary (Courts and Provinces): Under this deputy, there are two departments: The Secretariat and Provincial Affairs Department, and the Courts Department.

Deputy Judiciary (General Assembly Affairs): The General Assembly Department and the Specialized Commissions Department are the subunits of this deputy.

Deputy Judiciary (Education and Research): The Education Department and the Research Office operate under this deputy.

Deputy Judiciary (Enforcement of Judgments, Supervision, and Evaluation): The Notice and Enforcement of Judgments Department and the Supervision and Evaluation Office are subunits of this deputy.

Deputy for Preservation and Development of Resources: Under this deputy, there are three departments: Administrative Affairs, Financial and Support Affairs, and Welfare.

Chapter 5 - The Position of the Administrative Court of Justice in the Iranian Legal System

There are generally two perspectives regarding the administrative or judicial nature of the Administrative Justice Court. One viewpoint is that the Administrative Justice Court is established solely as a special tribunal to hear complaints and grievances, and it may not even be considered a court. If it does address public complaints about government decisions, its role is seemingly judicial rather than supervisory. The other viewpoint maintains that there is no doubt about the judicial nature of the Administrative Justice Court's work and its status as a court. However, the court's work is essentially administrative in nature, involving the comparison of a specific case with administrative laws and regulations. The outcome of this debate and the argument that the Administrative Justice Court is a court and its procedures are judicial has significant implications. If the rulings and decisions of this body are deemed judicial, the protection of citizens' fundamental rights against the government will have significantly stronger guarantees compared to the results stemming from the purely administrative status of this body.

In summary, it should be said that there are reasons to argue that the Administrative Justice Court is a court and that its proceedings are judicial, including:

a. In principle, the direct involvement of a judge or judges in issuing a ruling is one of the essential elements of a judicial body (in its specific sense), meaning that if administrative or executive employees participate in issuing a ruling alongside the judge or judges, the issued ruling and decision have both a judicial character and the aspect of an administrative act.

b. The judicial nature of the Administrative Justice Court's functions and its establishment to protect the rights of citizens against the abuses of administrative and executive bodies have been stated in the speeches of the representatives of the Assembly of Experts for the Constitution. It seems that the constitutional legislator considered the judicial nature of the court's actions as a stronger guarantee for the observance of people's rights.

c. It cannot be denied that considering the Administrative Court as a court, both legally and psychologically, increases the court's influence and gives its rulings a double value. Considering the Administrative Court as a court will undoubtedly elevate its status, especially in the minds of the masses who see it as the only way to uphold their rights when facing government abuses. Moreover, the obligation to enforce a judicial ruling is significantly greater than a purely administrative ruling, and the possibility of obstruction or non-enforcement by government officials and organizations in the face of a judicial ruling is much less likely than an administrative ruling. Therefore, elevating the status of the Administrative Court and bringing it to its rightful place requires us to consider it a judicial authority.

d. The Administrative Justice Court, according to Article 173 of the Constitution of the Islamic Republic of Iran, is an institution affiliated with the Judiciary, not the Executive branch. This is unlike the Council of State in France, which is affiliated with the Executive branch. Of course, this fact alone does not directly prove that the work of the court is judicial. However, the fact that the constitutional lawmakers have placed the court under the Judiciary indicates that, in addition to intending to protect this institution from the interference of the Executive branch, they have implicitly affirmed the judicial status of the court. Otherwise, attaching a purely administrative institution to the Judiciary would not be very convincing.

e. The Administrative Court was established to resolve disputes between individuals and government organizations or officials. This goes beyond simple dispute resolution. It is fundamentally incorrect to argue that some disputes, due to their simplicity or lack of complexity, should be exempt from judicial review, while others should be subject to it. Therefore, every dispute requires adjudication by a judicial authority. Undoubtedly, regardless of the nature of the dispute, any such adjudication is a judicial process, and judicial proceedings are the responsibility of a judicial authority, namely a court.

f. The Administrative Justice Court, according to the Constitution and the provisions of Chapter Two of the Administrative Justice Court Act, is part of the judiciary. Its primary duty is to hear complaints and grievances from citizens against government officials and agencies, and to necessarily issue judgments to uphold their rights in the filed lawsuits. This is a clear example of the judiciary in its specific meaning. The similarity of words and phrases in Articles 159 and 173 of the Constitution, when describing the duties and responsibilities of ordinary courts and the aforementioned court, confirms the complete similarity and harmony of the work in these two prominent pillars of the judiciary. In addition to its broad jurisdiction and authority in expeditiously hearing various complaints and grievances, the court, in terms of its judicial jurisdiction and creating uniformity of procedure as the Supreme Court of the country, and in terms of reviewing government decrees and regulations, is considered the country's unique judicial authority. As a result, its judicial officials, in general, and its heads and alternate members, in particular, must be employed and appointed as judges with specific judicial qualifications.

g. The allocation of the authority to adjudicate disputes between the people and the government and its officials to the judiciary is based on the principles governing the serious matter of justice in Islam, which is a duty reserved for prophets and great successors. According to explicit Islamic rulings, judging is a religious duty of qualified jurists, and the assumption of this divine duty by those who do not meet the necessary qualifications is a great sin. Consequently, delegating this important task to executive branch officials is contrary to explicit Islamic principles, and for this reason, the judicial nature of the Administrative Court has been confirmed and emphasized in the discussions of the Assembly of Experts of the Constitution, and the word "administrative" in the title of this body does not change its true nature. (Simimi & Abbasi, 2017: 190)

Part One: The Fundamental Position and Forms of Quasi-Judicial Bodies in the Iranian Legal System

Considering that many quasi-judicial bodies have been established by ordinary laws, to examine the foundations and methods of formalizing these institutions in the Iranian constitutional order, the first part of this section will examine the constitutional position of quasi-judicial bodies in the Constitution and the views of the Guardian Council. In the second part of this section, the types of quasi-judicial bodies will be explained from a structural perspective.

Part Two: The Position of Quasi-Judicial Bodies in the Constitution and the Criteria for the Validity of Their Rulings

Based on numerous principles of the Constitution, particularly Article 34, the first clause of Article 156, and Article 159, the authority to investigate complaints and grievances of individuals in the Iranian legal system lies with the judiciary and the courts. However, in the current legal order of Iran, the authority to adjudicate a portion of individuals' claims and complaints has been assigned to bodies outside the judiciary, known as quasi-judicial bodies. A comprehensive review of the Constitution indicates that most of the quasi-judicial bodies that operate with a fundamentally judicial nature in the current legal system of Iran lack a legal basis or foundation within the constitutional framework (Sadralhefazi, 1993: 280).

Based on this, a question arises: Does the activity of these bodies, which are increasing in number day by day, contradict the Constitution and the defined authority of the judiciary? Another issue that can be helpful in understanding the basis of the validity of the rulings and opinions of these bodies in Iranian law is to delve into the Council of Guardians' arguments regarding the position of these bodies parallel to the judiciary and the philosophy and method of recognizing them in statutory laws.

As mentioned, the Constitution, in numerous articles, specifies the method and structure for handling complaints and grievances of individuals, placing this responsibility within the jurisdiction of various organs of the judiciary, including general courts and specialized courts. Therefore, it is clear that assigning the handling of complaints and grievances of individuals to entities outside the judiciary is contrary to the Constitution and lacks a fundamental basis in Iran's legal system. However, a review of the Guardian Council's stance in approving the fundamental position of these bodies in laws passed by the Islamic Consultative Assembly indicates that the Guardian Council, with the argument and perspective that the rulings of quasi-judicial bodies are ultimately reviewed and reconsidered by a judicial body (primarily the Administrative Justice Court), has not considered the formation of these bodies to be contrary to the Constitution and has recognized the position of these bodies in the country's legal order. In other words, as long as the avenue for appealing the decisions of these bodies is open to the courts of justice, this condition ensures that the constitutional principles regarding the right to a fair trial and the judiciary's authority to hear individuals' lawsuits and complaints remain intact. Based on this, an examination of the Guardian Council's thinking in this area indicates that this institution does not entirely object to the existence and creation of quasi-judicial bodies in the country's legal system, provided that they do not infringe upon individuals' right to seek recourse in courts. One evidence of this approach by the Council is Article 2 of the 'Cybercrimes Bill' approved by the Islamic Consultative Assembly in 2008, which stipulated: 'The working group (committee) is obliged to investigate complaints regarding instances of filtered content and make decisions about them. The decision of the working group (committee) is final.'

In reviewing this bill, the Guardian Council, arguing that the complaints raised in the committee of this clause are not subject to judicial review, deemed the aforementioned text to be in contravention of Articles 34 and 156 of the Constitution.

Further supporting this point is Opinion No. 4306 dated November 21, 1981 of the Guardian Council regarding the bill on the "State Audit Court" approved by the Islamic Consultative Assembly on November 29, 1981.

In this opinion, the Guardian Council has determined that: Articles 27, 29, 31 and its proviso, 32 and its provisos, 33, 35, 36, the beginning of Article 37, and Article 38, which stipulate that the advisory boards of the Audit Court shall conduct investigations based on legal regulations and issue rulings on compensation for inflicted damages or payment of government claims, and that appeals and retrials shall also be conducted in the same advisory boards, and finally,

their rulings shall be final and binding; since this type of investigation and opinion is a judicial matter, it is in contradiction with Articles 61 and 156 of the Constitution.

It is stated that the appellate body for the decisions of the advisory boards of the Audit Court in the aforementioned IREN bylaw was a committee composed of 5 advisors of the Board, as selected by the President of the Board. Another example of this is Clause 15 of Opinion No. 82/30/6421 dated November 25, 2003, of the Guardian Council regarding the 'Guild System' bill approved by the Islamic Consultative Assembly on October 31, 2003. The Guardian Council, in this opinion, declared that considering the opinion of the High Supervisory Board as final and binding was contrary to Islamic principles and Articles 34, 156, and 159 of the Constitution (Research Center of the Guardian Council: 2012: 492), noting that according to Article 53 of this bylaw, the aforementioned committee was composed of the Minister of Commerce as the chairman, the Minister of Culture and Islamic Guidance, the Minister of Interior, the Minister of Health, Treatment, and Medical Education, the Minister of Justice, the Minister of Economic Affairs and Finance, the Minister of Industries and Mines, the Commander of the Islamic Republic of Iran Police, the Mayor of Tehran, the Chairman of the National Guilds Council, and the chairmen of the guild associations of Tehran County. (Aeineh Nigini and Pourvini, 2019: 7)

Based on this, a review of the Guardian Council's rulings on this matter indicates that what has compelled the Council to approve the status of quasi-judicial bodies in Iran's legal system is the absence of a prohibition against appealing decisions and rulings from these bodies to courts and tribunals. In other words, from the Guardian Council's perspective, the establishment of these bodies is not contrary to the Constitution as long as their creation does not lead to the restriction or blockage of individuals' right to seek redress in the judiciary. Otherwise, the establishment of these bodies in Iran's legal system is considered flawed.

At the end of this section, it should also be noted that the Guardian Council has not always adhered to the aforementioned basis for the legitimacy of these bodies. For example, in laws passed and approved by the Guardian Council, the procedures established for quasi-judicial bodies created in these laws - even if they have blocked the path of seeking redress in the judiciary - have not faced fundamental objections from the Council. One such example is the proviso to Article 50 of the Law Combating Smuggling of Goods and Currency.

It should be clarified that, based on the aforementioned clause, rulings issued by the branches of the Administrative Organization for Combating Smuggling in cases of smuggling cannot be appealed to any judicial authority, including the Supreme Court. This is despite the fact that, according to Clause 1 of Article 8, the primary branches of the organization do not have a judge, and the beginning of Article 50 of this law declares the rulings of the primary branches of the Administrative Organization for Combating Smuggling regarding smuggling worth less than 20 million rials to be final. The text of the aforementioned clause also considers the rulings of the branches of the Administrative Organization, both at the first instance and the appellate level, in matters of smuggling to be non-appealable and non-protestable in court. However, it is clear that the existence of such contradictory examples cannot undermine the general approach of the Guardian Council regarding this matter. (Ayeneh Negari and Parvini, 2019: 8)

II. CONCLUSION

With the victory of the Revolution and the aim of establishing a correct administrative system and eliminating any form of despotism, autocracy, and monopoly, a new institution was founded based on Articles 170 and 173 of the Constitution. With the approval of its first law, consisting of 25 articles and 9 clauses by the Islamic Consultative Assembly on February 24, 1982, this institution began its activities following September. Later, the law of the Administrative Court was interpreted and amended several times by the Islamic Consultative Assembly until finally, on June 1, 2006, the new law of the court was approved by the parliament. However, due to some objections raised by the respected Guardian Council to some articles of this law, it was referred to the Expediency Discernment Council. According to Article 48 of this law, the Judiciary was obliged to prepare a draft of the Code of Administrative Procedure within six months and submit it to the Islamic Consultative Assembly through the government. However, the presentation of this bill and its subsequent amendments in the Judiciary and Legal Committee of the Islamic Consultative Assembly led to the passage of the bill on the Organization and Procedure of the Administrative Justice Court in the Islamic Consultative Assembly on September 13, 2011. Given the objections of the esteemed Guardian Council and the insistence of the Assembly on its previous decision, the Expediency Discernment Council ultimately deemed this decision, with amendments to Articles 94, 90, 89, 12, and 10, to be in accordance with expediency on March 15, 2013. Similarly, the emergence and growth of non-judicial administrative bodies in various legal systems may be inevitable due to the vast scope of government activities and the expansion of government undertakings. If we accept this reality, the only effort that should be made is to strive to organize a system that can create a coherent and sound relationship within its vast and complex structure. In the Roman and Germanic legal systems, efforts have long been underway to establish a suitable hierarchy for administrative bodies, accepting and acknowledging their quasi-judicial nature.

Although the common law system is still hesitant to fully acknowledge this reality, it cannot deny its effects. Therefore, in summary, it can be said that: firstly, according to Article 173 of the Constitution, since the Administrative Court is established under the supervision of the Head of the Judiciary, it is outside the jurisdiction of the executive branch and its status cannot be considered administrative. Secondly, the Administrative Court is a judicial body that can be placed at the head of quasi-judicial administrative bodies or courts by ordinary law. Thirdly, the Administrative Court is not the only competent authority to hear complaints and grievances against the decisions of quasi-judicial administrative courts; in some cases, ordinary courts also have the authority to hear appeals against the decisions of these bodies. Regarding the status of the Administrative Court in the Iranian legal system, it can be said that there are generally two viewpoints regarding the administrative or judicial status of the court: some believe that the Administrative Court is established only as a special tribunal to hear specific complaints and grievances, and may not even be a court and that when it hears a citizen's complaint about a government decision, its work is seemingly judicial rather than supervisory. Others believe that there is no doubt about the judicial nature of the work of the Administrative Court and its status as a court, but that the work of the court is, in terms of its nature, an administrative judicial work, that is, comparing a case with administrative laws and regulations.

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