

THE CHARACTERISTICS OF DEMOCRACY IN THE THEORY OF IMAM KHOMEINI'S VELAYAT-E FAQIH

AS CARACTERÍSTICAS DA DEMOCRACIA NA TEORIA DO VELAYAT-E FAQIH DE IMAM KHOMEINI

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Abstract: One of the key indicators for recognizing good governance is the issue of democracy. This meaning is well underway in the jurisprudence-based system. But the jurisprudence is not an extrajudicial position outside the process of national supervision, but on the contrary, the people are most sensitive to and supervised by the leadership. As a governing body that is embodied in the ruling legal personality, the governor of the jurisprudence, like all other government institutions, including secular, democratic, and other forms of power with absolute authority, must also have the power and authority to do so. Absolute to be able to regulate the individual and social affairs of citizens and resolve the problems of Islamic society; this is no denial. This research is a descriptive-analytical study aimed at examining the place of democracy in Imam Khomeini's jurisprudence theory and concludes that the jurisprudence system has applied democratic characteristics such as freedom, political equality and the rule of alien law. Not though there are differences in how it is implemented.

Keywords: Velayat-e Faqih. Democracy. Freedom. Rule of Law. Political Equality. Imam Khomeini.

Resumo: Um dos indicadores chave para o reconhecimento da boa governança é a questão da democracia. Esse significado está bem presente no sistema baseado em jurisprudência. Mas a jurisprudência não é uma posição extrajudicial fora do processo de supervisão nacional, mas, pelo contrário, as pessoas são mais sensíveis e supervisionadas pela liderança. Como um órgão de governo que está incorporado na personalidade jurídica dominante, o governador da jurisprudência, como todas as outras instituições governamentais, incluindo as seculares, democráticas e outras formas de poder com autoridade absoluta, também deve ter o poder e a autoridade para fazê-lo. Absoluto para poder regular os assuntos individuais e sociais dos cidadãos e resolver os problemas da sociedade islâmica; isso não é negação. Esta pesquisa é um estudo descritivo-analítico que visa examinar o lugar da democracia na teoria da jurisprudência do Imam Khomeini e conclui que o sistema de jurisprudência aplicou características democráticas como liberdade, igualdade política e o Estado de Direito estrangeiro. Embora haja diferenças na forma como é implementado.

Palavras-chave: Velayat-e Faqih. Democracia. Liberdade. Estado de Direito. Igualdade Política. Imam Khomeini.

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Introduction

In the theory of religious democracy Imam Khomeini (rah) is not a dictatorship and absolute authority leader in a religious democracy, but merely means that he / she has the necessary government powers in the absence of any government capable of administering society and security. It will not be from the resources of the nation. In this theory, despite the leadership's fairness in piety and justice and the leverage of internal control, numerous external control mechanisms have also been considered to exercise control and control over his behavior and performance in the Islamic Republic of Iran and are confident It can be argued that, compared to liberal democracies, leadership in the religious democracy system is more regulated, and it can be controlled and monitored in more precise and reliable ways, so that it can be exploited. He is far less powerful than the rulers of Western democracies. What is the status of democracy in the jurisprudence-based system and what guarantees for the survival of democracy is the question we are looking for in this research. To this end, we will first examine the concept of divine authority in the jurisprudence and then consider its relation to democracy from the perspective of Imam Khomeini.

Speech One: Theory of Imam Khomeini's Jurisprudence

Absolute Governorate of Jurisprudence is a jurisprudential term that refers to the jurisdiction of the jurisdictional and subordinate jurisdictions and denies any restrictions in this regard. In other words, the term implies that the scope of the jurisprudence of the jurisprudence is not restricted to certain individuals, such as the insane, the Sufis, etc., but to all individuals and all orders and absolute. Imam Khomeini states: "Whatever is fixed for the Prophet and the Imams in terms of their guardianship and leadership, the same is the same for the jurisprudent but their other powers which this direction is not fixed for the jurisprudence, too" (Mousavi Khomeini, 1363: 2/664).

According to Imam Khomeini, any authority that the Prophet of Islam has is also fixed for the jurisprudent. He considers all the authority of the Prophet (peace is upon him) in the administration of Islamic society to be a fixed jurisprudence, and explicitly speaks of the authority of the jurisprudent for the temporary closure of certain injunctions, and considers the rule to be preceded by all prior injunctions (Ibid, 489).

In Imam Khomeini's view, the province was not bound by customary law and acted as the supreme leader in many cases beyond the constitution and ordinary laws, such as the formation of an Expediency Council, the establishment of martyrs and veterans' foundations, the Special Clerical Court and [...] which was not included in the constitution as the authority or the duties of leadership (Ibid, 41).

Imam Khomeini's view of the jurisdiction of the Shiite jurisprudence is that the jurisprudence has all the necessary authority of the infallible Imam and any provincial authority established in the area of community leadership for the Imam. The jurisprudence is also fixed. Except for what is considered a special reason for the Imamate of the infallible Imam, such as Ismat, the Province of Takwini, as well as some of the powers that the Prophet had in the area of private affairs. In fact, the above-mentioned attributes of the guardianship aspect do not mean social leadership and leadership, but rather the personality and dignity of the infallible Imam. The authorities referred to herein are referred to as "divine authority" (Piruzmand, 1377: 101).

Imam Khomeini explains this theory by adding:

"When we say the province had the Prophet and the Imams. After the absence, the jurisprudent is just, for no one should be under the illusion that the position of jurists is that of the Imams and the Prophet, because it is not a matter of authority, but of the province, i.e. the rule and administration of the country and the implementation of the Shari's laws. The sacred, which is a heavy and important task, is not the supreme and abnormal dignity, in other words, the province in question, i.e. the rule and implementation of divine laws and the administration of Islamic society and [...] And there is no reality except counterfeiting, when someone is installed as a guardian in a case, such as custody or guardianship of someone or the gover-

nment, it is no longer sensible to act The province is no difference between the Prophet and Imam or jurist exist. For example, the jurisdiction of the jurisprudent in enforcing the Islamic penal code is not privileged between the prophet and the imam and the jurisprudent. The ruler is the executor of divine laws and must execute the judgment of God, whether he is a Prophet or an infallible Imam or his representative or jurisprudent of the age” (Mousavi Khomeini, 56).

Paragraph 1: The concept of Velayat-e Faqih

There are many meanings for “Velayat”, but the meaning appropriate to the jurisprudence of the jurisprudent is and will be: “Enterprise, Supervision and Occupation” (Amini, 1416: 1/649). The jurisdiction of the province and those subordinate to the province are concerned and deny the restrictions. Imam Khomeini has described his favorite political system as the Velayat-e Faqih system. The reason for this choice, in their view, is that the only government that resembles the rule of the Prophet (peace is upon him) and the infallible one is the same system of Velayat-e Faqih which stands against dictatorship and tyranny. He says:

“[...] if there is a Velayat-e Faqih who prevents a dictatorship, if there is no Velayat-e Faqih, it will become a dictatorship [...] it wants to break these dictatorships and put them all under the banner of Islam and Rule the law” (Khomeini, 1999: 11/22).

He also states in describing the characteristics of the Velayat-e Faqih system:

“[...] The Velayat-e Faqih is not harming anybody as dictated by Islam and our imams have said it will not create a dictatorship. It does not do what is contrary to the interests of the nation; it does what the government or [...] does in the way of the nation and contrary to the interests of the nation, the jurisprudence controls. “

Paragraph 2: The nature of the province

The nature of the province is beyond supervision. “Governance” is a kind of authority and authority given to certain person or persons, while “oversight” is the examination of the conformity of laws and practices in a Shari’a-based government, which is primarily at the request of the people. Accept. In Imam Khomeini’s theory, the nature of the jurisprudence of the jurisprudence is conceived as a continuation of the divine province: “The full rank of the guardianship of the Prophet is exclusive to the pure essence of God; “In the absence of the righteous jurisprudent, in the absence of time, the events and insights are relative to the problems of the time and the power to resolve them” (Montazeri, 1408: 146).

On the other hand, there are two forms of development and credit in a province. Imam Khomeini states about the development and credit of the jurisprudents of the jurists that:

“[...] When we say the province which the Prophet and the Imams had after the absence of the righteous jurisprudent, no one should have the illusion that the position of jurists is the same as that of the Imams and the Prophet. For this is not a matter of authority, but of duty. Providing governing the country and administering the sacred law is a burdensome and important task, not to create any abnormal dignity for a person and to elevate him above the ordinary human being. In other words, the province in question, namely government, administration and administration, is not a privilege, as many people think, but a very important task. The jurisprudence of the jurisprudence is rational credit affairs and has no other reality than counterfeiting” (Khomeini, 1378: 51).

On the other hand, in expressing the nature of the jurisprudence, the province is divided into the following two categories:

1) The province of the type of tenure, supervision and administration of the believer’s affairs, which is the province after the Prophet (peace be upon him) and the Imams of the Righteous Jurisprudent.

2) Guardianship means taking over the affairs of those who fail to exercise their right due to a lack of understanding or intelligence and it is necessary, however, for them to act on the behalf of such persons as the guardianship of the father of the offspring Minor or Sofia (Preacher, 1380: 118).

According to what we have said, the province of the jurisprudence cannot be of the second type but of the first type.

Paragraph 3: The Reasons of the Guardianship of the Jurist

There are two types of arguments for the jurisprudence of the province:

A. Provincial jurisprudence and narrative proofs

A. Provincial jurisprudence and narrative proofs

Imam Khomeini has narrated various verses and narrations about the narration of the jurisprudence of the jurist. Including the verse “Grasp the divine thread and do not separate” (Al Imran / 103).

From Imam Khomeini’s point of view, in the above verse, “Hable” means “string” which in the era of the unseen is in the jurisprudence of al-Shariah, and infallibility on the side of Hubble is not necessary, as the Imams of the infallibles also had impatience. While not infallible, in the words of the Imams of Taherin (as), such phrases as “Caliph Rasul Allah”, “Hojat”, “Amin Allah” and “Da’i Allah” and “Hafiz al-Din” have been applied to the jurisprudence. This is due to their being “Hubballah” (Khomeini, 3).

Imam Khomeini also refers to the hadith of “Omar ibn Bin Hizlah” (Klein, 1389: 67/67), which states in the document of this narration that Safwan ibn Yahya is one of the consensus companions and the consensus companions are said to exist. In the narrative document, it requires us to examine the credibility of the narrators after them if there is no reason to believe them (Mousavi Khomeini, 494).

This narrative incorrectly referred to the sultan and the judgment of the wrong, and condemned it as ruling over the throne. Secondly, it is considered to be the case between the tyrant and the righteous ruler that the righteous Imam is a ruler and theologian, and therefore the Imam has introduced him as “a theorist in law and law”. Third, it is a violation of the righteous ruler to disobey God, and to disobey His decree is to disobey the commandments of the infallible Imams.

Scholars and greats such as the owner of jewelery, Sheikh Ansari, Imam Khomeini (RA), including “Fani Heights of the Ruler of the Rulers” have taken over the province (Javadi Amoli, 1999: 395).

There are several bugs about the acceptance of Omar ibn Hanzaleh in the jurisprudential sources that Imam Khomeini (R) answered these bugs. These bugs include:

If we accept that Imam Sadeq (peace is upon him) installed jurisprudence for guidance and leadership, this installation is only bound to Imam Sadeq’s own time, and with the testimony of the Imam of the time, jurists will be removed from office unless the next imam has installed it. Sign again and renew. So it is not possible to prescribe comprehensive jurisprudence of the conditions of absence?

Imam Khomeini replied:

“In the Shiite religion, the position of Imamate for the Imams of the Prophet is constant in all situations. With the death of the Imam or the mujtahid, this person will not be removed from office. However, as a lawyer, the lawyer is dismissed with the death of the client. Of course, the next imam can dismiss him, but we are sure that the Imams (as) after Imam Sadiq did not remove the jurists from this position” (Mousavi Khomeini, 2/484).

The second problem is how the Imam appoints a successor in matters which he does not interfere with, how he appoints jurists for what he does not see fit to intervene. So is falsification of the law for the jurists too wrong? (Kadivar, 1378: 304)

Imam Khomeini replied: “There are some implications in the forging of this province. When a reference was made to the Shiites, in many cases they even referred to him secretly. This forgery also has a profound implication that is the plan of the divine justice and its preparations” (Mousavi Khomeini, 2/2481). In Islamic culture, the term “caliph” is meant to mean governorship, government and sovereignty, unless explicitly opposed to it, and since the term

“caliph” is omnipresent and there is no restriction, one can absolutely assign the three positions. For the caliph of the Prophet (peace is upon him) he proved to be the same. In some quotes and the concept of the jurispudent reaches, we find that the narrative has emerged as a jurist. Second: The narrators of the hadith and the tradition of the Prophet (peace is upon him) are not the only ones who relate the hadith without being fully aware of the mysteries of hadith and Islamic law. Third: Being the only narrator of hadith cannot be corrected to reach the position of caliphate of the Prophet (pbuh), so the reference to the caliph in this narrative is the world of jurisprudence, not the carrier of hadith (Karbala’i Pazuki, 2003: 179).

The disadvantage of this tradition is that if the caliphs are mentioned in the hadith by all Islamic scholars and the caliphate is also a matter of supremacy and political rule, then the religious scholars will be among them at the time of the Imams’ life. They are appointed and held the guardianship, and this position is unique to them at the time of the Imams of the infallible Imams.

Imam Khomeini replies: “First of all, what is fixed for the Ahlul-Bayt is the general and comprehensive caliphate, so that in the time of Prophet Ali (PBUH) everyone, including Imam Hassan and Imam Hussein, was subject to the caliphate and his province. So the caliphate of the jurists is not in the caliphate of Ahl al-Islam, but during it. Secondly: In the life of the Imams (pbuh) we have a special reason that proves them to be capable of all things in all fields; and thirdly, the reasoning of this hadith is to prove the caliphate of the jurists in the era of absence and so His province is exclusively outside the time of the Imams” (Mousavi Khomeini, 468/2).

In view of the above, we can conclude that from some of the narrative reasons, including some verses, such as the verse of Etesam, the verse of the Prophet with the sincere, the verse of guidance, and the verse of the commandment of the well-known and forbidding evil, as well as the narrations in the narrative books, The “guardianship of the jurisprudence” and the need to “refer to them” in the events of the incident, including issues related to the administration of the Islamic community. Also in the narrated narrations, such as the judge, the ruler, the narrator of hadith, the caliphs, Hojat of the Imam refer to the jurisprudence, all of which may imply the fabrication and installation of divine-mediated jurisprudence from God; Prophet Muhammad is appointed by God in the first place, and they are appointed later, but the jurist is appointed by God.

2- The rational proof of the jurisprudence

There have been numerous rational arguments in the jurisprudence. Imam Khomeini writes about the intellectual necessity of the existence of a jurist in the province:

“For the same reasons that prove the necessity of Imamate after prophecy, it also implies the necessity of government during the absence of the Prophet. In particular, after all this time of the glorious absence and perhaps even thousands of years, its knowledge is with God, and we seek refuge in the great God. Can one imagine that the wise Creator left the Islamic Ummah without assigning them a task? And is it wise to say that God has given wisdom to the chaos between Muslims and their distress? And is it reasonable for a saint to say that he has not issued a decisive injunction to satisfy the basic needs of God’s servants so that their authority may be fulfilled? “

The jeweler cites the rational reason for the jurisprudence in a statement consisting of several precedents.

First, when the Shiites are not given up to chaos in their absence, society must be orderly so that the powerful do not overwhelm society.

Second, in addition to being a divine system, it must also be based on equity and equity, as it may be a disciplined society, but its order based on disbelief.

Thirdly, the divine law must be enforced by a law practitioner who acts in accordance with the law, and such a person can only be an Ahl al-Bayt jurist (Imam Khomeini Research Institute, 1378: 171).

Ayatollah Javadi Amoli has a specific rationale for defending the jurisprudence of the jurispudent, including:

- 1) The need of human society for divine religion is essential and not specific to the age.
- 2) The social and political orders of Islam, like its religious orders, are forever free from

degradation and deterioration, and are therefore always necessary.

3) The necessity of reviving and enforcing the social and political orders of Islam requires that one be able to execute them in order to be an Islamist, an expert, at the same time just and competent and a comprehensive jurisprudent.

Consequently, the existence of a righteous Mujtahid who is able to infer and act upon divine commandments and declare them to others is a divine favor and is needed in the system of peace (Vaezi, 1378: 208).

Speech Two: Democracy in the Theory of Imam Khomeini's Jurisprudence

Imam Khomeini's view was not merely a despicable concept, but a basis for a democracy in which people were free to vote and determine their own destiny and to determine the lawyers they sent to parliament (Mousavi Khomeini, 2/175).

In fact, we can have the privileges that a democratic system can have in Islamic government, and even find out what the strangers claim that their democracy has benefited from in Islamic rule (Sekhavati, 2001: 39). But he believed that Islam's democracy is advanced and progressive:

The state (we) is a republic, like other republics, and Islam's rulings are progressive, based on democracy and advanced, and agree with all manifestations of civilization (Ibid, 209). Imam even an example of Islam and the behavior of Amir al-Mu'minin Testifies to the democracy of the Islamic state where a Jewish person makes a claim against the Amir of the Believers (AS) and goes to the judge and the judge issues the ruling and the Prophet (peace be upon him) and the Prophet Accepts.

The Imam says: This is an example of Islam being a democracy. Another example is that of the life of Imam Ali (AS), who on the day of allegiance with him, the Prophet, picked up the tools of the work and went to work on the land (Ibid, 114). It's not a concept to be averse to. Imam Khomeini considers the Islamic Republic to be a real democracy: "If we succeed and implement the Islamic Republic with the content of Islam and establish a government in all sense in Iran, it will become a model for all countries that make the meaning of democracy in the true sense, not the meaningless plan. And the meaning of freedom in the true sense, not the one meant to deceive others, to be fulfilled. There is no doubt that the Imam considered the instances of democracy in the West to be unrealistic, unpopular and repulsive. Now, in the definition of "religious democracy," the term we refer to the Islamic Republic, we say: It is a government in which a free, religious and conscious people have voted to establish an Islamic state. "(Mousavi Khomeini, 5 / 88)

Speech Three: The Characteristics of Democracy in the Theory of Imam Khomeini's Jurisprudence

In our country, there is a school system that does not meet many of the requirements and goals of democracy. In other words, freedom of speech and other political and social freedoms, political equality, the possibility of opposition groups participating in the electoral ideology, the enactment of laws based on the will of the citizens, and so on, are the goals and objectives of democracy. Restriction restrictions are accepted in the provincial system. Therefore, it is clear that the Velayat-e Faqih system diff.

Paragraph 1: The Position of Liberty in the Jurisprudence of the Jurisprudence

In the jurisprudence of the jurisprudence, one of the basic principles is to provide freedom for the people of the society and to provide the grounds for human liberation from destructive, corrupt and stopping constraints and all obstacles to the movement and growth of human beings and their fight against them. It is the freedom of individuals in society. The

Velayat-e Faqih system defends freedom, but also liberates the people, leading to this freedom in a framework that does not exclude religion and reason. Therefore, if there are people who seek to abuse freedom under the pretext of freedom, they must be prevented from doing so, and this requires the freedom of health (Tehrani, 2000: 248).

The Velayat-e Faqih does not accept and reject absolute freedom because it causes chaos in society and violates the law and, most importantly, compromises the interests of society, but accepts freedom within the limits of the law. Because it is within the framework of the Shari'a and the intellect and furthermore it protects the law and society, it is in the interest of society that freedom is within the confines of the law.

Thus, freedom in the jurisprudence of the jurisprudence has a high status, provided it is not out of reason and religious, and in addition to always being bound by the interests of society. The expediency of society precedes the expediency of the individual.

Imam Khomeini states that: "In every country, freedom is about the law, about the laws of country. People are not free to break the law. Freedom does not mean that everyone, contrary to the laws of a nation, has the right to say whatever he or she wants" (Mousavi Khomeini, 535). Imam Khomeini on freedom of choice of community leaders as one of the examples of freedom states that experts gain legitimacy by electing the people and the jurisprudent is qualified by the choice of experts and becomes the head of government. The principle of his word is as follows: "The House of Experts is a House that you and the nation [must] know that it is the backbone of the country to maintain the security of the country and to preserve the independence and freedom of the country, and if this is neglected, it is a fault that may be compensated later. Not to blame, they should go as they say and the day they announce that the gentlemen will go and the people who have appointed the elders to vote for them and those who themselves wish to vote and participate. They are free to vote, whoever they want, but to participate, not to do the wishes of colonialism in Iran, not to ask, "God forbid," not to participate in those who want these countries. And deviating our Islamic country and take whatever resources they have. So I order all over nation to order men and women that everyone has reached the legal limit, take part in this assembly and the people who are proposed and elected, that is, have been proposed. Let them vote for whomever they wish, but attend" (Ibid, 113/17).

The most important demands of Imam Khomeini in this regard are the importance of the Assembly of Experts, the freedom to vote, the necessity of participating in the Assembly of Experts. Therefore, it is the important task of the Assembly of Experts (the election of a leader) that cares about it. In fact, the Imam considers the Assembly of Experts to be the nation's backing and independence. In general, often people cannot determine directly, but the jurisprudence, but this choice is made indirectly. That is, the people appoint the experts, and it is the experts who appoint the supreme leader to lead the society.

Paragraph 2: The Position of Political Equality in the Jurisprudential Theory

The second indicator for examining the degree to which the Velayat-e Faqih's theory is compatible with democracy is political equality. The basis of democracy is political equality. According to Imam Khomeini, the conditions for being elected to the jurisprudence of the jurisprudence are different from other positions. Therefore, the issue of political equality in the theory of Imam Khomeini's jurisprudence can be examined in two separate discussions.

A. The choice of the supreme leader in the theory of Imam Khomeini's supreme leader

Given the high status of the supreme leader in society, achieving this position also requires conditions and criteria that no one can attain. Imam Khomeini believes that the jurist should be a jurist and a theologian. Hence, poverty is a condition of the province. The principle of his word is as follows:

"Because of the Islamic government is a rule of law. Only the divine law, which is mandated for the administration of justice and the spread of justice around the world, the ruler of this government must inevitably have two important attributes that are the basis of a divine government, and that a rule of law cannot be fulfilled unless it is for the leader and its ruler to

have these two attributes: 1) Science by law 2) Justice Of course, the attribute of competence and competence, which is indispensable for the ruler, is in the first condition, that is, science in its broadest sense, and there is no doubt that the ruler of society Islam must have this feature as well. Of course, if one raises competence as the third condition of the ruler, it is worthwhile" (Mousavi Khomeini, 30).

It can be deduced from the nature of his words that he believes that competence and competence are also part of the general conditions for the supreme leader. It means things such as discipline, management, courage, awareness of the times and having the right political-social insight, and all of the above fall under the heading of merit.

They say elsewhere: "A mujtahid must have the ingenuity, intelligence and dexterity to lead a large Islamic and even non-Islamic society, and in addition to the purity, piety, and zeal that is desirable to the mujtahid, he must be truly a leader and a master" (Ibid, 289). As a result, Imam Khomeini did not consider science to be law and justice as the sole condition of the jurisprudence; he also considered general conditions such as reason and discipline necessary and valid. Therefore, not all people are entitled to be elected as the supreme leader, and not all can assume the leadership positions and must have the above-mentioned conditions and characteristics. Because the two conditions that must be fulfilled by the jurisprudent are due to the nature of the Islamic state and are mandated for the execution of judgments and the spread of justice around the world. So it must have its own unique circumstances and thus cannot be elected as the supreme leader. Also, if the jurisprudent does not have the conditions, he cannot withstand all kinds of invasions of domestic and foreign enemies, intimidation, threats, courage and courage, and at first confronts his own problems and fails. And for his own sake, he will do anything to defeat the Islamic community and defeat the Muslim community and win the honor of Islam and the Muslims. But if qualified, equality prevails and they can be elected and have the right to be elected.

B. The right to hold office and office

The right to elect officials and officials is equal to all people in accordance with the conditions stated by Imam Khomeini. So, it is not like the jurisprudential conditions that only specific people have the right to participate in, and that means they have the conditions, but these conditions can usually be obtained by everyone, but the jurisprudence is not something everyone can acquire.

For example, Imam Khomeini says about the criteria for election:

"One of the ammunition matters is the commitment of the lawyers of the Majlis. We have seen the terrible tragedies of Islam and the country of Iran from the shameless and deviant shura of parliament after the constitution to the era of the Pahlavi criminal regime and worse than ever in this corrupt imposed regime and the catastrophes and losses Of course, these criminals came to the country and the nation from these innocent and cruel criminals. Now that the fate of the country has fallen into the hands of the people and with the help of the Lord and the efforts of the great people of the nation, the lawyers of the people themselves have come to the Majlis without the intervention of the government and the provincial houses and hope that with their commitment to Islam and the materials of the country prevent any deviation" (Ibid, 21/21).

Consequently, the Imam's view of the conditions of parliamentary representation is that the condition of commitment to Islam is sufficient. They say elsewhere:

"[...] to elect those who are 100% Muslims who believe in Islamic law and are committed to implementing Islamic law and who are opposed to the deviant schools of thought and the Islamic Republic [...] not be influenced by propaganda and themselves by Islamic standards Choose the right one. [...] Choose people who are not committed to Islam, Eastern and Western, to the direct line of humanity and Islam. "(Ibid, 277)

What can be deduced from the above statements is that other offices are in no way comparable to the jurisprudence. Because in the jurisprudence of the jurisprudence according to its specific conditions, it required special people and not everyone could attain that position, but other positions are not so and usually anyone can reach those positions only have the general conditions. Be it. The most important issue in his duties is the observance of the Imam's

commitment and expertise. Imam Khomeini, unlike some other scholars, believes in these two conditions. In his opinion, neither of these two would suffice without the other. As they say:

“Everyone will strive to implement the precepts of Islam, to increase the commitment to the various dimensions of this school of humanity, to strive for the right and to build oneself [...] for the sake of educating themselves and their dear youth in harmony with their education. This is because by their corruption, the world becomes corrupt and by their righteousness. (Ibid, 392/172)

They also say elsewhere:

“Strive for the good pleasure of God and for the preservation of the independence and freedom of their country in the upbringing of human beings with their education” (Ibid, 393).

Therefore, the achievement of offices and offices is equal among all people and requires the conditions that everyone can achieve. Contrary to the conditions of the jurisprudence of the jurisprudence, certain individuals have the ability to obtain it.

Paragraph Three: Rule of Law

The rule of law is fundamental to the practice of law today in a variety of humanities, including philosophy, law, political science, sociology, and economics. Imam Khomeini on the rule of law in society states that: “If the Islamic government has ordained as the god of blessings and excellence. The conditions of the ruler, the conditions of the officials, the quality of the state, as provided for in Islam, as it was at the beginning of Islam, where the government has the same opinion and law over all individuals, the government of which the chief The government wants to go to court and goes to court, when Ali bin Abi Talib, Salamullah against whom a dispute between them and one of the tribe of Jews was found, summoned the same judge as the one appointed by them. Summoned the ruler of the time, but summoned the time, they went, and when they went there the judge wanted to give him some respect, even if Not to mention rats, in terms of transport is that he said, no, the judge should all be Alsva Ali, he is a kind. One of the rules of Islamic jurisprudence is that when one looks at the sides, one does not look at the other more than the other, Ali al-Sawa, not sitting as one sits higher, one sits lower” (Ibid, 29/29/229).

Elsewhere he argues for equality for all people before the law: “In Islam, everyone, even the great Prophet, peace is upon him, is united in the line of law, and the Qur’an and Islam are universally applicable, and the dignity and value of human beings is in keeping with the law, which is the same. It is a transgressor of the law, a criminal and a prosecution” (Ibid, 221/14).

They say elsewhere: “[...] If one of the lowest people of the nation claimed the first person, the sultan, the slave, and went before the judge, the chief judge of the country would be summoned and he would be present, and if He was giving up” (Ibid, 418/4).

As a result, according to Imam Khomeini in the jurisprudence, everyone is equal to the law and no one has any advantage over the other, even though they have social authority. According to the author, with regard to the above mentioned rule of law in the jurisprudence system has the following characteristics:

- 1) The rules must be public;
- 2) The rules should be clear, clear and forward-looking;
- 3) The rules should be proportionate;
- 4) The rules should be set out in such a way that citizens can plan for the future;
- 5) The independence of the judiciary should be guaranteed.

Conclusion

The Autonomous Province of the Jurisprudence in the Religious Democracy System is one of the main axes of its distinction from the Western democratic systems and basically constitutes the basic and central pillar of the religious democracy system. Religious democracy provides for all the requirements and requirements of democracy, while at the same time considering the religious beliefs and principles of the people of the community and providing a unique and unmatched combination. And with its rational and critical principles, with an ex-

pressive and popular backing, it challenges Western liberal democracy.

The rule of the jurispudent does not mean the autocracy and absolute authority of the leader in the religious democratic system, but merely means that the government has the necessary powers that in the absence of any government will not be able to govern society and safeguard the authority of the nation. In spite of the fairness of leadership and the control and justice of internal control, numerous external control mechanisms have been put in place to exercise oversight and control over his behavior and performance, and we can safely say that compared to liberal democracies, Leadership in the democratic system is more rigorous, and it is possible to control and monitor it in more accurate and reliable ways. In general, in the jurisprudence theory, the presence of three indicators of political freedom, equality and the system of representation and segregation can be observed. Imam Khomeini has accepted these three indices and has considered these indices in Velayat-e Faqih's theory and considering the difference between Imam Khomeini's perceptions of these indices, Imam's conception of democracy also differs.

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