Bijan Bidabad / Int.J.Pol.Sci. & Pub. Admn. 4(2) (2024) 24-37

https://doi.org/10.51483/IJPSPA.4.2.2024.24-37 ISSN: 2788-8983

SvedbergOpen
DISSEMINATION OF KNOWLEDGE

International Journal of Political Science and Public Administration

Publisher's Home Page: https://www.svedbergopen.com/

Conceptual Paper Open Access

Public Law: An Islamic Sufi Approach

Bijan Bidabad[1*]

[1]Professor of Economics and Humanities. Islamic Azad University, School of Sciences and Research, Tehran, Iran. E-mail: bidabad@yahoo.com

Article Info

Volume 4, Issue 2, December 2024
Received : 21 August 2024
Accepted : 24 November 2024
Published : 25 December 2024
doi: 10.51483/IJPSPA.4.2.2024.24-37

Abstract

Purpose: The fundamental principles of constitutional law are briefly set. Although these principles are seen in the scripts of constitutions, they are defined herein another way, as Sufism believes. The principles of People's Sovereignty, Power Restraint, Ruling Body's Non-Exculpation, Separation of Powers, Independence of Powers, Balance of Powers, Superiority of Central Government, Publicity of Law, Respecting the Law, Checks, and Balance are criticised. **Design/Methodology/Approach:** We are going to explore the foundation of constitutional law from the theosophy approach of Islamic Sufism and mysticism. **Findings:** By raising ten fundamental principles, we propose the most important public law bases as a backbone for the compilation and promotion of constitutions. **Research Limitations/Implications:** Comparative research on other religions' Gnosticism will be helpful. **Practical Implications:** These principles can be used for applied debates in the field and be ended to promote constitutional law understanding and recompilation. **Social Implications:** Delicateness, truthfulness, and righteousness of Islamic Sufism may turn the attention of scholars and researchers to this rich viewpoint. **Originality/Value:** Public law scholars have not touched on the topic from the Sufi viewpoint. This paper opens a new challenging area for those who are engaged in the subject.

Keywords: *Public law, Constitutional law, Theosophy, Mysticism, Sufism, Gnosticism, Islamic law*

1. Introduction

Regulating relationships between individuals and government needs to determine the limits of their rights. The constitutional law determines this borderline and plays a fundamental role and social pact among government and individuals of society.

In this paper, we are not going to deal with the details presented in the constitutions, but we will consider the ruling generalities of the spirit of the constitutional law on the necessary and the most important basic

* *Corresponding author: Bijan Bidabad, Professor of Economics and Humanities. Islamic Azad University, School of Sciences and Research, Tehran, Iran. E-mail: bidabad@yahoo.com*

principles briefly. Structure and organisation of the powers and sovereignty as an important topic in constitutional law has its own variety in different countries, and we will not discuss it here.

2. Constitutional Law

Ernest de Sarzec (1832-1901) discovered the oldest constitution of the world in his archaeological excavations in ancient Sumerian places in the south of Iraq, which refers to 4300 years ago. The discovered text belongs to Sumerian king Urukagina of Lagash, which is almost the most ancient script around the world in the domain of constitutional legislation, and clarifies the rights and duties of citizens and government, the relationship between government and nation, country administration structures, ruling systems, governmental organisations, and powers… (Black, 2006). After that, among the written law codes about the sovereignty of states, we can refer to Ur-Nammu of Ur (2050 BC), Code of Hammurabi of Babylonia, Hittite code, Assyrian codes, Mosaic law, the commandments of Cyrus the Great of Persia (529 BC). Draco wrote the very brusque act of Athena city-states in 621 BC. The ruler of Athena, Solon (594 BC), compiled the Solonian Constitution. Aristotle was the first who differentiated law and constitution officially (350 BC). Ancient Rome called this law the Constitution, while the Popes called it Canon Law or Laws of Holy Writ. The Constitution of the Rome Empire was written firstly by Codex Theodosianus[1], the Roman emperor, in 438. Justinian the First[2], the emperor of Eastern Roman (Byzantine), wrote a set of laws in 534, which is recognised as the initial of modern European Law. Shôtoku Japanese Prince compiled a set of laws inspired by the Buddha's teachings concerning ethics in 604. The juridical parts of the Quran, after The Messenger's immigration to the Medina at the first Hijri year (622 AD), are the collection of Islamic laws for the administration of social affairs for Medina City at that time. Gayanashagowa Law, or The "Great Law of Peace" among the big tribes of Northern American Indians, was written during 1090-1150. Magna Carta Libertatum, or The Great Charter of Freedom for Britain, was signed by Henry III, the King of England, in 1215, which changed the Royal Government into a Constitutional-Monarchy, in which the King was forced to prefer the law to his will. One of the major articles of this law was that the king or others had no right to sentence anyone to prison, exile, execute or confiscate individual properties without legal process[3]. In 1240, Egyptian Abul-Faza'il Qebti, by combining some of Torah's precepts with Byzantine Empire law, compiled a new law in Ethiopia in 1450 and was executed as a constitution. Sancti Marini's Constitution (*Leges Statutae Republicae*) was compiled in the Latin language in 1600. The Law of the Connecticut colony in North America was compiled in 1639, which was of the earliest concrete constitutions in the West. The Age of Enlightenment in European philosophy history is referred to as the 18th century or the long era of rationalism in the 17th century. Denis Diderot (1713-1784) (Mason and Robert, 1992), François Marie Arouet Voltaire (1694-1778), Jean-Jacques Rousseau (1712-1778), Montesquieu (1689-1755) and Immanuel Kant (1724-1804) are philosophers of the Enlightenment Age. In this Age and in the second half of the 18th century, several modern and effective constitutions were compiled. The United States constitution was prepared in 1788 (Lutz, 1984). The opinions of Polybios, John Locke, and Montesquieu strongly affected the USA's Constitution.

Consolidation of a constitution depends on its stabilisering principles. Montesquieu's definition of the constitution and similar opinions separated the correcting, interpreting, and revising of the constitution principles out of the parliament's duties, so it could not be changed by statute laws and governmental arrangements, except by ratification of constituent assembly or referendum (Pangle, 1973).

Church rule during Medieval and religious fanaticism caused the religion of the society to be imposed on people as the religion of God, resulting in the emerging antithesis of imposing restrictions on the church's authority from inside of the church thesis. John of Salisbury was himself a supporter of church promotion, but he also criticised the church's authority (Coleman, 2000). He criticised that the church abused her power and had to be reformed. He proposed the sovereignty of law, and expressed that the rulers should be stopped if they act against principles of law and justice. And it is not anyone's duty to be against the king, but social disciplines should be respected, and it was a step towards the establishment of the constitution. Saint Thomas Aquinas,

---

1 "Codex Theodosianus" in The Oxford Dictionary of Byzantium, p. 475.

2 "Codex Justinianus" in Kunkel, 1966, p. 157.

3 Bidabad, Bijan (2018). Individual Law: An Islamic Sufi Approach. *International Journal of Law and Management (IJLMA)*, 60(6), 1338-1353, Emerald Group Publishing Limited. https://doi.org/10.1108/IJLMA-06-2017-0135

in the 13th century, separated politics from religion in the same direction (Coleman, 2000). He tried to conciliate logic and religion and coordinate religious and social principles in a way that both Christianity endures and a more brilliant political world for Europe came into existence. He is concerned with Aristotle's (384-322 BC) Politics and Marcus Tullius Cicero's (106-43 BC) insights, as well as Saint Augustine's, and briefly present this point that natural law considers both faith and reason and logic and these two can exist, along with each other, without intervention (Brown, 1967). He counts and defines four regulations due to their respect and importance orders. He knows Divine Constitution as the highest law, which is an eternal law and is based on Devine rationality. Below it, there is the natural law which includes the creation and its related laws. And then, there are legislations in messengers' teachings under it, and below it, there is a tradition which is resulted from mankind's experiences. In practice, the law was presented as a constraint on the ruler's power, and the determination of people's rights domain was proposed and was ended in the compilation of the constitution.

The philosophy of the constitution is presented in such principles that practically determine the borderlines of the government sovereignty.[4] Supporters of Etatism theories, i.e., supporters of the superiority of government authority, are always less agreed with the above principles, and in contrast, the government guidance approach of Dirigism says that the government should not only be restricted but guided.

3. People Sovereignty Principle

The social contract, which is a covenant between society and government, practically puts the ruler as representative and advocate of the people, and by sacrificing some parts of their rights to the government, people accept the government's rule over themselves. In this direction, The Master of the Gonabadi Sufi Order, in an article under the title of "Covenant with the government",[5] writes: "The word covenant which has been used here very correctly and suitable stimulated me to bring a definition of the exact meaning and usage of this word. The old articles of our Civil Law, which were compiled by a commission of the highest-ranking jurists and senior lawgivers, mention a famous juridical principle in Article 183: "When one or some persons commit to doing an action for one or some other persons according to their mutual acceptance, it is called a contract". Usual agreements at the level of ordinary people are referred to by the words such as agreements, contracts, etc. But when the sides of a commitment are not real persons, and for example, are nations or governments on two sides instead, or the quality of the commitment is at a very high level, it is referred to as a "covenant", like the current international conventions[6] such as human rights, civil and political rights conventions and … About the signed pacts by the Holy Prophet (PBUH) with idolaters in Mecca, which in fact, the sides of the contract were not individuals, but were two separated societies, i.e., Muslims' community, and the Mecca idolaters, the word covenant has been used: "Except to reach to a group, between you and them there is a covenant"[7], or the verse: "If he belonged to a group with whom you have a covenant"[8]. Also, on occasions in which the subject of agreement and promise is highly important, it is referred to by the word "covenant": "Because they broke their covenant, We cursed them and hardened their hearts."[9] Or the verse: "Those who break Allah's Covenant after ratifying it"[10]. Also, the commitment that one side of the contract accepts responsibility, or the other side commits him, is called "covenant": "And (remember) when We took from them (prophets) firm covenant"[11], or

---

4 Bidabad, Bijan (2018). Philosophy of Law: An Islamic Sufi Approach. *International Journal of Law and Management*, 60(5), 1179-1195. https://doi.org/10.1108/IJLMA-06-2017-0132

5 His Holiness Haj Dr. Noor Ali Tabandeh Majzoub-Ali-Shah the Second. (2002). Covenant with Government. *Law and Social Collected Papers*, Haqiqat Pub., 1st Ed., 191-196.

6 Bidabad, Bijan (2011). Public International Law Principles: An Islamic Sufi Approach, Part I. *International Journal of Law and Management (IJLMA)*, 53(6), 393-412, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/17542431111185178

Bidabad, Bijan (2012). Public International Law Principles: An Islamic Sufi Approach, Part II. *International Journal of Law and Management (IJLMA)*, 54(1), 5-25, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/17542431211189588

Bidabad, Bijan (2017). A Declaration for International Relations (Based on Islamic Sufi Teachings). *International Journal of Law and Management (IJLMA)*, 59(4), 584-601, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/IJLMA-12-2015-0061

7 An-Nisa, 90.

8 An-Nisa, 92.

9 Al-Maidah, 13.

10 Al-Baqara, 27.

11 Al-Ahzab, 7.

the verse of: "And we commanded them, transgress not on the Sabbath (Saturday), and we took from them a firm covenant"[12]. Due to the mentioned points, according to Quran customary meaning as well as Persian literature texts, the "covenant" is referred to a contract which has high and specific importance, for status belonging to the parties, or quality of commitment inserted in. When ordinary promises are necessary to be fulfilled-fulfilling the promise is the criterion of piety and of conditions of faith "Successful indeed are the believers…and those who keep their trusts and covenants"[13]—in a manner of priority, fulfilment of major covenants are necessary to be considered, and beyond the two parties of the covenant, others as beneficiaries of the covenant are gained benefit by its fulfilment. The issue of the fulfilment of commitments is so important in Islamic ethics that Quran knows covenants signed with idolaters as those that are necessary to be fulfilled: "Except those of idolaters with whom you have a covenant and have not subsequently failed you in aught …so fulfil their covenant to them for the end of their term, surely Allah loves the pious"[14], that here, fulfilling the covenant even with the idolaters is considered as the evidence of piety, and from the other side, breaking the covenant was denounced in several cases (cited in some of the verses). By bringing this introduction, it becomes clear that applying the word "covenant" in the title of the mentioned report is very suitable and exact, and in the end, the sovereign body in general (and not the government in its particular meaning), is standing on the other side of the covenant held with people. The government, as a pillar and part of the sovereign body, is committed to the duties that have been determined for it in this covenant. This covenant, due to the importance of the people (one side of the covenant), has a particular position and greatness. The 56th principle of the Constitution (of Iran) says: "The absolute sovereignty over the universe and human beings belongs to God, and He is who has ruled mankind over his own fate. No one can take this Divine right from a human being, or put it for the benefit of another individual or specific group at their services, and the nation will apply this Divine right through the ways which will come in following principles." People, on the basis of national sovereignty, and due to this credence that have the position of God's representative on the earth bestowed by God, have contracted a covenant, and in fact, God stands on one side of the covenant with the sovereign body. Due to this covenant, people remise the execution of their sovereignty right to authorities to serve as their representative. According to this covenant, each authority from the highest rank to other organisations and members in charge are committed to certain duties and are committed to considering the covenant against people. No one of the authorities has the right to encroach more than her duties or does an action not fitted to her qualifications or short her commitments performance. It is obvious that delinquency and fault of any individual or institution must be prosecuted by the other righteous authorities and eradicates the probable bad infraction effect of trespass. But if the whole ruling body does not act due to the covenant, not only they will be considered as evidence for "Those who break Allah's Covenant after ratifying it"[15], but moreover, in the case of repeating trespass, the nation will be allowed to do similar activities and becomes allowed to act against her covenant. … Also, it is written in the Preamble of the Declaration of Human Rights -which has been accepted by Iran's government- that: Since protecting human rights by a legal system is a fundamental affair due to which man would not be forced to lodge an appeal and that is the final remedy against oppression and tyranny starts to rebellion.[16] According to this basic social rule, governments are premonished against breaking the covenants held with the people and against the government oppressions and tyranny and law-breaking; people are pledged to rebellion. In the early years of Islam, this covenant between the nation and the government was reminded as *Bayat* (oath of allegiance), through which the Caliph held a commitment in front of the people, and the people also did the same as the evidence of "Obey Allah and obey the Messenger and those of you who are authorised"[17] find themselves committed to considering the *Bayat* and obeying the Caliph, and this was after their mutual commitments. After killing the second Caliph and establishing the council, *Bayat* was proposed to Ali (AS) to accept to behave upon the Book of God and the *Sunnah* (tradition) of the Prophet and the two Sheikhs' way of lives. Ali (AS) refused to accept to behave like the two Sheikhs' way of life, and

---

[12] An-Nisa , 154.

[13] Al-Mu'minun, 1-8.

[14] A-Taubah, 4.

[15] Al-Baqara, 27.

[16] "Whereas it is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law". Universal Declaration of Human Rights Preamble. http://www.ohchr.org/EN/UDHR/Pages/Language.aspx?LangID=eng

[17] An-Nisa', Verse 59.

accordingly, he was not appointed as ruler. Ali (AS), in spite of having full absolute Divine guardianship, but he did consider his innocence position is bound to *Bayat*, which means he believed that he was obliged to consider the conditions primarily accepted for ruling during *Bayat*, and even this absolute guardianship did not exempt him from bearing the commitments, and so, he refused to accept the *Bayat*. But Othman accepted the *Bayat* with the same conditions, but after settling and getting the caliphate, he refused to obey the conditions; thus, the Muslims revolted against him. The rebellion of people against the third Caliph was also due to the fact that they believed he had deviated from the conditions of *Bayat*, and accordingly, doers of *Bayat* were allowed to break the *Bayat*. Up to this extent, the reasoning did not face fault adduction and objection, but as he was killed arbitrarily, his murder was just the issue of the objection. In today's liberal governments, this covenant and its conditions are presented as the constitution script, and the people approving it after then, all individuals accept to obey it, and if were assigned to any position to perform the related duties and responsibilities according to that law …".

4. Power Restraint Principle

This principle is derived from the public sovereignty principle. The government power is due to the predetermined regulated characters, and the sovereign is limited to consider them based on the people's will and according to the constitution, and the government is restrained from enacting in this framework.

In relation to this topic, in the article "Separation and independence of the powers derived from national sovereignty,"[18] it is explained: "… it is a very interesting and suitable combination between two theories which western jurists used to know them as opposites: (1) Theory of Sovereignty of God which in pre-renaissance and under the church, influence systems had been known as government power; and based upon it, the ruler knew his power from God and Destiny. (2) On the other hand, the theory of national sovereignty, which knew the peoples' vote and trust as the basis of government: people elect some representatives directly or indirectly, and allows them to administrate and rule over the society. Principle 56 (of Iran's Constitution) knows the people as the power of Iran's national sovereignty as the basis of the ruling power, and in practice considers this approach as dominant in Constitution, and it is laid down that: "Unlimited ruling power over the universe and man belongs to God, and it is He who has ruled man over his own social destiny. No one can take this Divine right away from the man, or account it for the benefit of specific individual or group, and the people will apply this God-bestowed right in the manner which will come in the next principles". The first sentence of this principle negates modern jurists' theory, which does not know peoples' will as the creator of law and independent of legislation; but at the same time, it knows him as the Divine's caliph and as Allah's deputy -but not as independent- dominants on his own destiny, and appoints him for applying this God-bestowed right. Also, on the other hand, by mentioning the phrase: "No one can take this Divine right away", considering the right of sovereignty even more powerful than any other legal doctrine guarantee, and it introduces the aggressor to this right as the perpetrator of "Divine right divestiture" from people. People apply this Divine right by ruling powers in the Islamic Republic of Iran … Direct and indirect endamage to this principle shakes the basis of the system. In different law schools, this point has also been considered very much, and all the law schools cite this principle directly and indirectly in such a way that in all legal systems, this principle more or less has been accepted and applied as a self-evident truth, and we avoid long discussions about self-evident truths here. Nonetheless, in this field, theoretical and practical debates have also been observed in such a way that existing differences in this field are thematic and meaningful, not commanding and conceptual. That is, it seems that all accept the subjects of separation and independence and do not propose its trespass, and even do not consider such an intentionally trespass—and at least unintentionally-opposite to the system; but there exist different ideas about which action is considered trespass or what action is correct or trespass …".

The power restraint principle is determined in the framework of the constitution, and this law determines and restrains the formation of organisations and powers and their authorities by design. In this regard, it has been said[19]: "… The people should be informed about the affairs of any circumstances. They should know different beliefs to be able to reject the false, and follow the truth and strengthen it. According to the command

[18] His Holiness Haj Dr. Noor Ali Tabandeh. (2002), Separation and Independency of Powers Initiated from National Sovereignty. *OpCit*., 191-196.

[19] His Holiness Haj Dr. Noor Ali Tabandeh (2002). An Oppressed by the Name of Constitution. *OpCit*., 62-69.

in verse 9 of Surah of Al-Hujraat, it is said[20]: "And if two parties or groups among the believers fall to fight, then try to make peace between them both. But if one of them outrages against the other, then fight you (all) against the one which outrages till it complies with the Command of Allah". People are required to enter these ideas contradictions and discussions, and evaluate actions (and not just about the speeches which result in reticence) of political elites and then protect the true side. Therefore, people's intervention is a forcible matter and not to be allowed to request them to stop entering these debates, because this analysis is an introduction to intervene in destiny, and is an obligatory introduction …".

5. Ruling Body's Non-Exculpation Principle

According to this principle, all authorities of the ruling class are under the control of law with no exception; they are responsible and must be responsive.[21] It is said:[22] "… Domination and power of the dictator should not be taken wrongly instead of the legal power of the ruler, or the law power, because, the law power is exactly in the opposite direction of dictator's power. The power of law guarantees legal freedom of people and is the highest transcendence manifestation of a nation's sovereignty. Law must be ruled for all and be executed equally for everybody. The narrated stories of the early years of Islam and the life of the Holy Prophet (PBUH) show His Holiness himself followed and obeyed the law, and after the canonisation of an issue, the power of law was executed equally for everybody and without any discrimination, included His Holiness as well. In the design of the Iran Constitution, inspired by this basic point, Principle 112, it is prescribed that: "The Leader or members of Leadership Council as other people are equal beyond the law." No neglectfulness and glibness are allowed in executing the law, and for executing the law decisively, related authorities should have legal power, but every one of them, with the restriction of heavy responsibility, should exert forcefully just within her own area of competence. And it should not be so that one or some special persons monopolise the power exclusively at their own hands and exceed constitution limits, but every authority must be able to act forced upon her duty within borders of constitution and statute law, and should exert forcefully in that direction without fearing any authority or person."

6. Separation of Powers Principle

History of the theory of separation of powers and its role in organising and dividing the major duties of governments goes back to Aristotle and Plato. Aristotle, in his book of Politics,[23] provides a definition of the three powers for the first time, though the three powers of Aristotle differ from the one which has been defined and accepted in nowadays constitutions. The role of various powers has gone under attention in accordance with the acceptable philosophical and political *modus operandi* of Greek theosophists' works. But, what is interesting is for jurists and politicians as the separation of powers principle comes from the achievements of the 17th and 18th centuries.

The natural law school and the jurists such as Hugo Grotius (1583-1645) described the duties and powers of the political authority (Hugo Grotius, 2001). Pufendorf (1632-1694) considered the following duties or powers for the government (Took and Ward, 1719):

1. Legislative power
2. Establishment of prosecution as a guarantee for the implementation of the law
3. Judiciary power
4. War and peace, and signing the international treaties
5. Levying and collecting tax
6. Appointing ministers and their subordinates
7. Regulating public teachings

---

[20] Al-Hujraat, 9.

[21] His Holiness Haj Dr. Noor Ali Tabandeh. (2002). No One Introduces the Responsible? Why?. *OpCit*., 19-22. And also *Ibid.* Critique Letter to Attorney General. 58-60.

[22] His Holiness Haj Dr. Noor Ali Tabandeh (2002). Colonialism Culture. *OpCit*., 180-184.

[23] Aristotle, Politic. Translated to Persian by Hamid Enayat, 2nd print: Jibi Books Co., 1970.

Splitting this type of duty was being considered as a disagreement with rulings because, in their approach, someone or one central apparatus necessarily should link the needed connection between different affairs and duties so that the coordination that is necessary for sovereignty should not vanish. Jean Bodin (1530-1596) also describes five to six sovereignty manifestations (Franklin, 2006), but he recognises sovereignty as undividable, and legislative power as the most major power, and the other ruling manifestations are to be derived from the legislative power that in practice should be gathered together under this power and her supervision. In John Locke's view, the three powers of legislative, judiciary and federative should be separated from each other. The federative power is responsible for the war announcement, signing of peace pacts and international treaties; the cases that nowadays are considered for executive power. He does not mention judiciary power in his writings intentionally because he considers judgments out of political functions and power relations. Montesquieu writes The Spirit of Laws about the separation of (legislative, judiciary and executive) powers. He was inspired by his studies about England's political institutions and especially by John Locke, and its effect was clearly observable in forming the USA in 1787 and France in 1791, and Norway in 1814 Constitutions. He believed that every authority necessarily needs to be restricted, because of the power, due to its nature, will to rebel. In this way, the balance of power was presented through the separation of powers theory. In order to avoid power misusing, the ruling apparatuses should be regulated in a way that the power stops the power; and achieving this needs the powers to be separated from each other. On the other side, to achieve unique sovereignty, centralisation and coordination are basic.

Montesquieu separates moral piety, religious piety, and political piety from each other in the book "The Spirit of Laws". By political piety, he means patriotism and egalitarianism. He emphasises the laws which provide and guarantee freedom and prevent using power against citizens are the main guarantees for the continuation of political systems as well as being considered patriotism and equality. Based upon this conclusion, institutionalisation of freedom in law results. That is, by the institutionalisation of freedom in law and compiling a constitution based on freedom, we can approach a stable political system, patriotic consolidation and citizens' equality. Montesquieu pays attention to the other elements such as nations' cultures, traditions and habits, climate conditions of countries, religion, history and cultural heritage, which he totally calls the national spirit that should be considered in legislation. He believes that by disregarding the national spirit, the political and legal system cannot be stable or efficient. Moreover, it is not possible to change the identity and national spirit rapidly in all aspects with the help of laws and politics. He argues that if the freedom and behaviour of the people, according to their inner willing—to such an extent that it does not disturb the others- is not to be accepted, the society will not step towards improvement. Against Hob's viewpoint, Montesquieu knows the head of government as the executor of laws and not its legislator. Montesquieu believes that the national sovereignty right—that the people's elected parliament is its manifestation- is superior to the government and judiciary power.[24]

In this regard, His Holiness states[25]: "The Separation of Powers Principle has been inserted in the Islamic Republic of Iran's Constitution. In this law, for the first time, another power has been added to the classic triplet powers, and it is the Guardian Council, which acts as a brake against the absolute ruling sovereignty of legislation power (in classic laws). Though some pretend that the Separation of Powers Principle is neoteric, but the Islamic procedures, especially the Shiite school, observes it clearly-specifically in the matter of the power of the judge and her disaffiliation to government and politics. … Islam and especially the Shiite school, is so comprehensive and capable that, in every period of time, it can solve the human being's problems in accordance with the Islamic high objective framework. Even the orientalists and the lawyers seek any excuse to offend Islam, accepting this theory inevitably. Confirmation and validation of customs and habits of the nations (while they are not in contradiction to the general principles of Islam's Monotheism) and also the openness of *Ijtihad* (jurist opinion) are two windows toward the future which cause motivation and richness of laws in Islam. This motivation also exists in social, political, and economic aspects and can satisfy the necessities of the society consistently, and the continuation of this very motivation is that which can be considered as the "real continuation of the revolution". Real continuation of the noble movement of revolution

[24] His Holiness Haj Dr. Noor Ali Tabandeh. Analysing the Functioning of the First Period of Supreme Juridical Council. *OpCit*., 162-169. And also see: *Ibid*. Consultativeness of Head of Judiciary Power. 213-218.

[25] His Holiness Haj Dr. Noor Ali Tabandeh, Social Talisman. *OpCit*., 95-99.

can be interpreted as "the government politic" customarily; because the politic is always a new-seeker and always guides the dynamic aspects of the society. Always, the governments should not stop sufficing the existing possibilities and should not stop in her present existing position, and should always look for the more ideals for mankind and try to push the society's upbringing toward an ideal human future, and also should try to satisfy social and economic needs of the society day by day better. Should prevent emerging supererogatory needs, and on the contrary, she should motivate useful spiritual and material needs to continue the development of the society toward satisfying needs and evolution, and preventing the society from sticking in inactive and tranquillity moods."

7. Independence of Powers Principle

From the Separation of Powers theory, two different types of absolute and relative separations are conceived. The absolute separation of powers means no intervention of the three powers into the other's realm. It means they seek a balance of the powers. The others believe that absolute separation of powers is neither practical nor rede because determining an exact and clear border between the executive and legislative deeds is not possible, and because all the three powers possess the same unique reality, which is national sovereignty; therefore, every one of the three powers cannot go forward except in accompanying with the two others' developments, and the expediency does not require that the natural connections among the institutions to be cut. This group goes toward a type of cooperation of powers, or in other words, relative separation of them. In the relative separation of powers, the three powers are considered as different manifestations of unique political sovereignty, and separation is considered for the division of works. Separation should be done in a way that the power not to be concentrated in one place, and secondly, it should not act as a barrier to ruling sovereignty.

In regimes representing the absolute separation of powers, the president is elected by the people and is responsible for executive power. The members of the legislative power are elected by the people. These two powers are theoretically at the same level and have equal support, and none of them has the power to shorten the functioning period of the other one. Maurice Duverger says about these regimes:

1. The duties of every apparatus are professional, and none of them interferes with the others' duties.
2. The apparatuses do their duties themselves solely. Law is made just by legislative parliament, and the executive power does execute the law or provide some executive fields by approving some more specific regulations (ratifications, regulations, circulars, etc.).
3. Governmental organisations are independent of each other, none of them follows the other, authorities do not interfere with each other, and none of them is higher than the other in rank.

In the regimes with relative separation of powers, interrelation and cooperation of powers should be linked to each other by legal and political provisions to settle the totality of sovereignty while being distinguished. Apparatuses and duties of every power are net disconnected and have shares in national sovereignty. In these systems, the public will appear suddenly but with degrees and is transferred from the initially selected apparatus to the other organisations and entities and are settled down in institutions. For accomplishing such a separation, the following three basic conditions are required:

1. Establishing distinction among existing duties of government and submitting every homogeneous class of the duties to a distinguished organisation.
2. In contrast to what was said about the absolute separation, distinguished organisations are not specialised. That is, their functioning in some places is common.
3. Every power possesses some provisions and means that can affect the other.

One of the major aspects of the separation of powers principle is the independence of judiciary power and judges from political parties. The major measure for the good execution of law necessitates the independence of judiciary power to be paid more attention than the other powers because this power is who monitors the correction and coincidence of execution and law. In the direction of this very discussion as the condition for endurance and stability of the country, it is said that[26]: "Independence should not be meant as autonomy,

[26] His Holiness Haj Dr. Noor Ali Tabandeh, Independency of Judges as the Condition for Endurance and Stability of Country. *OpCit*., 225-228.

because every individual and authority has a responsibility to the society even if having perfect independence, and no one can shrink his responsibility with the excuse of independence, or counts himself as an exception from monitoring and controlling. The second point is that independence comes when no authority or ruler, even within the judiciary power and even its head, can change a judge or discontinue his job without proving his delinquency or fault. If the judge's credential is to be related to an individual decision of a person, and without a court judgment, he will never be safe. There is no difference if we call this individual a minister, the head of a high judiciary council, or head of judiciary power; anyhow, in such a system, the judge is not safe. The danger of secession and replacement is above his head like the sword of Damocles, and the way of penetration is completely open …".[27]

8. The Balance of Powers Principle

Along with the Separation of Powers, the Balance of Powers Principle was expressed by Montesquieu in "The Spirit of Laws". The aim of separating powers is to provide a balance among the powers via controlling the force of one power by the other ones up to a limit that does not allow one power becomes autonomous or stubborn and results in stability of society in the end.

The legislative power should be distinguished from execution power because if the latter dominates it, the executive power would justify all its activities legally by lawgiving and can push the political system toward corruption. The executive power in the execution of legislative power's commandments needs to be monitored by judiciary power. In some constitutions, particular preparations are observed for balancing the powers that may also disrupt the balance of powers even though the main object of such institutions was to control and adjustment of the powers more.[28] In this regard, that is the role of judiciary powers in democracies; it is said[29]: "Although the separation and division of the ruling power of the society into three powers of the judiciary, executive and legislative are to some extents almost according to the nature of the government, and every government contains these three aspects—but in dictatorships, all three powers are derived from one root-even though it can be said that, for the first time, Montesquieu defined it clearly and announced the necessity of their separation from each other. In his opinion and that all scientists of democracy school, the legislative power must be independent to ensure social security for the society. The duties of legislative power and its role in a democratic system can be extracted from this division, and the conclusion derived from it is as follows:

1. **Preserving Existing System:** A modern society should always be in gradual transformation, and whenever any sort of deficiency or failure is observed, it should intend to eradicate it. In this way, the executive and legislative powers are always allowed to eradicate the deficiencies and, if needed, correct the laws - even the constitution–concerning special ceremonies. But against this transformative and new-seeking process and for having confidence in the stability of the country, the judiciary power has been missioned to preserve the existing system of the country. Judiciary power is responsible for "preserving the existing system", that is, executing approved constitution and ordinary laws with a closed mouth of advertising and a strong belief and faith in the oath and with neutral eyes. Politics is and has been a manifestation of change and new-seeking, and legislative and executive powers are responsible for it, and justice is the manifestation of stability and security, and judiciary power is responsible for it. Never and ever, and at no time and in no place, judiciary power has done a *coup d'état* and has always resisted any coup to the constitution, and the entire *coup d'états* around the world were rooted in the other two powers. That is how we see when the France Great Revolution started, and its aim was to change the existing system; for the first step, the old parliament was dissolved (the courts which could issue general verdicts, and so their verdicts were both propounded peremptory litigation and were also valid as law for future). Because the nation knew that these high ranks of judges and lawyers were faithful to the existing system, and this existing announcement of faithfulness and their lack of submission to the revolution were considered as their nature, and they were not worried about them, but it caused them to trust the judges more than before, and they were invited to

[27] His Holiness Haj Dr. Noor Ali Tabandeh, Independency of Judiciary Power – Judges' Neutrality. *OpCit*., 136-142.

[28] His Holiness Haj Dr. Noor Ali Tabandeh, Controlling the Regulations of the Approval – Letter to Respectable Guardian Council of Constitution. *OpCit*., 176-179.

[29] His Holiness Haj Dr. Noor Ali Tabandeh, (1976). The Role of Judiciary Power in Democracies. *OpCit*., 10-18. *Bar Association. Scientific, Law, Critical Journal*, Year 28, Spring-Summer.

work again after revolution victory and offered them the responsibility of preserving the new system (that now has become the existing system). … It is clear that this duty has been appointed for all judiciary powers in different systems around the world. There is no difference that if the government is democratic, dictatorship, monarchy or republic. In this regard, Maurice Duverger, a professor of constitutional law, says: "For the French, it is surprising when he hears that there is a monarchy regime in Belgium and the prime minister of that country (Van Aker, the prime minister after the 2nd World War) says: this regime is as necessary as bread and the monarch is as respectful as the family for the people, or that, in England the king is reigning over the people that the responsibility for his actions is on the shoulders of his ministers. He adds that this regime is rooted in the belief that it is necessary and interdependent of this that "it is not probable that the king does a bad action. He is sacred and not removable. All the goods come from him." And then, following the responsibilities of the ministers, he adds to the above discussion that: "…. at the time of anger and rage of people, ministers with their responsibilities are acting in fact as a veil against, and protect this holy authority from the aim of people's rage and anger, and vice versa, they are removed at necessary times so that the people can show the signs of gratitude and dignity to him, and oh if they act against it." This role of judiciary power is of its most important roles in history. Two historical examples are brought here to understand the importance of this role. After the occupation of Belgium by Germans and during World War II, the Council of Ministers and the majority of the representatives of Belgium's Parliament ran away abroad. They took decisions as the real government of Belgium (free Belgium) and announced it from London and Paris radios. Inside Belgium also, Leopold, the king and a council of ministers that were imposed by the Germans took decisions under the pressure of the German guns. The Belgium Judiciary Power accepted the free Belgium government's decisions as a legal government and rejected Leopold's decisions as illegal. It is said that similar to the fact that the army and guns supported by the patriotism of the nation won the war, it was the judiciary power that saved the regime of the country and monarchy in Belgium. If Belgium expended her entire budget on guns, she could not overcome the Nazi German, and her official army was too few. Judiciary power equipped the people by conveying a sense of stability and security. In Belgium, judiciary power and army (official and unofficial) were who won the war and preserved the regime, not the guns, because by grasping the stability belief, the entire nation became an unofficial army and all the houses became trenches. Moreover, it was during World War II that the Switzerland lawyer professor Miliand wrote an article against Hitler and on the basis of this article German government fulminated and raised the point that Switzerland was not neutral anyway. But the judiciary power by condemning Professor Miliand and referencing the object that "since the transcendental expediencies of the country and preserving neutrality which is the main basis of the existing regime, the apparently legal sophistry words are not accepted" and passed a judgment and preserved the country from the Nazi Germans' occupation.

2. **People Security:** Due to the influence of liberal philosophers' thoughts in the 18th century and especially Montesquieu, the principle of division of a country's powers into legislative, executive, and judiciary and their independence were accepted by democracies. Based on this principle, the responsibility of legislation was given to legislative power. George Ripert says that parliament is a surrogate of absolute power, but this surrogate increased its tyranny and power even more than previous dictators. Even though Louis XIV believed: "I myself am the law", but he never could and dared to intervene in peoples' emotional subjects like couples' relationships and the number of children, and so on; but his surrogate, the Parliament, knew itself absolutely rightful and free to issue imperative regulations about all detailed aspects of people's life. Following the discussion, Ripert adds: "how silly is to consider the regulations increase in number equal to modernism! But we follow exactly the opposite path to the aims of the Great Revolution of 1789. Our ancestors believed that a few number of principles in law could be sufficient for peoples' guidance, but we are under the illusion that plenty of laws and their details can be coordinated freedom. Power and independence of judiciary power guarantee peoples' rights and is the result of freedom, not …" In this way, within all regimes, judiciary power exists, that if it has power and independence, it can provide security for the people and protects them against the autonomy even of the legislative power-up to the possible limit. In some regimes like USA and India, judiciary power has the right to abolish laws against the constitution; but in France and similar countries, the mentioned control does not include the laws….

3. **Alarm Duty:** An unfeigned judiciary power executes the laws correctly and preserves the existing system. Whenever the people are not content with the functioning of judiciary power, it is a sign that people do not approbate the existing laws because the judge is a manifestation of the law in the eyes of people, and it is at this time that governmental organisations and political powers should pay attention and change the ruling system toward the road of justice. Just like the pain in the body of a human being, which acts as an alarm that makes the person look for treatment, judiciary power also has the duty of enervation. Reduction of competence and authority of judiciary power and transferring them to the other authorities is like prescribing an anti-pain pill and stupefacient for not sensing the pain. Such a patient will surely be defeated soon for the cause of hard disease attack and publicity of illness. The patient must be treated, and in the process of treatment, of course, anti-pain pills temporarily might be used.
4. **Conclusion:** Judiciary power is a lab of law science, and its experience should always be used for compiling regulations. The method of law giving should be so that the experiences of all experts are used, and it should not be in the hands of a few groups exclusively so that the result of their work causes new problems in practice. In order to play its role in the best possible form, three conditions should be fulfilled for judiciary power: independence, powerfulness, and possessing the right management. Judiciary power should be independently against the two other powers, and its life bottle should not be at the hands of the others to be able to do its duties precisely; and also should be powerful enough to be able to control the execution of all laws throughout the country, and no juridical affairs are not out of its power realm, not just like a killer-gun but deadly fall in the hands of executive power for killing anyone it wants or not. Proper management is also necessary for judiciary power administration and judges' promotion according to regulations and not the relations, till the good and neutral judge can progress well and impartially, and in every situation can do his tasks."

9. Central Government Superiority Principle

The administration is based upon organisation and hierarchy, and the organisational hierarchy provides law execution and management relationship practically. The central government superiority principle originally expresses this hierarchy in the establishment of the government and its subsequent institutions.[30]

10. Publicity of Law Principle

Publicity of law is in the direction of the previous principles and is one of the practical concepts in implementing the constitution. This principle bounds the legislator, executives, and supervisors of the constitution to consider individuals all equal before the law.[31]

11. Respecting the Law Principle

Respecting the law means when the law passes the necessary approval procedure, it becomes enforceable, and people and government must act due to them, and judiciary power and juridical courts in all trials must consider it.[32]

12. Checks and Balance

Controlling mechanism for governments' functioning, under the title of "Checks and Balance", is one of the major methods in governmental adjustments. Generally, rulers' authority can cause disobedience from their given duties. Therefore, on this basis, monitoring methods are to be invented and applied for surveying the functioning of the rulers so that authority and power would not cause oppression and corruption. "Checks and Balances" is one of the common monitoring methods which are prevailed in present societies, which at different times check the government's function, and in the case of indulgence and wastage in performing duties, necessary steps to return the government to her balanced legal path are taken.

---

[30] His Holiness Haj Dr. Noor Ali Tabandeh, Open Letter of Attorney General about Justice Organization. *OpCit*., 102-112.

[31] His Holiness Haj Dr. Noor Ali Tabandeh, Revising the Press Law, General Discussion about Provision and Compilation of Laws. *OpCit*., 280-287.

[32] His Holiness Haj Dr. Noor Ali Tabandeh, Observance of the Law in Trials. *OpCit*., 271-276. And also *Ibid*. Law or Dictatorship. 133-122. Also *Ibid*. Where has the Revolution been Reached? (Legalism and Revolution). 170-175.

In the text of the letter addressing Malik Ashtar, His Holiness Imam Ali (AS) says: "Then look through the officers of your State and after examining them appoint them to jobs. These appointments must not be made on your own favouritism and without others' consultation; because going on favouritism and not caring about others' opinions is oppression and treachery. Select such officers from the experienced and honourable persons of respectable families who had served Islam heretofore and are more hearty-attached with noble ethical characters and better repute and less greed and more far-seeing. Keep them well-paid so that they try to modify themselves to make them needless to prevent them from misappropriation of the property of the State which they hold in trust and causes them to obey your orders and keeps them far from malversation. Therefore keep a careful watch over their works. Appoint trustworthy and honest spies to watch over the activities of your officers. Your hidden watch on their works will force them to be honest, trusteeship, and kind to people. Protect yourself from dishonest officers. If one of them did treachery and rapport of your intelligent service submits acceptable proofs of his dishonesty, then it suffices to you to prosecute him by bodily punishment and conquer what he has gotten. Then degrade him and know him as a traitor and put him stigma necklace on".[33]

References

Bidabad, Bijan (2011). Public International Law Principles: An Islamic Sufi Approach, Part I. *International Journal of Law and Management (IJLMA)*, 53(6), 393-412, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/17542431111185178

Bidabad, Bijan (2012). Public International Law Principles: An Islamic Sufi Approach, Part II. *International Journal of Law and Management (IJLMA)*, 54(1), 5-25, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/17542431211189588

Bidabad, Bijan (2017). A Declaration for International Relations (Based on Islamic Sufi Teachings). *International Journal of Law and Management (IJLMA)*, 59(4), 584-601, Emerald Group Publishing Limited. http://dx.doi.org/10.1108/IJLMA-12-2015-0061

Bidabad, Bijan (2018). Philosophy of Law: An Islamic Sufi Approach. *International Journal of Law and Management*, 60(5), 1179-1195. https://doi.org/10.1108/IJLMA-06-2017-0132

Bidabad, Bijan (2018). Individual Law: An Islamic Sufi Approach. *International Journal of Law and Management (IJLMA)*, 60(6), 1338-1353, Emerald Group Publishing Limited. https://doi.org/10.1108/IJLMA-06-2017-0135

Black, Jeremy A. (2006). The Literature of Ancient Sumer. Translated by Jeremy A. Black, Graham Cunningham, Eleanor Robson, Gabor Zolyomi, Oxford University Press.

Brown, Peter (1967). *Augustine of Hippo*, University of California Press, Berkeley.

Hugo Grotius. (2001). The Rights of War and Peace: Including the Law of Nature and of Nations. Contributor David J. Hill, Adamant Media Corporation.

Coleman, Janet (2000). A History of Political Thought: From the Middle Ages to the Renaissance. Blackwell Publishing, UK.

Franklin, Julian H. (Ed.) (2006). Jean Bodin. Aldershot, Ashgate. *International Library of Essays in the History of Social and Political Thought*.

Lutz, Donald S. (1984). The Relative Influence of European Writers on Late Eighteenth-Century American Political Thought. *American Political Science Review*, 78(1), 189-197.

Mason, John Hope and Robert Wokler, (Eds.) (1992). Denis Diderot, Political Writings, Cambridge Texts in the History of Political Thought, Cambridge University Press.

Oxford University Press. (1991). *The Oxford Dictionary of Byzantium*, New York & Oxford.

Pangle, Thomas. (1973). *Montesquieu's Philosophy of Liberalism*, University of Chicago Press.

[33] His Holiness Ali's letter to His Governor in Egypt, *Nahj Al-Balaqa*, Letter No.53, 332-333, Persian translation: Jafar Shahidi, 11th Print, Tehran 1378, Scientific and Cultural Pub. Co.

Took, B., Dan. Midwinter and Ward, T. (1719). An Introduction to the History of the Principal Kingdoms and States of Europe. *Translated into English from Dutch*, 8th Edition, Oxford University.

Persian References

حضرت علی (ع)، نهجالبلاغه، ترجمه جعفر شهیدی، انتشارات علمی و فرهنگی، چاپ 15، 1378، تهران[1]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، تفکیک و استقلال قوای ناشیه از حاکمیت ملی، مجموعه مقالات حقوقی اجتماعی، http://www.sufism.ir/MysticalBooks (6).php. انتشارات حقیقت، چاپ اول، 1381، صص236-248[2]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، مظلومی به نام قانون اساسی، تعیین مجازاتهای زمان جنگ. مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص69-62. http://www.sufism.ir/MysticalBooks(6).php[3]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «هیچکس مسؤول را معرفی نمیکند؟ چرا؟»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص22-19. http://www.sufism.ir/MysticalBooks(6).php[4]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «نامه انتقاد به دادستان کل کشور»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص60-58. http://www.sufism.ir/MysticalBooks(6).php[5]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، بررسی عملکرد دورهٔ اول شورای عالی قضایی، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص169-162. http://www.sufism.ir/MysticalBooks(6).php[6]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، شورایی بودن ریاست قوه قضائیه، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص218-213. http://www.sufism.ir/MysticalBooks(6).php[7]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، طلسم اجتماعی، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، چاپ اول، 1381. انتشارات حقیقت، 1381، صص99-95. http://www.sufism.ir/MysticalBooks(6).php[8]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «استقلال قضات شرط پایداری و ثبات مملکت»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص228-225. http://www.sufism.ir/MysticalBooks(6).php[9]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «استقلال قوه قضائیه-بیطرفی قضات»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص142-136. http://www.sufism.ir/MysticalBooks(6).php[10]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «کنترل مقررات مصوبه، نامه به شورای محترم نگهبان قانون اساسی"، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص179-176. http://www.sufism.ir/MysticalBooks(6).php[11]

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، نقش قوه قضائیه در دموکراسیها، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص18-10. کانون وکلا، مجله علمی حقوقی انتقادی، سال 28، بهار ـ تابستان 1355[12] http://www.sufism.ir/MysticalBooks(6).php

---

1 His Holiness Ali Ibn Abitalib (AS), *Nahj ul-Balaqa*. Translated to Persian by Jafar Shahidi, Tehran (1999), Scientific and Cultural Pub. Co.

2 His Holiness Haj Dr. Noor Ali Tabandeh Majzoub-Ali-Shah the Second, (2002). Separation and Independency of Powers Initiated from National Sovereignty. *Law and Social Collected Papers*, Haqiqat Pub., 1st Ed., 236-248.

3 *Ibid.*, An Oppressed by the Name of Constitution. 62-69.

4 *Ibid.*, No One Introduces the Responsible? Why?. 19-22.

5 *Ibid.*, Critique Letter to Attorney General. 58-60.

6 *Ibid.*, Analyzing the Functioning of the First Period of Supreme Juridical Council. 162-169.

7 *Ibid.*, Consultativeness of Head of Judiciary Power. 213-218.

8 *Ibid.*, Social Talisman. 95-99.

9 *Ibid.*, Independency of Judges as the Condition for Endurance and Stability of Country. 225-228.

10 *Ibid.*, Independency of Judiciary Power – Judges' Neutrality. 136-142.

11 *Ibid.*, Controlling Regulations of the Approval-Letter to Respectable Constitution Guardian Council. 176-179.

12 *Ibid.*, The Role of Judiciary Power in Democracies. 10-18.

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «نامه سرگشاده وزیر دادگستری در مورد سازمان دادگستری»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص102-112[13]. http://www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «تجدیدنظر در قانون مطبوعات، نظر کلی در مورد تهیه و تدوین قوانین»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص280-287. مجله برگ سبز، سال 4، 23، تیر و مرداد 1374[14]. http: // www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «رعایت قانون در محاکمات» مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381[15]. http://www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «قانون یا خودکامگی، نامهای به جامعه روحانیت مبارز» مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص113-122[16]. http://www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، انقلاب به کجا رسیده است؟ (قانونگرایی و انقلاب)، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص170-175[17]. http://www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، میثاق با دولت، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، 196-191[18]. http://www.sufism.ir/MysticalBooks(6).php

حضرت حاج دکتر نورعلی تابنده مجذوبعلیشاه، «فرهنگ استعماری»، مجموعه مقالات حقوقی اجتماعی، انتشارات حقیقت، 1381، صص180-184. افتخارات ملّی، 195، 4 بهمن 1365[19]. http://www.sufism.ir/MysticalBooks(6).php

ارسطو، سیاست، ترجمه حمید عنایت، چاپ 2: شرکت سهامی کتابهای جیبی، 1349[20]

بیدآباد، بیژن، (1388)، مبانی عرفانی حقوق در اسلام، حقوق تطبیقی، نظامهای حقوقی، حقوق جزا از دیدگاه حکمت[21]. http:// www.bidabad.com/doc/mabani-erfani-hoqooq.pdf

بیدآباد، بیژن، (1388)، مبانی عرفانی حقوق اساسی در اسلام، فلسفه حقوق، حقوق فردی، حقوق عمومی از دیدگاه حکمت[22]. http: //www.bidabad.com/doc/mabani-erfani-hoquqe-asasi.pdf

---

13 *Ibid.*, Open Letter of Attorney General about Justice Organization. 102-112.

14 *Ibid.*, Revising the Press Law, General Discussion about Provision and Compilation of Laws. 280-287.

15 *Ibid.*, Observance of Law in Trials. 271-276.

16 *Ibid.*, Law or Dictatorship. 133-122.

17 *Ibid.*, Where has the Revolution been Reached? (Legalism and Revolution). 170-175.

18 *Ibid.*, Covenant with Government. 161-196.

19 *Ibid.*, Colonialism Culture. 180-184.

20 Aristotle, Politic. Translated to Persian by Hamid Enayat, 2nd Print: Jibi Books Co., 1970.

21 Bidabad, Bijan (2009). Sufi Foundations of Law in Islam, Comparative Law, Legal Systems, Criminal Law, a Theosophy Approach.

22 Bidabad, Bijan (2009). Sufi Foundations of Constitutional Law in Islam, Law Philosophy, Individual Rights, Public Law, a Theosophy Approach.

Cite this article as: Bijan Bidabad (2024). Public Law: An Islamic Sufi Approach. *International Journal of Political Science and Public Administration*, 4(2), 24-37. doi: 10.51483/IJPSPA.4.2.2024.24-37.