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INSTITUTIONALIZATION OF THE CONCEPT OF "VELAYAT-E FAQIH" IN IRAN'S POLITICAL SYSTEM

Annotation: The article analyzes the concept of "Velayat-e Faqih," the fundamental principle of the theocratic governance of the Islamic Republic of Iran, based on Shia traditions. It examines its genesis, theoretical and practical aspects, and integration with contemporary political and legal systems. Special attention is given to the core principles of justice and legality during the constitutional formation of this theocratic state. The article highlights the significance of the political transformation of Iran following the 1979 Islamic Revolution and the process of legitimizing the position of the Supreme Leader. Additionally, the author explores the role of Supreme Leader Ruhollah Khomeini in the institutionalization of "Velayat-e Faqih."

Key words: Iran, "Velayat-e Faqih," faqih, Supreme Leader, Shiism, Ruhollah Khomeini, Ali Khamenei, theocratic governance.

Introduction: Currently, the study of religious-political concepts that define the foundations of state structure holds a special place in the research of foreign policy and the history of international relations. Among them, the concept of "Velayat-e Faqih" ("the guardianship of the Islamic jurist"), developed by Ruhollah Khomeini and embodied in the political system of the Islamic Republic of Iran, is a distinctive example of the practical implementation of a theocratic model of governance in the modern world.

The scientific novelty and relevance of studying this concept are linked to its multifaceted nature. On the one hand, "Velayat-e Faqih" is a unique political-legal doctrine that organically connects elements of traditional Shia theology from the late 20th century with modern forms of governance. On the other hand, this concept remains a subject of intense debate both within and outside of Iran in the 21st century, due to varying interpretations of the clergy's role in state governance. Additionally, studying the genesis, evolution, and transformation of this concept provides an opportunity for an in-depth analysis of the distinctive features of Iran's current political system and its decision-making mechanisms.

Literature Review: There are substantial studies in the scholarly literature on various aspects of the "Velayat-e Faqih" concept. The historiography of the issue is reflected in the works of Iranian researchers (Hossein Shedayon, Rahmonkori, Khosrupano Abduhussein) [13, 14, 15], as well as European (R. Wright, N. Keddie, B. Wilfried) and Russian scholars (E. Doroshenko, A.K. Lukoyanov, N.M. Mamedova) [1, 2, 3, 5, 6, 8].

The scientific challenges in studying the concept of "Velayat-e Faqih" are linked to the diverse and often contradictory interpretations of its essence and role within Iran's current political system. Key areas of debate include the relationship between religious and secular authority within the concept, the boundaries of the Supreme Leader's (faqihs) powers, mechanisms for adapting the concept to contemporary political realities, and the potential for its evolution in a changing world.

Main part: Various approaches have emerged within the academic community regarding the essence of the "Velayat-e Faqih" concept. The traditional approach views it as the natural development of Shia political thought. The modernist approach emphasizes its revolutionary nature. The critical approach

highlights contradictions between the theory and its implementation. These approaches attempt to integrate religious and modern political elements into a unified theoretical framework.

Several factors complicate the study of this issue. These include limited access to primary sources, the fact that many studies are conducted from an ideological perspective, differences in the transformation of the concept itself, and varying methodological approaches. A comprehensive analysis of "Velayat-e Faqih" as the fundamental basis of Iran's modern political system requires a systematic approach, incorporating comparative analysis, the historical-genetic method, and institutional analysis within a complex methodological framework. Such methodological tools allow for not only analyzing the theoretical foundations of the concept but also examining its historical development, studying its implementation mechanisms, and assessing its impact on Iran's current political system.

A comprehensive study of the "Velayat-e Faqih" concept provides a basis for applying the accumulated experience of integrating religious and political institutions in state governance, as well as determining the prospects for the development of theocratic governance models in the 21st century.

In the early 1970s, during his time in Najaf, Iraq, Ruhollah Khomeini developed the core concept of Islamic government in a series of lectures, which were later published in the book "Velayat-e Faqih: Hokumat-e Eslami" (Governance of the Jurist: Islamic Government) [16]. This theoretical work not only laid the foundation for the state structure of the Islamic Republic of Iran but also significantly influenced the development of modern Islamic political thought formed at the end of the 20th century.

In this fundamental work, Khomeini systematically criticized the institution of monarchy based on Shia teachings about the succession of authority. According to his concept, the Prophet Muhammad (PBUH) directly transferred legitimate governance to the Imams, and Islamic principles should become the primary driving force in state development. The work places particular emphasis on social justice, considered an integral part of Islamic governance.

Khomeini's conceptual views on social justice, as expressed in his works, are based on several key principles. He emphasized that "The goal of an Islamic government is to ensure that all people are happy, healthy, and live prosperous lives... to create a state where justice is provided to all layers of society, and no one is given superiority except for those who earn the people's respect through their service" [17]. This principle became one of the foundations of his political philosophy.

In this concept, Ruhollah Khomeini firmly rejects class and social stratification, viewing the establishment of justice and the protection of the oppressed as key priorities in society. According to his political-legal doctrine, the legitimacy of an Islamic government is directly tied to its ability to ensure justice for all citizens. In Khomeini's view, a government that fails to establish such justice cannot be considered Islamic.

The principle of equality before the law holds a significant place in Khomeini's concept. In his statements, he emphasized that even the highest-ranking leaders must strictly adhere to the law. One of his programmatic declarations highlights this principle:

"Islamic governance existed precisely when Islam emerged, and all groups and segments of society were equal before the law. Now, we aim to create the same foundation to ensure universal human equality" [17].

Developed in the early 1970s, Khomeini's "Velayat-e Faqih" concept represents a complex political-legal doctrine that integrates traditional Islamic principles with modern concepts of state governance. It provides a theoretical basis for the idea that the Supreme Leader (faqih) holds ultimate authority. The core elements of this concept include: The legitimacy of religious authority, The primacy of social justice, The rejection of class stratification, Equality before the law, Governance based on Islamic principles.

In Iran's constitutional law, the institutionalization of the "Velayat-e Faqih" principle is historically linked to the legitimization of Khomeini's authority following the 1979 Islamic Revolution. This

reflects the unique characteristics of modern Iranian statehood. The legal principle of "Velayat-e Faqih" forms the foundation of Iran's theocratic governance model, as enshrined in the country's Constitution.

The constitutional and legal application of the "Velayat-e Faqih" concept is implemented through an interconnected system of constitutional provisions. For example, the preamble of the Constitution legitimizes this principle as the core doctrine of Islamic governance. Additionally, Article 57 of the Constitution establishes a system where legislative, executive, and judicial powers are separated but remain under the supreme supervision of the Supreme Leader [23].

The religious foundation of this principle is rooted in the Shia doctrine of the Supreme Leader (faqih). Prominent Shia scholars have formed significant theological opposition groups against this concept. Notably, figures such as Abulqasim Khoei, who advocated limiting the role of clerics in interpreting religious doctrines; Mohammad Kazem Shariatmadari, who proposed a collegial model of legislative oversight through a council of clerics; Hossein Ali Montazeri; Mohammad Reza Mahdavi Kani; and others have expressed critical views [12, p. 339].

The majority of Iranian society supported the theocratic model of the constitutional-legal system established in 1979. During the nationwide referendum held on March 30–31, 1979, using a binary voting system, the concept of an Islamic Republic was overwhelmingly approved by 99.3% of voters [4, p. 72]. According to Russian scholar V.M. Vinogradov [9, p. 314], the rapid and widespread rise of religious sentiment among members of the Iranian government was an unexpected phenomenon for various social groups within the country. This process led to the formation of a unique model of state development—a theocratic state with elements of republican governance.

During the period following the Islamic Revolution and prior to the adoption of the Iranian Constitution, the theoretical concept of the "Velayat-e Faqih" principle was systematically articulated in Ruhollah Khomeini's doctrinal statements. This new theoretical framework provided comprehensive justification for the legitimacy of a theocratic model of state governance that integrates both religious and political-administrative elements of power. The fundamental justification for this concept was based on three interrelated theoretical blocks:

The First Theoretical Block:

This block focuses on the theological legitimization of authority, presenting the "Velayat-e Faqih" concept as a "divine command revealed to the Muslim ummah" [14]. This doctrine was sacralized to reinforce political authority within the context of Islamic traditions.

The Second Theoretical Block:

In the context of sacralizing political power, this block emphasizes the historical succession of authority and establishes a strict system for the moral selection of candidates for the position of Supreme Leader (faqih).

The Third Theoretical Block:

This block defines the qualification requirements for the Supreme Leader (faqih), developing a set of four criteria: Strict adherence to Islamic principles; A life and career fully aligned with Islamic beliefs; The implementation of policies in absolute accordance with Islamic tenets; Moral integrity and impeccable character.

As an advocate of the activist school within Shiism, Khomeini engaged in ideological debates with the left-wing faction of Shia clergy, who supported the position of political non-interference. These pacifist scholars emphasized "the necessity of submitting to existing authority until the return of the Twelfth Imam," citing Quranic verses and the teachings of the fifth and sixth Imams, which discouraged rebellion against "illegitimate" governments [10, p. 45].

Aside from the "Velayat-e Faqih" concept, the ideological foundations of the Islamic Revolution were also shaped by radical elements such as the "Mujahedin-e Khalq" organization and Islamic

intellectuals like Ali Shariati, who promoted aspects of "socialist Shiism." Khomeini portrayed Islam as a "religion of the oppressed," effectively utilizing social justice rhetoric. This approach garnered support from socialist and communist organizations, as well as from student groups sympathetic to the idea of "socialist Shiism," who were often critical of the clergy [11, p. 109].

In the post-revolutionary period, the ideological platform led by Khomeini underwent transformation. After ascending to power, he gradually distanced himself from socialist rhetoric. The outbreak of the Iran-Iraq War shifted the focus of Iranian society from socialist ideals toward military patriotism.

Notably, Khomeini's pre-revolutionary political strategy displayed certain contradictions. Although he explicitly rejected the idea of directly governing the state, he developed the concept of the "Spiritual Leader of the People." This idea, expressed in his statements from November 1978, eventually evolved into the "Velayat-e Faqih" principle, reflecting the transition of revolutionary ideology toward a theocratic model of governance [21].

Khomeini's ideological legitimization of power was based on a deep integration of religious and historical concepts. In his public speeches, Khomeini consistently idealized the figure of Imam Ali as a just ruler who created a society where "there was no fear, and people lived in safety" [21]. This historical parallel served as an encouraging factor for supporters of the Islamic Revolution, motivating them to intensify their efforts in building a just society.

The concept of Mahdism became an important element of revolutionary ideology. One of the theorists of the Islamic Revolution, Murtaza Mutahhari, placed the doctrine of "welcoming Imam Mahdi with constructive deeds" against "destructive" ideas [7; p. 59]. Khomeini's return to Iran took on a symbolic meaning in the collective consciousness of society as the "return of Imam Mahdi." This was reflected in popular slogans like "Imam Khomeini," "The Shah is gone — Imam has returned" [25; p. 176]. Khomeini's identification as the revolutionary leader was influenced by factors such as the formation of the nation's cultural-religious symbol status, the temporary unity of the clergy under the Supreme Leader, and the consolidation of opposing groups.

The concept of "Velayat-e Faqih" manifested itself as a complex strategy in foreign policy, integrating religious, ideological, and geostrategic elements, aimed at increasing Iran's influence in the Muslim world. According to Iranian scholars, Khomeini's religious-political doctrine is based on the following concepts: reliance on clerical governance, achieving unity among Muslims, and establishing justice in society [22]. Within this conceptual framework, great powers are described as "oppressors," and fighting against them is seen as a necessary condition for protecting the "oppressed" and promoting Islamic values.

From a geostrategic perspective, Khomeini envisioned Iran as an Islamic state that should serve as the ideological bastion of the Muslim world. The strategic goals of the new Islamic government were declared to be twofold: preserving the revolutionary gains within the country and promoting the Islamic governance model globally. Specifically, during that period, Khomeini's phrase "Neither East nor West, but Islam!" became a central propaganda slogan.

The constitutional-legal system of the Islamic Republic of Iran was shaped in a complex foreign political context. Despite the fact that the Islamic revolution in Iran was led by Shiite clerics, it had a significant impact on the politicization of Islam in the Muslim world. Initially, many countries and organizations that supported the Sunni sect of the shah's government also backed it as a symbolic victory for the global Islamic movement [11; p. 118]. However, the political elites of Sunni states later evaluated the idea of "exporting the Islamic revolution" as a means of promoting Shiism and began to sharply reject it.

In the Constitution of Iran, the theocratic model of state structure was legally reinforced in December 1979. The preamble of the constitution established the core principles of succession of power, the

governance mechanism led by the Muslim faqih, who is recognized as the Leader by the people, and guaranteed the operation of state institutions in accordance with Islamic principles.

The Constitution places special emphasis on the role of the institution of the Supreme Leader. Specifically, in Article 5 of the Constitution, the Supreme Leader is tasked with leading the community, temporarily fulfilling the duties of the hidden Imam, and overseeing the governance of all Muslims [23]. The Constitution sets forth requirements for the candidate for the position of Supreme Leader, including qualities such as justice, piety, courage, prudence, broad insight, and organizational skills. The legitimacy of the Supreme Leader's power is ensured through a mechanism that involves recognition by the people. Specifically, the leader's appointment is approved by a majority vote. If the leader candidate does not have the majority vote, Article 107 of the Constitution outlines a mechanism for appointing a leader through alternative methods, where a council of qualified scholars well-versed in Islamic law is formed [23]. In 1979, Ruhollah Khomeini occupied this position. This allowed him to consolidate both religious and political power within the single institution of the Supreme Leader, thereby enabling the implementation of this constitutional model.

The institutional architecture of the Iranian state power is characterized by a harmonious integration of the elements of theocracy, led by a religious-political leadership institution, and republicanism. According to the Constitution, the system of governance in the Islamic Republic of Iran operates under the principle of the separation of powers into the legislative, executive, and judicial branches. The constitutional requirements for the Supreme Leader include possessing a high religious and legal qualification corresponding to the level of "marja at-taqlid," as well as having the necessary political and administrative skills and leadership qualities to effectively govern the state.

Institutionally, the Supreme Leader has several powers, including the authority to form the Guardian Council (Council of Guardians), appoint the head of the Supreme Court, command the armed forces, approve presidential election results, and grant pardons to prisoners [23]. The mechanism for the succession of the highest state authority is carried out through the activities of a special body, the Assembly of Experts, established in 1979. This institution is formed through a public vote for an eight-year term and has the absolute authority to elect a new leader.

According to the constitutional and legal status of Ruhollah Khomeini's governance system in Iran, the Supreme Leader embodied unlimited religious and political powers. These powers were much broader than those traditionally granted to a "marja at-taqlid" (the highest religious authority). Institutionally, his status was formalized through the principle of "velayat-e amr," which legitimized his role as the successor to the "hidden imam." Khomeini's power consolidation was characterized by the synthesis of both religious and political legitimacy. The religious-political legitimacy of Khomeini's leadership was based on two main principles:

- Religious inheritance (the representative of the hidden imam);
- Divine authority (velayat-e amr).

According to research on Ruhollah Khomeini's political leadership, as the Supreme Leader, he combined political authority with the role of a pure Imam, forming his identity as the leader of the Islamic Revolution, the Supreme Leader of the clergy, and the defender of the Islamic faith. At the same time, there was a fundamental difference between Khomeini's role as a political leader and the role of a pure Imam. Specifically, the purity of the Imam is characterized by infallibility, the legitimacy of power through popular approval, and the break from the genealogical line of the pure Imams.

The "Velayat-e Faqih" concept was theoretically based on the legacy of "Velayat-e Imam," where the faqih (Islamic jurist) appears as a divinely confirmed figure in society's governance as the "valiye amr" (guardian of authority). The legitimacy of this governance is based not on internal societal agreement but on the divine principle. Khomeini's strong political legitimacy is expressed through the

deep-rooted Shia traditions in Iranian society. However, Khomeini's institutionalization of power led to criticism from several prominent Shia scholars, including Ayatollah Ali Shariatmadari and Ayatollah Marashi Najafi. They questioned the religious foundations of the "Velayat-e Faqih" principle and the mechanism for appointing the Supreme Leader.

The process of institutionalizing the succession of supreme power in Iran officially began on June 30, 1986, when the Assembly of Experts under Khomeini's pressure, officially recognized Hussein Ali Montazeri as the designated successor. However, political disagreements between the ruling elite and Khomeini himself led to Montazeri's removal from office on March 28, 1989. Khomeini reinforced this decision by expressing doubts about Montazeri's leadership capabilities in a public address.

During the process of transferring supreme power in Iran, political suitability was prioritized over official constitutional norms, which was based on Khomeini's views on the qualifications for the leadership position. After Khomeini's death on June 3, 1989, a constitutional crisis arose regarding succession. The existing constitution specified that the Supreme Leader must be elected from among the religious scholars holding the status of "marja at-taqlid" (the highest religious authority). By 1989, four religious figures in Iran held this status (Muhammad Riza Golpayegani, Muhammad Hussein Marashi Najafi, Hasan Tabatabai, and Hussein Ali Montazeri).

In the extraordinary session of the Assembly of Experts held in June 1989, Ali Khamenei, the then president, was elected as the Supreme Leader with 60 out of 74 votes. The legality of this election raises several constitutional and legal issues. For example, Khamenei's previous religious rank of "Hojatoleslam" did not imply the right to exercise ijtihad (independent legal reasoning). Similarly, although the title of Ayatollah granted him the right to personal ijtihad, it did not provide legitimacy for performing the duties of a marja (religious authority). A legal precedent was set through a letter sent by Khomeini on April 21, 1989, to Ali Meshkini, the chairman of Expediency Council. Specifically, the letter emphasized that holding the rank of "marja at-taqlid" was not a mandatory criterion for assuming the position of Supreme Leader. In fact, even though this letter did not fully comply with constitutional requirements, it legitimized Khamenei's election as the Supreme Leader.

Conclusion. From the above, the following conclusions can be drawn:

The concept of "Velayat-e Faqih" represents the transformation of the traditional Shia doctrine into a modern theocratic governance model. In this model, the integration of the republic's state governance institutions with the clergy is noted. Its institutionalization in Iran's political system shows how the religious-legal concept is being adapted to meet the demands of modern state governance.

The political transformation of the "Velayat-e Faqih" concept is characterized by its variability, dependent on the institutional position of political actors. This, in turn, shows that the theocratic governance model of the state evolves based on the social and political reality. In Iran, institutional control over religious matters is carried out through a complex system of specialized bodies (such as the Qom Religious Education Institutions Management Council, and the Special Court for Clergy Affairs). This indicates that traditional governance structures have limited authority, and religious institutions are managed in a highly centralized manner.

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