

## Research Article

# Iran's Sui Generis Form of Government

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### Abstract

The Islamic Republic of Iran was established after the 1979 Revolution and was restructured within the principles of Shiite Islam. Shiism (Ja'farism), accepted as the official sect, has been the most important influence on the constitutional institutions and thus on the political structure of the country. Studies examining Iran's political system mostly focus on the instruments of the system and how it functions; therefore, its form of government in the literature has been neglected. This study focused on the place of the political regime established in Iran following the 1979 Revolution within the forms of government context. The study used the methods of constitutional analysis and literature review and found that Iran has a sui generis form of government that cannot be similarly classified in the context of existing forms.

**Keywords:** Iran, form of government, political system, political regime, *wilâyat-e faqih*

**JEL Classification Codes:** D72, D73

## İran'ın Sui Generis Hükümet Sistemi

### Öz

1979 Devrimi sonrasında kurulan İran İslam Cumhuriyeti Şii İslam anlayışı çerçevesinde şekillenmiştir. Resmi mezhep olarak kabul edilen Şiilik (Caferilik) ülkenin anayasal kurumlarını, dolayısıyla siyasal yapısını belirleyen en önemli unsur olmuştur. İran siyasal sistemi üzerine yapılan çalışmalar daha ziyade sistemin araçlarını ve nasıl işlediğini ele aldığından söz konusu sistemin hükümet sistemi literatüründeki yeri ihmal edilmiştir. Bu çalışma 1979 Devrimi ile İran'da kurulan siyasi rejimin hükümet sistemleri içindeki yerine odaklanmaktadır. Anayasal inceleme ve literatür tarama yöntemlerini kullanan çalışma İran'ın mevcut sistemler içinde tasnifi yapılamayan sui generis bir hükümet sistemine sahip olduğu sonucuna ulaşmıştır.

**Anahtar kelimeler:** İran, hükümet sistemi, siyasal sistem, siyasi rejim, *velâyet-i fakih*

**JEL Sınıflandırma Kodları:** D72, D73

Geliş Tarihi (Received): 26.01.2025 – Kabul Edilme Tarihi (Accepted): 31.05.2025

**Atıfta bulunmak için / Cite this paper:**

Ünal, S. (2025). Iran's sui generis form of government. *Çankırı Karatekin Üniversitesi İktisadi ve İdari Bilimler Fakültesi Dergisi*, 15(2), 581-601. doi: 10.18074/ckuiibfd.1627200

## 1. Introduction

Iran ended the shah's regime established by Reza Khan in 1925 and instituted a theocratic republic with the revolution that took place in 1979. Thus, as a result of the end of the monarchical state structure with roots dating back to ancient times, the country met the republican system for the first time. The new regime established a religious leader (Supreme Leader) with broad political powers as the executive power, as well as a president who was mainly responsible for the conduct of governmental affairs. Iran also has a unicameral legislature called the Islamic Shura Council. The religious leader is elected by the faqih (*Islamic jurist*) clerics, and the president is elected by the people directly. The religious leader is the head of state, and the president is the head of government. It is clear that Iran is a republic because the heads of state come to their posts through elections. However, the main problem arises in how Iran's form of government should be classified because it does not fit within any category of existing forms due to its unique characteristics. Studies on Iran's political structure mainly characterize Iran as a theocratic republic with some democratic practices (Fanid, 2020; Niray & Deniz, 2010, p. 30; Roskin, 2013, p. 452). Iran is also described as a unique hybrid regime with a dominant authoritarian aspect and limited democratic aspects (Abdolmohammadi & Cama, 2015) and an ideal authoritarian model (Chehabi, 2001, p. 62). Studies examining the Iranian regime (e.g., Akman & Ergün, 2019; Cavlak & Özbilek, 2019; Sanyürek, 2018) focus more on its institutions and how they work. Some have even argued that Iran has a unique political structure (Aramaz & Korkmaz, 2024, p. 117). Although there are many studies investigating the Iranian political system, few are examining or categorizing the form of government in the country after the 1979 Revolution, when the country transitioned from monarchy to republic. This study aimed to fill this gap in the literature by focusing on Iran's place among the forms of government.

Studies in the literature have classified Iran's form of government as semi-presidential (Yayla, 2015, p. 139); presidential (Tan, 2021); other (Metin & Ünal, 2023, p. 497); parliamentary until 1989, when the prime minister was appointed by the president and then first he and then his ministers individually received an investiture vote from the parliament; and incomplete or unsystematic presidential after 1989 (Oğuz & Çakır, 2000, p. 36). Fanid (2015, p. 292) argues that Iranian constitutional jurists such as M. Hashemi and C. Medeni categorized Iran as semi-presidential or semi-parliamentary based on the election of the president by the people and the accountability of the government to the parliament, and they characterized the Iranian government as an authoritarian system in which the powers are united in the executive branch (2015, p. 283), without putting it in any category. There is no consensus on the classification of Iran's form of government due to the difficulty or even impossibility of placing Iran within the understanding of existing forms. The present study argues that it is not possible to classify Iran's form through the existing literature and that it is a *sui generis* (unique, or there is no other form like it in the literature) form of government due to its distinctive

characteristics. The study examines the legislative and executive powers in Iran's context by conducting a constitutional analysis. This study also identifies the forms of government based on the literature and the place of the Iranian regime in the literature and finally discusses why Iran has a *sui generis* form of government.

The classification of forms of government in the modern sense began with Bagehot (1867, p. 243), who compared the British system with that of the American system during the second half of the nineteenth century. As no new form of government emerged, these studies were conducted for a long time on the American presidential and the British parliamentary systems (Laski, 1944). Verney (1959) added convention or assembly-government concepts to these forms. The proliferation of independent states following the Second World War and democratic states after the dissolution of the Soviet Union resulted in an increase in and diversification of studies on forms of government. Different practices regarding legislative and executive relations in this process paved the way for the emergence of new forms and their subtypes. France adopted the constitution of the Fifth Republic in 1958 and the constitutional amendment in 1962, which required the popular election of the president in a referendum, leading to the *de facto* emergence of the semi-presidential system. The system entered the literature as a main type with Duverger's (1980) study. Shugart and Carey (1992, pp. 23–24) introduced president-parliamentary and premier-presidential systems as main types. Elgie (2011, p. 17) considered these two forms as subtypes of the semi-presidential form. Semi-presidentialism has some similar features with both the presidential and parliamentary forms. For this reason, this system has produced the most subtypes. For example, Tsai (2008, p. 64) classifies semi-presidentialism into five subtypes, while Skach (2005, p. 7) classifies it into three subtypes. Verney (1959, pp. 75–77) introduced *assembly-government*, another form of government, to the literature. Shugart and Carey (1992, p. 26) later introduced *assembly-independent* as a main type based on the examples of Switzerland and Botswana. Metin and Ünal (2023, p. 500) added *assembly-dependent* to this form and categorized these two as subtypes of the assembly-government main type.

Relatively new but not very common forms of government were added to the literature after 2000. For example, Munkh-Erdene (2010, pp. 333–34) introduced Mongolia's situation before the 2000 constitutional amendment as *semi-parliamentary*, which was later named as *chamber-independent government* or *bicameralism* by Ganghof (2014) based on the examples of Australia and Japan. Metin and Ünal (2023, p. 501) classified forms of government by analyzing the constitutions of 195 countries and introduced the semi-monarchial type as a main form positioned between parliamentary and monarchial forms of government. It is necessary to add the monarchial form of government to all these systems.

## 2. Iran's Legislative and Executive Branches

Forms of government are determined by considering the relationship between the legislative and executive powers. Therefore, first, Iran's legislative and executive branches and the relationship between them should be identified. For this purpose, it is necessary to mention how these organs are addressed in the Iranian constitution.

### 2.1. Legislation

Islamic Republic of Iran has a unicameral legislature called the Islamic Shura Council. However, another body with a decisive role in the legislative process, the Council of Guardians, is also included in the legislative part of the constitution. The council is also a body that ensures the legitimacy of the Islamic Shura Council (Art. 93). Therefore, both institutions should be examined in this section.

#### 2.1.1. Islamic Shura Council

Islamic Shura Council whose members are directly elected by the people and by secret ballot for four years (Arts. 62–64) is the Iran's legislative power. Its prominent powers include making laws (Art. 71); overseeing the government through political oversight tools such as parliamentary questioning of the president and ministers (Art. 88); the censure of the Council of Ministers and individual ministers (Art. 89/1); approving the budget (Art. 52); ratifying international treaties, protocols, and conventions (Art. 77); holding referendums on significant political, social, economic and cultural issues (Art. 91/2); and electing six legal experts nominated by the Head of the Judiciary to the 12-member Council of Guardians (Art. 91/2). Legislative proposals are submitted by the government and members of the parliament (Arts. 74–75). A two-thirds qualified majority is required for the adoption of bills and proposals (Art. 65). This majority necessary for the approval of bills in Iran is similar to that required for constitutional amendments in many countries, such as the United States and Türkiye.

#### 2.1.2. Council of Guardians

This council aims to protect Islamic provisions and the constitution, as well as to examine whether the laws enacted by the Islamic Shura Council conform with Islam (Art. 91). In this respect, the Council of Guardians, which functions like a constitutional court, is neither a judicial body nor a supreme assembly. Nevertheless, it is an important body that supervises the legislative process. The council consists of 12 members: six legal experts are elected by the parliament from among the candidates nominated by the Head of the Judiciary; however, six *fair faqaha-faqih* members are appointed by the Supreme Leader for six years (Art. 91/1). The constitution links the legal status and legitimacy of the Islamic Shura Council to the existence of the council apart from the parliament's election of six members to the council and approving the credentials of its members (Art. 93). This

is the reason why the council is included in the legislative section of the constitution as an important element of the legislative process.

## 2.2. Executive Branch

Iran has a collegial executive branch divided between the Supreme Leader as the head of state and the president as the head of government. The main element of the executive branch is the Supreme Leader. The role of the president and ministers in the executive branch extends to matters other than those directly placed under the jurisdiction of the Supreme Leader (Art. 60). The highest-ranking figure of the system is the Supreme Leader followed by the president (Art. 113).

### 2.2.1. Leadership Office

The Leadership Office is the most important institution of the Iranian political system. The Supreme Leader, who serves until his death unless he loses the qualifications (Arts. 5, 109) and becomes unable to fulfill his constitutional duties (Art. 111), is elected by the Assembly of Experts, not by the people. The Assembly of Experts, composed of 88 faqihs, selects the Supreme Leader from among its members as someone who stands out in terms of knowledge, justice, piety, and political ability. If there is no one with these qualifications, any one of the members is elected as the Supreme Leader (Arts. 107, 109). The Supreme Leader is the head of state and commander-in-chief of the military. As both a religious and political figure, the Supreme Leader has many powers, among the most prominent of which are determining the general policy of the state and supervising its execution; issuing decrees to be submitted to a referendum; declaring war and peace; choosing the six faqih members of the Council of Guardians; appointing and dismissing all senior officials such as members of the Supreme Judiciary, the commander of the Revolutionary Guards Corps and accepting their resignation; resolving disputes between certain institutions; and pardoning or commuting the sentences of convicts. One of the most notable powers of the Supreme Leader is to dismiss the president on the grounds that he violates his constitutional duties by the Constitutional Court or incompetence by the Islamic Shura Council (Arts. 89, 110).

### 2.2.2. President and Council of Ministers

The president, the next highest official following the Supreme Leader, is responsible for enforcing the constitution and leading executive affairs outside the powers of the Supreme Leader. The president is elected by the people for a 4-year term and can be reelected once more. The president must be of Iranian origin and be an Iranian citizen; have a religious and political personality; have a good track record and administrative capacity; belong to Jafari, the official sect of the country; and be religious, trustworthy, and committed to the fundamental principles of the country. Candidates must officially declare their candidacy and, more importantly, be approved by the Council of Guardians. The president can only be elected by an

absolute majority of the electorate. If the candidates do not reach this majority in the first round, the president is elected in a second round on the following Friday, with the participation of the two candidates receiving the highest number of votes (Arts. 113–117). The president starts his position by taking the oath of office in a session of the Islamic Shura Council in the presence of the Head of the Judiciary and members of the Council of Guardians. For his duties and powers, the president is accountable to the people, the Supreme Leader, and the Islamic Shura Council. The president, who may have deputies, submits his resignation to the Supreme Leader but remains in office until his resignation is accepted. If the position becomes vacant for any reason, the first deputy assumes office. The council, consisting of the president of the Islamic Shura Council, the Head of the Judiciary, and the president's first deputy, is responsible for holding elections within 50 days. The president must sign laws approved by parliament or adopted by referendum after the legal process has been completed and forward them to the relevant institutions for their implementation. Significant powers of the president include signing agreements, contracts, and protocols concluded by the government after parliamentary approval; undertaking national planning, budgetary, and provincial affairs; appointing ambassadors with the advice of the foreign minister; accepting credentials of foreign ambassadors; and awarding state decorations (Arts. 121–132). The president is the head of government and sets the government program and policies with the help of ministers, implements laws, and supervises the work of ministers. He appoints ministers and submits their letters to parliament for an investiture vote. The president is answerable to parliament for the actions of the Council of Ministers. On the other hand, ministers are answerable to both the president and parliament for their work. In other words, ministers can be dismissed directly by the president or by parliament through a motion of no confidence. In this case, the new minister appointed by the president takes office after receiving a vote of confidence (Arts. 133–137).

### **3. Forms of Government and the Islamic Republic of Iran**

The main forms of government can be listed as presidential, parliamentary, semi-presidential, semi-parliamentary, monarchical, and semi-monarchical forms (Metin & Ünal, 2023) President-parliamentary and premier-presidential systems suggested as main types by Shugart and Carey (1992) should also be considered as main types. Forms of government are determined according to the relationship between the legislative and executive branches. Within this framework, one of the different practices that emerged in the Iranian context is that the presidential office functions almost like a prime ministerial office, despite there being no prime ministerial office after 1989. As the constitution points out, the Supreme Leader is the head of state and the president is the head of government. The office of the head of state is represented by the president in all countries where there is a presidential office, while in Iran it is represented by the Supreme Leader, who is both a religious and political figure. The presence of a president alongside the head of state (the Supreme

Leader) complicates the relationship between the legislative and executive branches and even causes confusion. To evaluate the form of government in Iran within the context of the literature, it is useful to think of the head of state as the president (Supreme Leader/president) and the president as the prime minister (president/prime minister). Only in this way can the existing forms of government and Iran's relationship with these forms be identified. When the new regime was established in Iran, there was also a post of prime minister, which was abolished within the context of the 1989 amendments. At that time, the prime minister was appointed by the president and his government received an investiture vote from the parliament. After the amendments, the position of head of government was transferred to the president, and his powers were expanded.

Having determined the legislative and executive branches in Iran, the study will now attempt to define features of the forms of government in the literature, respectively.

### 3.1. Presidential Form of Government and Iran

Research on the presidential system (Elgie & Moestrup, 2016, p. 7; Gerring et al., 2009, p. 337; Munkh-Erdene, 2010: p. 330; Shugart & Carey, 1992, pp. 2, 19; Siaroff, 2003, p. 288; Verney, 1959, pp. 43–53) lists the characteristics of the system as follows:

1. The executive body is not divided but unified.
2. The president is elected either directly or indirectly by the people.
3. The president serves as both the head of state and head of government.
4. The president appoints ministers unilaterally; ministers are accountable to the president.
5. The president is elected for a fixed term; the president is not accountable to the legislature.
6. The president cannot dissolve the legislature.
7. A person cannot hold both legislative and executive office concurrently.
8. The president has some legislative powers.
9. The legislature is elected by the people directly.

Considering these characteristics, the Iranian form of government is not presidential because the executive branch in Iran is not unilateral but bicameral and although the Supreme Leader is the head of the state, he is not the head of the government.

The head of the government is the president/prime minister, as clearly stated in the constitution. The president, not the Supreme Leader, appoints the ministers with the approval of the parliament. Thus, this is not an appointment conducted by the Supreme Leader. Accordingly, ministers are also accountable to the president and parliament, not to the Supreme Leader. In addition, the Supreme Leader is not directly elected by the people. The members of the Assembly of Experts, elected by the people for an eight-year term, determine among themselves a faqih (jurist) who stands out for some of his qualities as the Supreme Leader, and if there is not a person with these qualities, they choose one as the Supreme Leader. Selected for life, the Supreme Leader does not have a fixed term of office. Khomeini held the position for 10 years; however, his successor Khamenei's tenure has exceeded 35 years by 2025.

Features of Iran's form of government that overlap with the presidential system are that the Supreme Leader cannot dissolve the legislature, a person cannot serve in both executive and legislative bodies simultaneously, and members of the legislature are chosen directly by the electorate. Similarly, the Supreme Leader's influence over the legislature through the Council of Guardians, to which he appoints six faqih members directly and six faqih members indirectly, and the fact that he has legislative powers, albeit indirectly, are also consistent features with those of the presidential system.

Considering the literature review, Iran's form of government cannot be regarded as a presidential system because the executive branch is collegial rather than unilateral; the head of state (Supreme Leader) is not also the head of government; the head of state (Supreme Leader) is not elected for a fixed term and by the people; the head of government (president/prime minister) appoints the ministers, not the Supreme Leader; and the ministers are accountable to the president/prime minister, who is the head of government, and to the parliament, not the Supreme Leader.

### 3.2. Parliamentary Form of Government and Iran

Studies on the parliamentary system (Cheibub, 2007, p. 15; Elgie & Moestrup, 2016, p. 8; Gerring et al., 2009, p. 337; Lijphart, 1992, pp. 2–3; Samuels & Shugart, 2010, p. 4; Shugart & Carey, 1992, p. 26; Siaroff, 2003, p. 288; Verney, 1959, pp. 23–31) highlight the following features of the system:

1. The executive branch is collegial.
2. The cabinet emerges from within the parliament.
3. The cabinet is answerable to the legislature; that is, it can be removed through a vote of no confidence.

4. A single individual can serve in both the executive body and the legislature.
5. The powers of the head of state are symbolic.
6. The prime minister can dissolve the legislature.

The only characteristics of the parliamentary system for Iran are that the executive branch has two heads, the cabinet can be removed by a vote of no confidence, and the legislature is elected by the people. On the other hand, the essential characteristics of a parliamentary system (Metin & Ünal, 2022, p. 483) are as follows:

1. Although the executive body legally appears to be collegial, the prime minister predominantly controls the executive power.
2. The head of state is not elected by the people.
3. The powers of the head of state are symbolic.
4. The executive body emerges from the parliament and is answerable to it.

The head of state and the prime minister share executive power in parliamentary systems; however, it is shared between the Supreme Leader and the president in Iran. In both cases, there is a collegial executive branch. However, the Supreme Leader, not the president, holds the main element of the executive branch, in other words, the political power. In parliamentary systems, the head of state is elected by the sultanate system in countries where the form of state is a monarchy, and by the parliament or the electoral college in republics. However, in Iran, the head of the state, the Supreme Leader, is elected by the Assembly of Experts, whose members are elected by the people. Furthermore, the Supreme Leader's powers are not symbolic but real political powers. Finally, the executive branch in Iran does not originate from the parliament but is responsible to it. Based on this information, it is not possible to categorize Iran's form of government as a parliamentary system.

### 3.3. Semi-monarchial Form of Government and Iran

Countries that adopt a parliamentary form of government can be either monarchies or republics. In parliamentary countries where the form of state is a monarchy, the monarch's powers are symbolic, like those of presidents in republics. The collegial executive branch is shared between the monarch as head of state and the prime minister. As in the United Kingdom, where the system originated, political power should be concentrated mainly in the prime minister. However, in some monarchies, such as Jordan, the real political power is in the hands of the king. Metin and Ünal (2023, pp. 501–502), who state that it is not correct to consider

countries where political power is mainly concentrated in the king as parliamentary, call such a system a semi-monarchy and identify its characteristics as follows:

1. The executive branch is collegial.
2. A hereditary monarch, as the head of state, has actual political powers.
3. The monarch appoints and dismisses the cabinet.
4. The cabinet is accountable to both the head of state and the parliament.
5. The monarch can recess or dissolve parliament.

Taking these features into account, the presence of a collegial executive branch and the cabinet's accountability to parliament are consistent with Iran, while other features, such as the sultanate-style election of the head of state, are absent in Iran. What distinguishes semi-monarchies from absolute monarchies is the presence of a popularly elected parliament and a weak prime ministerial office, with the monarch sharing executive power. In an absolute monarchy, the legislative, executive, and judicial powers are completely under the control of the monarch. Therefore, the Iranian regime cannot be categorized as a monarchy or a semi-monarchy.

#### 3.4. Semi-presidential Form of Government and Iran

Iran was a parliamentary monarchy during the Pahlavi Era (Verney, 1959, p. 83) but abolished the monarchy with the 1979 Revolution and transitioned to a republic. Initially, however, it was not clear what form of government Iran would adopt. Chehabi (1991, pp. 76–77) argues that some secular figures educated in France, led by Hassan Habibi, drafted a semi-presidential regime in June 1979 based largely on the constitution of the Fifth Republic in France. Khomeini even accepted this draft and wanted to put it to a referendum quickly. The draft, however, which was hotly debated in Iran, was not accepted due to the opposition of both Islamist and secular figures. In addition to institutions such as the parliament, which represents popular sovereignty and is elected by the people, Iran adopted the position of Supreme Leader, sanctified as the only legitimate successor of the Prophet and the Imams, who supervises the work of the government but has no responsibility. Duverger (1980, p. 166) introduced the semi-presidential system, which came to the agenda after the Iranian Revolution, and pointed out the following features of the system:

1. The head of state is elected by popular vote.
2. The head of state has quite considerable powers.
3. The prime minister and other ministers have executive and governmental authority against the head of state and can remain in office unless opposed by parliament.

The characteristics of this form of government have been expanded by studies after Duverger (Cheibub, 2007, p. 15; Elgie, 1999, p. 13; Munkh-Erdene, 2010, p. 330; Shugart & Carey, 1992, p. 23; Skach, 2005, pp. 13–14) and are as follows:

1. The executive branch is collegial.
2. A fixed-term president is elected by the people.
3. The president is not accountable to the legislature.
4. The president has quite significant political powers.
5. The president has authority over the formation and continuation of the government.
6. The parliament has the power to remove the cabinet through a vote of no confidence.

Iran's form is most commonly included in the semi-presidential category among the forms of government. When the characteristics of the system are analyzed in the Iranian context, the common aspects are that the executive branch is collegial, the head of state has significant powers and is not accountable to the legislature, and the cabinet is answerable to the parliament and can be dismissed by a vote of no confidence. On the other hand, the president is not directly elected by popular vote, his term of office is not fixed, he is not authorized in the formation and continuation process of the cabinet, and the government does not come from within the parliament. These features differentiate Iran from the semi-presidential system. Iran's form of government cannot be categorized as semi-presidential despite having some common features based on this information.

#### 3.4.1. Premier-Presidential and President-Parliamentary Forms and Iran

Shugart and Carey see premier-presidential and president-parliamentary forms as the main types, while Elgie regards them as subcategories of semi-presidentialism. These forms, epitomized in practice by premier-presidential France and the president-parliamentary Russian Federation, should also be evaluated in the context of Iran. The three features noted by Duverger when he introduced semi-presidential form are the same as a premier-presidential system (Shugart & Carey, 1992, p. 23). Based on these, Iran can be considered to be premier-presidential like France. As mentioned previously, however, the fact that the Supreme Leader/president, the head of state, is not elected by the people is a *sine qua non* feature of this system and is incompatible with Iran. Iran's form of government can be argued to resemble the Russian president-parliamentary form in terms of the relationships between the head of state and the head of government because the president/prime minister is the implementer of the policies of the Leader/president, who is the first man of the

system. However, in countries adopting president-parliamentary systems, the popularly elected president appoints and removes cabinet members, possesses the authority to dissolve the legislature or the parliament, or both, and the cabinet is answerable to the parliament. In this system, where political power is mainly concentrated in the president, the popularly elected head of state can appoint and remove cabinet members and dissolve the parliament, which has nothing to do with Iran in the context of the literature.

### 3.5. Assembly-Government and Iran

Assembly-government can be broadly defined as a form in which legislative and executive powers are concentrated in a parliament elected by the public. As the parliament has the political power, Iran, which has a weak parliament, does not fall under the category of assembly-government. On the other hand, the assembly-government is divided into two types as assembly-dependent and assembly-independent (Metin & Ünal, 2023, p. 500). The assembly-independent system proposed by Shugart and Carey (1992, p. 26) does not have a popularly elected president, as in Switzerland, and such a president naturally does not impact the continuation of the cabinet. In addition, the cabinet is appointed by the parliament but cannot be dismissed, which means that the government is not answerable to the legislature. Assembly-dependent form, developed by Metin and Ünal (2023, p. 500) based on the approach of Shugart and Carey, is a model applied in countries such as Botswana and Kiribati, where governments appointed by the parliament can also be dismissed by the parliament. The characteristics of this system are as follows:

1. The executive branch can be unified or collegial.
2. The parliament elects the president.
3. Both the president and the cabinet are answerable to the parliament.

Accordingly, the assembly-independent system does not apply to Iran, as the Supreme Leader/president is not elected by the parliament and the government is accountable to the parliament. Iran does not conform to the assembly-dependent form, as the leader/president is neither elected by the parliament nor accountable to it. Accordingly, neither the assembly-dependent nor the assembly-independent forms of government apply to Iran.

### 3.6. Other Forms of Government and Iran

The literature also includes forms of government that a small number of countries have adopted for a temporary period or that differ from the existing literature with some features while being within the existing forms of government. One of these is the semi-parliamentary system coined by Munkh-Erdene (2010, pp. 333–334). The form, exemplified by Mongolia's situation before the 2000 constitutional

amendment, is defined as follows: The government emanates from the legislature and can be removed by the popularly elected president. Giving Australia and Japan as examples, Ganghof (2018, p. 264) also adopted this form with the names *chamber-independent government* or *bicameralism* and listed its characteristics as follows:

1. The chief executive or head of state is not elected through a popular vote.
2. The assembly consists of two parts, and both are directly elected by the people.
3. The executive's continuation relies on the confidence of one branch of the legislature rather than the other.

Iran certainly does not fit the first situation because the government does not emerge from the parliament and the Supreme Leader/president cannot directly dissolve the government. In the second case, the Supreme Leader/president is not elected by popular vote in Iran, nor is there a bicameral parliament whose members are elected by the people. Therefore, there is no such thing as one parliament having more authority than the other in Iran. On the other hand, it should be noted that Australia and Japan in the latter case are mainly classified as parliamentary according to the literature (Metin & Ünal, 2023, p. 497).

Finally, it is necessary to mention Praino's (2017) *council-based* form. Considering the notion of a union, like the European Union, rather than states, Praino proposes a novel structure. He emphasizes that the European Parliament alone is necessary for the European Commission, the European Union's executive branch, to exist, but the European Council and the European Parliament work together to establish it. Because it does not fit into any of the existing forms of government, Praino says this should be called the council-based model. Furthermore, this form is completely inappropriate for Iran because the country is a state.

In sum, Iran's form of government does not belong to any other form of government in the literature. This reveals that Iran's form of government has its own characteristics and differs from those in the literature.

#### **4. Discussion**

The political structure of Iran was shaped by the Shiite interpretation of Islam following the 1979 Revolution (Caferoğlu & Ünal, 2024, p. 333). According to the constitution (Art. 12), Islam is the official religion, and the Twelver Ja'fari school of Shiism is an official sect, which shall remain so indefinitely. The 12 Imams refer to the Imams after the Prophet Muhammad's death, beginning with Hazrat Ali and continuing in a line of succession until Muhammad al-Mahdi, who disappeared (period of *ghaybah*) in 874 when he was only 6 years old. Khomeini, the leader of

the revolution, constructed the theory of *wilâyat-e faqih* in a series of lectures he gave during his years of exile in Najaf in early 1970. These lectures recorded in those days were later published as a book (Khomeini, 1981). The historical background contributing to the formation of the theory is linked to the question of who should govern the Islamic state that emerged after the death of the Prophet. In the early nineteenth century, Mulla Ahmad Naraki elaborated on these views, which were accepted only by a minority group during the Safavid period. Accordingly, the authority of the Imams was limited to the judiciary. Khomeini, however, who argued that religion should not be separated from politics, extended the authority of the Imams to the political sphere (Chehabi, 1991, p. 73). As it's well known, Shiism adopts the view that after the death of the Prophet, the right to rule belongs to the innocent Imams, but the last Imam disappeared at a young age. In his theory, Khomeini argued that the authority or right to rule belonged to his deputies until the return of the 12th Imam. This entered in the constitution adopted after the 1979 Revolution that a faqih would be the leader of the Islamic Ummah during the period of *ghaybah*. Accordingly, the faqih should take on the duties of this position, be brave, resourceful, have administrative skills, and keep a comprehensive understanding of contemporary conditions (Art. 5). What is noteworthy is that the faqih is considered not only the ruler of Iran but also the leader of the ummah, or all Muslims. The faqih should be someone who stands out in terms of knowledge, justice, piety, political ability, and so on. In the absence of such a person, the Assembly of Experts elects any of its members as the Supreme Leader (Arts. 107, 109). As seen, the conditions for becoming the head of state in Iran are different from the classical criteria in other countries such as completing 40 years of age, being a citizen of that country, and having a higher education.

Iran has a president elected by the people in addition to the Supreme Leader, who is the most important figure of the system with his both religious and political duties. Although the president is elected by popular vote, he does not have a position above the indirectly elected Supreme Leader who has a right not granted to anyone else in the system and is elected to serve for life; however, the president can be elected twice in a row, after which he has to take a one-term break. The election procedure of the Supreme Leader is also sui generis. As he is not a monarch, he does not come by way of sultanate or reign, nor is he directly elected by the people. He is elected by an 88-member assembly of faqihs. The members of this assembly must be approved by the Council of Guardians before they can run for office, and then they must be elected by the people. The Supreme Leader, who is not elected for a fixed term, is like a monarch in terms of tenure. Moreover, the president is supervised by the parliament, the Council of Guardians, and especially the Supreme Leader (Brooker, 2014, p. 240). The Supreme Leader does not have any responsibility despite having broad powers. This should be seen as a natural consequence of the system because it is not possible for a *wali-e faqih*, who serves as the deputy of the innocent Imams, to be held accountable in any way and to be questionable before the institutions. No other form of government has a legitimized Supreme Leader as in Iran. The only constitutional institution that can elect and

remove the Supreme Leader is the Assembly of Experts (Arts. 107, 111). The Supreme Leader, in turn, determines whether members of the Assembly of Experts can run for office through the Council of Guardians, which is under his control, thus Iran's sui generis form ensures the control and continuity of the existing system in a circular manner.

The Supreme Leader, the paramount authority within the system, is unique to Iran; however, the presidency, the second most important position, is commonly seen in other countries. For this reason, those who study the Iran's form of government are hesitant about which one should be considered. This dual structure distinguishing Iran from other countries in terms of forms of government, complicates the categorization of the system in the country. In this framework, Roskin (2013, p. 452) argues that there are two heads of state in the Iranian system: the religious leader who holds the real political power, and the president, who is a standard head of state, which results in a situation that leads to a functionless political system. Similarly, Yayla (2015, p. 138) points out that there are two heads of state in the Iran's system and that the religious leader is above the elected head of state. The Iran constitution states that the Supreme Leader is the head of state and the president is the head of government (Art. 113). However, it is also true that the two positions in question cause confusion. The position of the head of state is always represented by a president in the republics, whereas in Iran it is represented by the Supreme Leader, who is both a religious and political figure. Additionally, the president elected by people directly is also below the Supreme Leader in terms of his powers. The Supreme Leader can remove the president if he is found to have violated his constitutional duties by the Constitutional Court or if he is deemed incompetent by the Islamic Shura Council (Arts. 89, 110).

The Supreme Leader is not only the main element of the executive branch but also has power and control over the legislature in Iran. The Supreme Leader's influence and control over the legislature is fulfilled through the Council of Guardians. Six out of the 12 members of the council are directly appointed by the Supreme Leader; however, the remaining six are appointed by the Islamic Shura Council from among those suggested by the Head of the Judiciary appointed by the Supreme Leader.

The Council of Guardians is a body that does not exist in democratic countries; it is almost the insurance of the Iranian regime. The council performs the task of oversees the elections of the Leadership, Assembly of Experts, presidency, and the Islamic Shura Council, as well as referendums (Arts. 98–99). In this framework, candidates for the presidential and parliamentary elections, which are held on a regular basis, must be approved by the council. Thus, undesirable names are eliminated during the candidacy process and no candidate who poses a threat to the regime can participate in the elections. The council does not have to provide reasons for eliminating a person. In this respect, the council works as a preventive control mechanism. A candidate who is not authorized by the council cannot run in the elections, and the Islamic Shura Council cannot pass a law on its own without the council's approval. This situation undoubtedly can lead to arbitrariness.

The former president Mahmoud Ahmadinejad's presidential candidacy was not approved by the council in 2021. The council, which also has the authority to interpret the constitution (Art. 98), also checks the constitutionality of laws or government decrees. The council evaluates the conformity of the laws adopted by the Islamic Shura Council with Islam and the constitution and sends the laws it finds inappropriate back to the assembly to be reconsidered (Art. 94). The council that limits the Islamic Shura Council in lawmaking in effect exercises a veto power like that of heads of state or upper houses, or it works like a constitutional court. However, the president, who does not have veto power, signs the laws approved by the parliament or adopted by referendum after the legal process has been completed and forwards them to the relevant institutions for implementation (Art. 123). It is also interesting to note that the council has linked the legal status of the Islamic Shura Council to its existence (Art. 93). All these powers show the key function of the council in Iran's system.

Another unusual institution in the Iranian political system is the Nation's Exigency Council, which convenes at the behest of the Supreme Leader. This council, established in 1988, makes the final decision on legislation in cases where the Council of Guardians does not approve and the parliament insists on its decision. The council convenes whenever such a situation arises or to consider any matter referred to it by the Supreme Leader. All members of the council, including temporary and permanent members, are appointed by the Supreme Leader (Art. 112). The council also has a duty to advise the Supreme Leader who consults with the council in determining the general policies of the state (Art. 110). The permanent members of the 51-member council include the President, the Head of the Judiciary, the Chairman of the Islamic Shura Council, the Chief of the General Staff, the Chairman of the Supreme National Security Council, and six faqih members of the Council of Guardians (Oğuz & Çakır, 2000, p. 43). The existence of such a council, which convenes only when needed, is remarkable in terms of demonstrating the power of the Supreme Leader.

Although Iran is not an absolute monarchy, the position of the Supreme Leader has established an enormous control mechanism over the legislative, executive, and judicial powers. In fact, the constitution states that these powers are independent of each other; however, they must work under the supervision of the Supreme Leader (Art. 57). In other words, although the powers are independent of each other, they are not independent of the Supreme Leader. The principle of separation of powers developed by Montesquieu aims to limit power by allocating the three basic powers to different individuals or groups, thus preventing the emergence of an oppressive government and guaranteeing freedom. Although the powers are in different hands in Iran, the Supreme Leader controls the legislative branch, which is an element of the executive branch, through the Council of Guardians and the Nation's Exigency Council, and the judicial branch by directly appointing the Head of the Judiciary. Therefore, it is not possible to claim that the separation of powers exists in Iran.

Moreover, the constitution does not state that the separation of powers exists in Iran; it only emphasizes that the powers are independent of each other.

The existence of separation of powers or unity of powers in a country, or the presence or absence of political parties is not a *sui generis* element of the form of government of a country. However, it is among the specific features of the political system in Iran. In this context, political parties are not allowed in Iran, although they are allowed in the constitution (Art. 27) on condition that they do not violate criteria such as independence and the fundamental principles of the state. In fact, a one-party system was tried in Iran starting from the first years of the Revolution until 1987, when the Islamic Republican Party was dissolved and the current system without parties was adopted (Brooker, 2014, pp. 2–3). Candidates approved by the Council of Guardians run independently in elections and can only receive the support of groups such as unions, associations, and professional chambers, which can be seen more as non-governmental organizations. The most basic political separation in the country, where there are no political parties, is the definition of conservatism and reformism.

Although there are no political parties and there is a discriminatory preselection system governed by the Council of Guardians, Iran has succeeded in establishing presidential, parliamentary, and municipal elections as a reputable political process comparable to democratic regimes (Abdolmohammadi & Cama, 2015, p. 577). According to Chehabi (2001, p. 64), Iran is *sui generis* among non-democratic regimes for conducting regular parliamentary and presidential elections in which voters possess a genuine, but restricted choice. More importantly, the Supreme Leader, who, in contrast to the president, may not be publicly challenged although having actual political and religious powers, limits the authority of both the president and parliament. The regime is not accountable to the people, despite being somewhat responsive to citizens.

Iran's government system is *sui generis* because there is no other example like it and it has not been adopted by any other country to date. Although the spread of the revolution abroad is emphasized in the preamble part of the constitution, Iran has failed in exporting the revolution. Syria, Iran's most important ally in the Middle East, had a Baathist regime that was overthrown in December 2024 and the relationship between Iran and the former Syrian regime was more real political than religious. Like Iran, Iraq, which has a majority of Shiite people, adopted a parliamentary form of government after the 2003 American invasion, rather than a form of government similar to Iran. Moreover, the majority of Sunni Arab countries in the Middle East regarded Iran as a threat to them after the 1979 Revolution. The idea of exporting the revolution has a component that encourages the nations of the region to band together against Iran, which is why this policy seems to have faded into the background by the end of the 1990s (Caferoğlu & Ünal, 2024, p. 339).

## 5. Conclusion

The aim of this study was to demonstrate that Iran, which built a new political system with the 1979 Revolution, has a sui generis form of government. To reach this aim, the present study tried to identify, discuss, and analyze the elements that differentiate Iran from other forms and make it sui generis. Findings of the study revealed that Iran's form does not resemble any of the forms of government in the literature and cannot be categorized as presidential, parliamentary, semi-presidential, assembly-government, monarchical, semi-monarchical, or any other forms in the existing literature due to its unique characteristics.

Iran's form of government is sui generis because it has a head of state indirectly elected by the Assembly of Experts, which has no other example except in Iran; the head of state has considerable powers as a political and religious figure; there are councils such as the Council of Guardians and the Nation's Exigency Council, which do not exist elsewhere and work as the head of state's instrument of control over the system; there are practices not seen in other forms of government, such as the ability of the cabinet formed by the president elected by the people to take office with a vote of confidence from the parliament, and the use of the Council of Guardians to veto legislation that should belong to the president.

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**Ethics Statement:** The author declares that ethical rules have been followed in all the preparation processes for this study. In case of a contrary situation regarding scientific ethics issues, all responsibility belongs to the authors of the study and Çankırı Karatekin University Journal of Faculty of Economics and Administrative Sciences has no responsibility.