**Fundamental Rights and Citizen Rights in Islamic Republic of Iran Constitution**

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**ABSTRACT:** Citizenship rights and fundamental rights is one of the most important components of social, political and legal modern state of the contemporary world and is always discussed. Present research under the title of fundamental rights and citizen rights in the constitution of Islamic Republic of Iran by using the descriptive method is going to discuss about it. Considering to the results of this study it can be said that by Islamic Revolution, after seven decades of the Constitutional Revolution, the rights and privileges of citizens (nation) be more examined in the form of a more detailed explanation of the Constitution of Islamic Republic of Iran. Civil rights in the Constitution, including various forms such as: the principle of rights equality, social and individual freedoms, the rights of citizenship and residence and more.

**Keywords:** Civil Rights, Fundamental Law, Constitution

**INTRODUCTION**

Rights and individual and general freedoms and is of the most important issues in the realm of citizenship and range of its debate is in the realm of fundamental rights from one factor and human rights perspective is from another angle. Civil rights is a complex of rights and obligations that a citizen benefit from it because of residence and joining in the country, such as enjoying from the rights and freedoms of the individual and public, freedom of expression, freedom of opinion and thought, press freedom, freedom of establishment and political parties, freedom of assembly, freedom of job, freedom of movement and residence, freedom to vote, freedom to be chosen and to choose, freedom to participate in political and social affairs, the right to security and safety of life, the right to equality before the law, the right to justice, the right to have a suitable legal and judicial behavior, Property rights, right of family life, the right to education and free education, the right to human dignity, the right to custody and care of children, the right to social needs and enjoyment of a healthy environment and healthy living and other rights and obligations (Haqiqi, 1386).

Civil rights issues are most common in the field of human rights and fundamental propositions. The place where a brief civil rights is in the Constitution and detailed discussion on fundamental rights. Human rights, fundamental rights and citizenship rights are closely related to each other in a way that these three concepts are sometimes used interchangeably, and also as a synonym (Zaki, 1388). Term of fundamental rights, and following that the constitution and rights of citizens, mostly more and more personal highlight has been entered to legal literature from the 18th century, and was investigated in the political systems. It has emerged in the list of known fields and has taken over rights as one of the effective measures of law. The basic law of first became common in Italian Republic about 1797 years later in 1834 by the historian and statesman seat of Fundamental Rights of the famous Frenchman, Francois Gies was established at the Faculty of Law in Paris. In Iran, this discussion has a special place among jurist and citizen rights is of the most basic civil rights, since it is an important part of each country's constitution, the rights and fundamental freedoms of the people, this is the most important element of the law. Because it is in this part that a rogue horse power is limited by constitution and relationship with the state is determined. On this basis, the rights of nations, political systems is a central issue in the constitution of political systems around the world are trying to emphasize it and make it their top priority of the constitution and the brightest season. For this reason, the Constitution of Islamic Republic of Iran, have devoted many of its rights and freedoms to the individual, social, judicial and public security accounts. Now it must be seen that to what extent these principles in defending the civil rights of the Iranian nation came to and was able to realize their goals and slogans (Qazi, 1375, vol. 1). Although in the Constitution of Islamic Republic of Iran, the word "citizen" is not used, but this is not due to the fact that the Constitution neglected the rights of citizens. Iran's constitution, race, color, language, will not know the difference between benefitting
others from civil rights and the executive, legislative and judicial rights has made a special contribution to introduce citizens to the judiciary and the rights of citizens.

In this study, our focus was to fundamental rights and civil rights in the Islamic Republic of Iran's constitution.

**Importance**

Citizen is as one of the most important factors of establishing government, so the issue of civil rights must be seen from this view. So as citizens in the governance of shared governance should also be involved. In such a process, the civil rights accepted and recognized.

Civil Rights are a headline of better life for all people in society. The necessity to have an orderly community with security, respect for the rights of citizens and in fact is being legal to the reality of the society. On the other hand satisfaction of the people from government cause to the stability of that government and creating a heart content to citizen rights.

Given that most of the people do not have much information to their rights and on the other hand it is necessary to know all aspects of civil rights for all people in society, why are so many lawsuits formed because of the lack of rights form, so the information and doing research in this field is a necessity.

**Fundamental Rights**

It is applied to a set of principles and rules governing the relations between the government and the people and the powers, duties and responsibilities of the institutions of the legislative, executive and judiciary with regard to the constitutional principle of separation of powers.

Basic rights is a branch of law that the rule specified the Constitution and to examine the relationship of government to the general sense of the word (the rule of) the accuracy and defines the rights of political institutions that make up the society (Qazi, 1375).

**Citizen Rights**

In fact, citizen rights is a collection of rights which people benefit it from according to the position of their citizenship and generally refers to the set of privileges for citizens as well as their position in the set of rules that govern society. The holder of this rights that is citizen, refers to individual people who live in the community, beyond concepts of citizenship, without heeding to the hierarchy, it goes to different situations for people, the conditions for the recognition, rulers and ruled certain specific and based on the unidirectional relationship between government, society and citizens and a partnership ethos and an active position.

In other words, rights and privileges belongs to citizens of a country in terms of the principle of human dignity and non-discrimination, to provide enough personality and social development of citizens who are in the legal system of each country, it is called Civil rights and set of rules and privileges of citizens' rights such as freedom of expression, individual rights, rights groups and divides such as the right to energy (Barbalt quoted from Kargozari, 1383).

**Sources of Fundamental Rights**

Constitution
Laws
Regulations resulting from the inherent jurisdiction of the government
Precedent
Convention
President's decree
Opinions of jurists
Citizen Rights and its evolutions
Islamic teachings and citizens' rights

**Citizens’ Rights in Iran**

Before the Iranian Constitutional Revolution, there were no codified and corrected civil rights. Also lack of rights has not been documented in the sense of a lack of civil rights. Various religious minorities in Iran have long been in personal affairs as well as the rules and regulations of their religion. By constitutional revolution,
Iran for the first time had own the constitution (Ahmadi Tabatabai, 1388). Constitutional constitution as a covenant between government and the nation restricted the absolute power of the king. The constitution amendment approved in 1325 reached in a chapter entitled "The rights of the nation," the most important individual rights and citizenship in eighteen principles (principles 8 to 26) were emphasized. Constitutional Amendment of the constitution at the same time that the first principle of the slogan "Islam is the official religion of Iran and by Jafariye it is twelve, Meanwhile the king of Iran propagate the religion."

"The same civil rights had been spoken for all the people before the law and protection of the law and the interpretation of the Eighth Amendment". Eighteen principles stated in the constitution amendment; progressive principles was considered a century ago in defense of civil rights in Iran

In citizenship rights in amendment two main points shall be considered:

The first point is emphasizing on to all citizens of the rights of individual citizens be benefited from. According to the abovementioned principles, ethnic, racial, religious and book minorities, Muslim Shiite majority are benefitted from the privileges of citizenship rights. Addressee of personal rights in the constitutional rights is people and the country's population. This approach is besides of consistency with the new constitutions of countries are freed from the shackles of despotism of kings and rooted in the teachings of the Islamic and religion. Recognized religious minorities in Islamic law as Muslim citizens, not only in Islamic society and government live in the comfort and security and their life, property and honor be inviolable, but also can have job any job that is not against public interest and not break the norm and in personal affairs and their legal disputes resolve between their religion's rules.

The most general and most important principle of an amendment in Constitution which were arranged with the guidance and supervision of religious scholars was the Eighth Amendment.

In abovementioned principle, it was noted: the people of country will be in equal state

On the defense of law, also to be communicated clearly to all the citizens of individual rights of citizens sometimes the term "Iranians" was used.

For example, in the Fourteenth Amendment was written "None of Iranians can not be banished, or be prevented to stay in local accommodation or the specified place unless the law stipulates."

The second important point in the Civil Rights of Amendment Constitution is relative recall. In the eighteen principles of the rights of the nations, the most important and most general and comprehensive civil rights is set in conformity with generality and a number of civil and political rights and freedoms, such as forming associations have also been talked (Mahmoud Tabatabayi, 1388).

**The Rights of Citizenship in the Constitution**

The principle of equality
The rights of religious minorities
The rights of others (non-Muslims)
The principle of human dignity
The principle of innocence
The principle of movement
The principle of association
Women rights
The right of residence
citizenship
Social Security
Freedom of opinion
Freedom of religion
Political Rights
Social and political freedoms
Freedom of the press
Free Education
The principle of non interference in correspondence
Prohibition of inquisition
Economic and Social Rights
Freedom in choosing jobs
Principle of the sanctity of property
Housing
Safety of life, property and dignity
Personal security
The right of security
Law
Cultural Rights
CONCLUSION

Rights and privileges of citizens have been evolved in the context of social and political developments, such as many of the concepts and components of human life. In old legal and political systems there are limited sparks and teachings of human rights. But it should be noted that these limited teachings of evolution and maturation of human society are bound to follow the transformation. In general terms nationals, nationals of citizen rights are new concepts in legal literature and political rights of citizens.

Political developments - human societies, of Western and authoritarian political systems of governments, constitutional change and Constitutional and legal constitution and laws of the rights and privileges of citizens in national constitutions is beginning of a new transitional government's commitment to uphold the rights of citizens and non-citizens in need in society. A country like Iran with an ancient civilization and with integration to Islamic civilization and continuous interaction between the various ups and downs of history and culture with a rich and privileged in less than a century. Iran's Islamic Revolution (the second one) with color values sought to develop and strengthen the institutions of government and write a constitution inspired by religious teachings, the relationship between the citizens and government forces of authority be identified. In the chapter on the rights, privileges and rights of citizenship in the constitution it has been met.

Suggestions

Considering that the realization of human rights requires citizens to have a right to respect, freedom, security, comfort, knowledge and the right progress and always against the law, the most important duty of the social elements is therefore recommended:

- All municipal laws and regulations based on a set of principles are logical.
- Public service official's obstacles and problems that are in violation of the principles are resolved.
- Developing principles of the Charter of civil rights based on a logical system be provided.
- Authorities for respecting the citizens' rights take better further action.

In the hope that our country will be considered in all aspects as the most developed countries.

REFERENCES

Ahmadi Tabatabai.1388. Civil rights based on the Constitution of Islamic Republic of Iran, Islamic Revolution approaches, the third year, No. 8.
Bushehri J. 1384. Basic human rights principles. Sahami Enteshar company, 1st edition
Haqiqi M.1386. constitution of the Islamic Republic of Iran and civil rights, press law (Public Law) No. 3