

The dual Sovereignty of God and the People in the Constitution of the Islamic Republic of Iran and the views of the Founding Jurists

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Abstract

The article deals with the problem of a dual historical conflict called the sovereignty of God and the sovereignty of the people& its relationship with nationalism and nation-state. The question of the article is whether the connection between the rule of law&the rule of jurisprudence in Iran today is possible or impossible? Which is an easy question. The research method is the documentary-library method & referring to the opinions of the founders&the constitution of the Islamic Republic as the opinion of experts. The final result is that the constitution, based on ijthad of the founder of the I.R.I and the explanation of his theory, has tried to establish reconciliation between the divine sovereignty (manifested in fiqh) & the people's sovereignty (manifested in the law) in this way that It has defined the sovereignty of the people during the sovereignty of God. But our attention is on the law&that 1-in the constitution, being Islamic is one of the fixed principles, but the governing criterion for the differences of interpretations, Islam is the constitution & 2-until the conditions are prepared for the amendment of the law Fundamentally, within the framework of the current constitution, a way should be found to create the most democratic way for jurisprudential oversight of the laws, while respecting the Islamic nature of the system. So, institutions such as the Guardian Council, which have jurisprudential supervision of the laws but aren't elected, are subject to criticism

Key words: Sovereignty of God; Sovereignty of the People; Constitution; Ummat; Nation.

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