

The Right to Peaceful Assembly in Public from the Perspective of Islamic Sharia and Iranian Law

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Abstract

The right to peaceful assembly is recognized as the right to participate in gatherings and marches in the constitutions of countries, and the methods of guaranteeing it are specified in the laws. The purpose of this research is to examine the right to peaceful protest from the perspective of Islamic teachings and the method of guaranteeing it in Iranian law. The findings of the research indicate that various teachings in Islamic Sharia confirm the right of assembly and peaceful protest, especially in terms of calling for good, forbidding evil and Public litigation. Also, the constitution of Iran, influenced by religious teachings, recognized this right. However, the permit-based model in fulfilling this right, which is stated in the executive regulations and the procedure of the executive bodies, while making it impossible for natural persons to fulfill this right, also fails the organizations and parties in obtaining permission for peaceful gatherings and marches. According to the legislative plan in action, it is proposed to modify the approach of the political system and pay attention to religious teachings and the constitution in guaranteeing the right to participate in gatherings and protest in the public.

Key Words: The right to peaceful assembly; The Right to protest in public; Demonstrations and marches; Guarantee the right to protest.

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