

The structure of Parliament in Iran, Tajikistan and Russian Confederation “A Comparative outlook”

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Abstract: The structure of parliament in different countries is formed based on the constitution and the beliefs of society. In the theoretical foundations of the governments, there are harmony and cooperation among the predominant powers. The political systems in the world have established a balance among the powers by accepting mixed political systems. So the legislative power has a special position in administering the internal system. Countries with mixed systems have special and common characteristics in administering the internal society. For codification of the law in political systems, parliament would be held in one-chamber or two-chamber form. In countries with a single parliament, after the Act there is no other authority to comment, so after president's confirmation, the Act will be passed on to the cabinet for publication. However in countries with several parliaments or another authority other than parliament for ratification, the Act is passed on to the second authority (second parliament) for the final approval. The majority of the delegates are appointed and they more dependent on the regime. What will be studied are: in countries studied how the parliament has been formed structurally and what is the order for the ratification of the law, and what conditions have been predicted for those being elected and those who elect. In other words what are the conditions for codification of the law in these countries and what rights and immunities do the parliamentarians have, and how are their authority and qualification. Studies have shown that difference in the authority and position of the parliament is rooted in the theoretical foundations of the governments. Constitution has determined parliament as the authority for codification of the law. What are the advantages of the parliament in codification of the law? If the Acts of parliament (first parliament) is not approved by the second parliament what are its bearings on parliament?

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Introduction:

The contemporary world has become a world of communication, knowledge, change and development. Every incident in the remotest parts of the world comes to public view through satellite waves and the internet. Every change challenges people's life cycle throughout the world, in short with the formation of the global village the communication among the nations is spreading, people around the world get familiarized with social, political, economic and cultural features and their knowledge increases. However, people have more understanding of their own national law in comparison to that of other nations, so the changes which have occurred in different fields have increased the dealings among nations which lead to a mutual understanding of each other's culture and civilization. Naturally countries living in the same region various bonds like: common customs, traditions, beliefs, values and thoughts; with this advantage of neighborhood they are more affected in relation to these developments.

So understanding and studying each of the legal systems and various governments in the world lead to the development and growth of society's knowledge. Correct understanding and interpretation of the ratification process and the implementation of law,

increase our experience in the revival of law; this experience helps man to understand governments more correctly and how they interpret the law. Though comparative studies have entered academic societies in the recent century, but have found a place in the world in a way that nations can create a change in the internal system by studying it and adapting it to their own legitimate demands. Nowadays things such as elections-voting-, decision-making in personal and social affairs are among the public demands of society. These common rights obligate the governments to collaborate and help each other to revive and improve them.

Based on international principles and rules and declaration of human rights, nations are similar to each other on some principles. These principles are the foundations of a political system and the governments cannot ignore them by monopolization. The nature and form of the government should be in a way that guarantees and observes the innate and natural rights of man. The merciful God has given his onus to man in order for him to recognize the rights of others and to persist on its revival; accordingly man is the caliph of God in the religious and divine system. God has made man the ruler of his destiny and in case he ignores these fundamental rights and principles of the people

around him, he will go astray and will be miserable. Nowadays public administration has been realized and established through administrating international community. For administering society a proper criterion should be taken into account for all the nations to be bound by it, and the rights of nations are observed and their demands respected. Governments should obligate themselves to observe the criteria for the natural rights of man. Such kind of study informs people and leads them to study the world around and to get their demands from the political system.

Most of the rules and principles established within the civil rights are due to the efforts of the scholars and big men. They portray the merits and advantages of other laws and evaluate their good points as well as the deficiencies and evaluate the possibility of their implementation in terms of time and place. This paper can provide the ground for the students and those interested in knowledge from the countries mentioned to understand the potential of each other's constitution and by relying on their great historical past and the many commonalities they can promote human rights in their nations. So parliamentary communication and legislative practices with reliance on commonalities, are influential in building the nations rights. Nowadays not only the rights of nation have been portrayed in the constitution of the countries, but also these principles have been observed in all the rules. If a country does not have a codified law, obligation to the law decreases and the country would be insulted.

Most important is that legislation has a basic role in reviving the fundamental rights of people; in this case studying country's laws will help the inner authors of the law to overcome the existing deficiencies. When we have a look at the position of parliament in each of the countries, we realize what the role of parliament in each of them is. In some countries the authority of parliament is more than the other powers, this due to the attitude and belief of the people towards the position of each power. In the political system of the world based on their roles, the authority of the powers are defined and determined. For example in Iranian political system a duty has been determined for parliament in the framework of legislative system, as in the other countries certain duties are determined. Our aim in this paper is to study the common and different points of legislative powers in three countries. In other words what are the similarities and differences of the parliaments in the process of legislation, how these commonalities can help parliaments in their approach towards legislation? Can parliaments change their attitude in codifying the law, and would the constitution of the countries allow parliaments to model themselves on each other in ratification and codification?

Overview:

A. The Theoretical Foundations of the Study:

Many theories have been presented about the theoretical foundations of political governments and how the countries are classified structurally. The constitution of each country has classified the legal system and has studied the regime. Studying the kind of governments and their different models has revealed a sharp distinction with that of Islamic Republic of Iran, and the criterion used in Islamic Republic of Iran for the position and establishment of the powers is certainly different from the theoretical foundations of other countries in this study. However it is important how much they are committed to the universally accepted principles in their own affairs, for example how much loyal they have been to democracy which is a universally accepted belief. As to the rights of nation how much they have respected the people's freedom. In this study it has been shown that Iran has kept the form of its government along with the universally accepted principles, and by establishing a new model of democracy has remained loyal to the Islamic principles and the values and beliefs of its nation.

One of the characteristics of research is the introduction of democratic religious government based on Islamic principles and adapting it to other democracies confirmed by Quran. Such a model corresponds to the known principles of Islamic society and regimes and governments which adapt themselves to divine criteria. The countries studied are common on a range of universal principles as well as beliefs and cultures, and their government model is similar to Iran due to regional location and political system.

The most important theoretical discussion of this study is about the kind of various systems. The political systems of the world are held in parliamentary, presidential or mixed form. The countries in this study have mixed-presidential and semi-parliamentary systems. Scholars of political and public law have predicted codified constitution for these countries; common law is not much respected in these countries and there are important commonalities in the universally accepted principles. Structurally the governments have similar approaches, however in terms of content and the hierarchy of law sources and management each of the countries has its own special way for administering the society.

In these countries presidential and parliamentary election by people is the base, and president has certain authorities. In some of them president can close down parliament in case of not passing legislations, and in others president has not been granted such authority, so mixed political theory has been accepted in these countries completely, and the

form of the governments, like that of Islamic Republic of Iran, is different from other countries. (Hrisi Nezhad Kamal Aldin, comparative constitutional law- Aidin Publication- the first printing 2008 pp:178-179).

B. Materials and Method:

The methodology has been based on theoretical, historical, analytical and library studies, and mostly the sources of previous researchers have been used. Parts of the chapters are the translation of foreign texts which includes the theories of law and political science scholars. Since there were not enough sources and texts about socialist and East Block governments, especially the newly independent countries, and Iranian law scholars finished their studies in European and Asian countries, so according to the constitution of these countries and the theories of law scholars and adapting them to the form of government systems an analysis of parliament authorities has been provided: what is the position of parliament in these countries, and how its structure has been founded. In this study we analyzed the structure of parliament by using the translation of the constitution of these countries and the analysis presented by law professors in some fields. We wish it be benefited by those interested in this field of study.

1. The Position of Legislation in the Studied Countries:

Separation of powers document plan is the first new stage of comparative constitution whose best exegete is Montesquieu. This scholar was able to infiltrate the spirit of the rules and to elicit the principles of a good government system. (David Rand- Great Contemporary Legal Systems- Translated by Dr. Hossein Safaei et al- 1985- Tehran Publication, Center for Academic Publication-page4).

The movement of rules codification and the ratification of the constitution has begun from the final decade of the eighteenth century and has developed in the nineteenth century, and has reached its pinnacle in the twentieth century. The development of the economic, social, cultural, industrial and political relationship among the countries has led to development of law codification (Harisi Nezhad Kamal Aldin-the same source, page 23).

Nowadays almost 200 countries have their own constitution. If their basic and principal texts are taken into account all countries have common characteristics. Dispensing some of the minor differences, the legal systems of the world are classified into a limited number of families.

This classification has been presented based on various criteria such as the geographical location in a special economic, political and legal area, but legal classification which is known as rule-based systems is

based on legal rules and against it there is opinionated or dominant legal system in which decision is just made by the government (other than this, another classification is possible based on one of the key tools of analysis in constitution, i.e. separation of powers) Ardant philippe, 2000: 239. In fact the way of dividing governance among the predominant powers and their relationship in each of the constitutions reveals a special interpretation of powers separation. The kind of powers separation in each country is the main index of determining the political regime and is the criterion of political regimes division (Amid Zanjani Abasali- Comparative Constitution-Mizan Publication-First Printing 2004, page: 94). In fact the way governance is divided among the powers, especially the legislative and the executive powers, which is a kind of powers alignment on the political stage leads to the development of different regimes.

Based on this political systems and various governments are formed as parliamentary system (relative separation or powers cooperation), mixed systems (semi-presidential, semi-parliamentary), and dominant systems (the lack of powers mixture), so the parliament of each country is formed based on the kind of its government.

Each country to provide a social life, establishing order and security, keeping balance and observing the freedom rights of its nation and exerting governance needs law. As water, food and air are indispensable for the survival of physical life, for the social life humanity is needed. Law is the code of human survival and only it is law that determines the framework of men's relationship. So parliament is the institution which takes its responsibility. In political system parliament has been interpreted as the nation's wisdom. In all the political systems of the world people's governance is realized through parliament, for example in Article III of Russian constitution there is: "Russian people from different ethnicities have the governance and are the only source of power in Russian Confederation". It is seen that people's determination has been considered as the origin of law. In Article VI of Tajikistan constitution there is: "in Tajikistan people are the expression of governance and the only origin of state sovereignty is the nation who directly or indirectly exerts their power through their representatives.

In the 56th article of Islamic Republic constitution there is: "Absolute sovereignty over the world and man belongs to God and God has made him free over his social destiny. Nobody can divest man of this divine right or to put it at the service of a special group and the nation will exert this right through principles which follows later".

This principle emanates from the attitude of the legislators toward the world and people's sovereignty

which is peculiar to religious systems, these systems obstructs the way of those who want to usurp the power and condemns hereditary government. And it entrusts the administration of the society to a man of piety and justice and one who has salient religious characteristics. It grants people the right to elect among their experts and to have authority regarding their destiny. With a look at the root of all these legal attitudes we see that all systems have taken for granted the right of the nation in determining their destiny. However each according to the beliefs and values of its own society has internalized such a right. With one accord all systems believe in the governance of the people. So the position of legislation is very important in political systems in which people play the major role in the governance and they undertake this role in elections. Electing the representatives and codifying law is a kind of exerting governance in political systems, "people exert their power directly and through state institutions or local autonomous systems". This Article shows that community representatives and even local parliaments have a role in governance.

Based on basic principles and rules on which the separation of powers is based, the law scholars of the countries consider the legislative councils as an independent governance authority and respect its independence; however this independence may not be tolerated by some states. But the international community respects the independence of parliament and considers its governance as a symbol of democracy and interprets parliament as the common sense of the nation.

For parliaments to keep their position certain duties in constitution has been defined and determined which have not been specified for the other powers, and constitution has predicted some rules for supervision over other powers and it grants parliament the spokesman of the nation. Parliamentarians have special rights, and since they have the right of legislation and ratification on the part of the nation the government is held accountable before them.

In Islamic Republic the constitution identifies the legislative power as the special authority for the codification of law, according to it parliament can legislate within the boundaries of law and to complete or abrogate any legal principle without any limitation. It cannot withdraw from its own governance right or to transfer another authority. It can just contemporarily authorize the commissions to legislate. In fact being a representative in parliament is credited to the representative. Iran's constitution considers the legislative power as the manifestation of power and government and the crystallization of the nation's will and the external evidence of republicanism and in a way considers the other two powers as the executors

of its ratifications. This power is a council which is formed according to the rules and commands of the constitution, therefore the country's independence and national as well as social reputation of the people are in the hands of the parliament and is the guardian of people's rights and their interests; so the expectations of the people are higher from it than the other powers. The Russian Confederation constitution has dealt with the general principles of the system in the first chapter and according to article first up to sixteenth Russia is a democratic-federation and secular-social republic. In these countries first law and legitimacy have been highlighted. Sovereignty of the people, powers separation, ideological and political pluralism and multi-party system and respecting people's rights and legitimate freedoms have been taken into account and international agreements have been preferred over the internal rules.

The second chapter from the article seventeenth up to sixty fourth has been allocated to the human rights and citizen freedom which corresponds fully to the concept of human rights as reflected in the universal declaration of 1948 and its complementary covenants. "icquel.ean:2003:345". Individual freedom such as freedom of expression, belief, parliament elections, settlement and immigration, reception and transfer of production, information release, forming communities and social rights such as house, job, health, education and so on have been confirmed.

The fifth chapter of Russian Federation constitution is allocated to the federal parliament. In the eleventh article of this law there is: "**Governance in Russian Federation is granted the president of executive power, the federal assembly and confederation courts, and is enacted through the parliament**".

All the acts of the federal assembly, which is considered as the parliament in Russia and is the high legislative organ of Russian Federation, are applicable. This federation has two assemblies (the country's Duma and federation council, article 94-97). Two representatives of each member of Russian Federation join the federation council, who according to the arrangement of the representatives and the confederation representatives who there are two out of each federation, take part in the federal assembly with the other representatives. They have the right of governance and ratification and have an immense parliamentary power.

So in this Republic the dominance of the central government has been emphasized. First just the federation holds the governance and the territorial integrity and invulnerability of its borders are guaranteed, second as is the norm in federal countries the legal system of the federation has priority over the other legal rules, except for those cases which are

related to the special qualification of the members. Pactet.pierre.2003.256. As was explained the federal assembly is composed of two parliaments, i.e. Duma parliament and federation council, in fact the first parliament i.e. state Duma is the representative of Russian people and its seats are divided proportionately among different departments.

Among the deficiencies which exist in the constitution of this country and has somehow deflated the position of the parliament is the closedown of the parliament or the country's Duma which has been expressed in the articles 111 and 117 of the constitution. If the country's Duma rejects three times the candidate proposed by the president of Russian Federation, the president is able to close the Duma. Also there is in the article 117: "whenever during three months the Duma again rejects the federation state, the president of the federation can either dismiss the state or close down the Duma. This deficiency of the powers interference possibly amends the parliament's authorities before the executive power. Anyway the constitution of each country in proportionate to the needs and expectations of its legislators provides each power with certain authorities, maybe it limits or adds to a power's authorities. This mode exists in various countries.

In this Republic, like other independent Republics, some authorities have been predicted for the legislative parliament which in addition to legislation, there is interference in all the important issues of the country, and the major part of the affairs should be confirmed by the parliament and the parliamentarians should ratify it. The work of the parliament is for a parliamentary period, and the presidency of the parliament is elected with the vote of the majority and secretly, and the position of representation is considered as the academic and scientific activity and is not transferable to others and the parliamentarian cannot hold another job. Looking at the constitution of the three countries we see that each considers certain authorities for the parliament. Some countries think that parliament's authorities are absolute and it is entitled to legislate in all the country affairs. Maybe in some countries this possibility has been defined within the framework of the law, however in practice another authority is to be incumbent. For example legislation may be granted the commissions, or according to article 60 legal individuals are allowed to legislate. "People's representatives, the state's president, trial constitution, supreme court, economic supreme court and the parliament of mountainous Badakhshan autonomous province are able to legislate. In Islamic Republic constitution legislation is taken for granted as the right of parliament and at emergency times this authority has been granted a commission of the parliament and

besides this legislative parliament "National Security Council, Supreme Council of Cultural Revolution, the Assembly of Regime's Interests Recognition" have their own acts within the boundaries of law. These assemblies ratify acts which are applicable. So according to the authorities, parliaments recognize the authorities of legislation and besides that grants legal individuals to legislate within the boundaries of law.

But those authorities which have been predicted for different powers to close down parliament are against the principle of powers separation and it is possible that such process would establish despotism in the internal system of the countries. With a look at Tajikistan's constitution one sees that basically in this Republic the president cannot close down the parliament and has accepted the independence of the powers as predicted and the rules show that the president is not justified to aggress the parliament. In Islamic Republic of Iran the president cannot aggress the parliament and is held accountable before the parliamentarians, and the parliamentarians can interpolate the president and his cabinet. The right of vote of confidence for parliaments has been predicted in most constitutions. All parliaments are authorized to grant government vote of confidence, and just in Russian Federation if parliament does not grant cabinet vote of confidence, the president can close down the parliament. It seems that this obligation of the parliament to accept the state's attitude is a damage to the parliament's independence.

2. The Structure and Arrangement of Parliaments

The legislative parliaments in the world have a special structure based on constitution and predominant rules. These rules include: the conditions of election and being elected among the members, the number of representatives and the period of representation and how to select the board, beginning and end of the parliament and the way of decision-making. In Article 58 of the constitution of Islamic Republic which was ratified in 1979 and was revised in 1988 there is: "The practice of the legislative power is through the parliament which is composed of people's representatives and its acts after undergoing some stages which are to be explained later will be promulgated to executive and judiciary powers". Or in the 64th article it deals with the number of the representatives: "The number of representatives in the parliament is 270, and each ten year by taking into account political and geographical factors maximum 20 can be added to them". Also in the 62th article it refers to the election of the representatives. The representatives are elected directly and with secret vote, and the conditions of voters and the candidates are determined by the law". In this article the base of election through secret vote has been taken for granted

in the system; however the conditions of election and those who are entitled to participate in the election are specified by law, i.e. parliament has to ratify the election law.

This topic in Russian Federation constitution has been predicted in a different way. In Russian Federation constitution each of the citizens who is at least 21 years old can put himself forward as a candidate and to join the parliament. This has been specified in the constitution; however other conditions for the candidates have been delegated to the common law. Also in this Confederation the period of representation is six years. In Russian Federation constitution two parliaments have been predicted for each of which certain qualifications have been allocated, and the way of law codification is different from what has been predicted in Islamic Republic. At times the acts of Duma must be confirmed by the Federation Parliament. And each of the parliaments can have separate sessions.

The Duma of this country is composed of 450 representatives and they are elected for a period of four years. According to article 95 and 96 the position of Assembly Federation is considered as a permanent institution, article 99 and according to articles 102nd and 103rd certain authorities are considered for it, and it can grant the authority of legislation to some commissions and besides this assembly according to article 104th the president, the representatives of country's Duma, the government of Russian Federation, principal legislative systems, Russian Federation, the Supreme Court of Russian Federation, the Supreme Arbitration Court of the Russian Federation have the legislative initiative within the boundary of their authority.

Also in Tajikistan constitution some conditions have been predicted for the parliament by which the representatives are elected for a period of five years, and those citizens who are older than 25 can put themselves forward as candidate and their qualifications have been predicted in the law. In article 48 parliament is the highest authority of representation and legislative institution, and in article 49 the qualification of parliament have been enumerated.

The representatives are free in making their speeches and have parliamentary immunity and their arrest is prohibited except in case of the agreement of Supreme Parliament. In this country parliament holds a special position and the governance of the nation is exerted through their representatives.

In all these countries elections are held in secret vote, and to form the board a board according to age is formed in the first session which is composed of the youngest and the oldest representatives. This board is to select the permanent board. According to Tajikistan constitution the period of representation is five years

and the age limit of the voters and the candidates is 25. (Article 48 of Tajikistan constitution). Also how the sessions are to be held and the selection of the board are specified by the constitution. The constitution has predicted the qualifications of the legislative parliament. (Article 52 Tajikistan constitution). And it will be observed that the structure of the parliaments and the duties of each and the duties of the board and the head of the parliament have been predicted by the constitution in different chapters. In Islamic Republic constitution in the fourth chapter, article 177 there is the principle of revision which has it that revision in the constitution is necessary in emergency cases. "The Grand Leader after consulting the Assembly of Regime's Interests Identification through a verdict to the president suggests the council of constitution revision the cases of revision or complement of the constitution, and this council after the revision would have its acts signed by the Grand Leader and then would put it to referendum to be ratified by the majority of the people".

In the Tajikistan constitution in article 48 it has been predicted that making changes in the constitution is possible just through referendum. Also in article 99 it is said that changing and revising the constitution is made by the president's suggestion or at least by two-thirds of the representatives, and this suggestion is proposed in the press three months before the referendum.

3. Legislative Procedures

The first onus of parliament in the political system of the world is legislation. It is a universally accepted principle that legislation is the definite right of the legislative power and it cannot be transferred to any other. In other words the position of legislator is credited to parliament. As it is in article 48 of Tajikistan constitution and article 94 of Russian Federation constitution and article 56 and 58 of Islamic Republic of Iran legislative assemblies or parliaments have their governance through legislation and their natural duty is the codification of law. In fact the constitution of countries has predicted procedures for the formation of parliaments. In the three countries studied there was the same conventional way, i.e. elections are public and those can participate whose age meets the criterion mentioned in the constitution, for example the condition of participating in elections in Russian Federation is 21, but in Tajikistan constitution it is 25. In Iran constitution this right based on the article 62 has been given to common law. In these countries legislation is direct. However in article 59 of Iran constitution it has been predicted: "in vital economic, political, social and cultural issues may be the practice of legislative power is enacted through referendum or relying on the direct vote of the

people". This is not expressed clearly in the constitution of countries studied. This was an innovation on the part of legislators in Iran. As to how applicable it is and how its potentialities can be used reverts to the determination of the representatives. In some of the constitution of the countries studied the suggestion of holding a referendum about the draft has been proposed to the Supreme Parliament. (clause 6 article 49 of the constitution of Tajikistan). Such a potentiality should be welcomed in emergency times by the governments and parliaments.

Acts are proposed by the state or the parliamentarians. In the first procedure the state reviews the deficiencies of the act by experts and proposes it to parliament in the form of a bill. But the ratification and revision and abrogation of the rules in all countries are by parliament, and this natural right is used due to the principles mentioned in the constitution and the internal codes of the legislative power. The proposals are first referred to special commissions, and then the commissions make their final remarks on the proposals made by government to be reviewed in parliament by the representatives. Parliamentarians after negotiation and listening to the report of the commission representative and the pros and cons would comment on the general and minor points of the proposal. In these countries maybe there other authorities other than parliament for the ratifications, however in other countries such a condition does not exist; i.e. the acts of the parliament are just applicable for the government. In Tajikistan constitution, for example, there is: "The acts of the parliament are presented to the president for signing if a president does not agree with an act he returns it to parliament within 15 days with documented reasons. If the supreme parliament ratifies it with at least two-thirds of the parliamentarians, the president has to sign it. If a president does not return an act during the legal time, he has to sign it".

In other words, according to Tajikistan constitution after the ratification by two-thirds of the representatives, the president is obligated to sign and promulgate it and he cannot rival the law.

In Russian Federation constitution two parliaments have been predicted for ratification. In other words the assembly of Russian Federation is composed of two parliaments: one the federation councils and the other the Country's Duma. The representatives of the Duma who are 450 are elected by the people for four years, they are the representatives of Russian people and each federation has two representatives who are the representatives of the federations. One of these representatives comes from the regions and the other from the executives systems in the government. In other words these two

parliaments are the supreme position of representation. << Articles 94,95,96 of Russian constitution>>

In this country each of the parliaments has separate sessions and board. << Article 100 of Federation constitution>>

Each legislates within the boundaries of its authority, in fact some of the acts of the Duma are presented to the Federation council, after 14 days if the Federation council does comment or it is not ratified by half of the representatives of Federation Council of Federal Law this act is considered as a ratification of Federation Council. When Federation Council rejects the federal act the two parliaments can form a commission of mutual understanding to settle the differences, then the act is reverted to the Duma to be reviewed again. When the Duma of the country is not in agreement with the decision made by the Federation Council, if the federal act is ratified by at least two-thirds of the representatives it is then taken for granted. Other than this there is no bearing on it for being sent back and forth. This kind of legislation and codification though it may have some advantages, but in practice destabilizes the acts of parliamentarians, and the possibility of its being ratified by the Federation Council deflates the governance of the people.

In Islamic Republic constitution there are two authorities for ratification. The constitution has considered the Guardian Council as a part of the parliament which has the responsibility of supervising its acts. In fact all the acts passed by the parliaments should not be in conflict with the constitution and the Islamic rules. The ways of legislation in the parliament and ratification in the Guardian Council have no similarity with those of other countries. The Guardian Council does not legislate; it is just a supervising authority, while the Council of Russian Federation is entitled to codify laws. In other words according to the constitution some of the laws are incumbent upon this authority and even it is able to abrogate the acts of the Duma parliament.

In Islamic Republic the proposal of an act is presented to the parliament by the state or the representatives as a bill or plan <<article 74 of Islamic Republic Constitution>> and the parliament in terms of the case puts it on the agenda of the commissions ordinarily or extraordinarily.

The commissions after reviewing and making the final comments, for the final presentation delivers it to the parliament, and parliament after listening to report of the commission and the representative of the state and the pros and cons either rejects or ratifies the proposal. The acts of the parliament are sent to the Guidance Council, and this council has to make its comments about the correspondence of the act to Islamic rules and the constitution within 10 days, and

if there is any conflict it can send it back to the parliament for revision. Otherwise the act is applicable. <<Article 94 of Islamic Republic constitution>>

In cases in which the 10-day period is not enough for the Guidance Council it can request another 10 days from the parliament. <<Article 95 of Islamic Republic constitution>>

If the parliament agrees with this extension the Guidance Council in the remaining time would make its comments, and after the end of the period the act is taken for granted. Representation is credited to the representative and nobody can grant it others, in other words the nation's lawyer is responsible before the people. This delegation is personal, i.e. the lawyer's interference in it is a condition, and no one else other than the lawyer himself can do that. According to these cases the onus of the representative before the nation and the society would be according to the oath which he took at the beginning of his representation which is a legal duty. And he should try his best to observe the right of the people, and to let any divergence in the values or conditions set by the constitution.

4. Parliamentary Immunity

Doubtless without parliamentary immunity the application of democracy and independence of the legislative power is not possible. <<Amid Zanjani-Comparative Constitution-Mizan Printing-the Fist Publication 1384-page 149>> So it has been mentioned in all constitutions that representatives are free in expressing their opinions, based on this this principle was named parliamentary immunity. Through this principle nobody's right is deflated, and order and security would be established in the society and the independence of the legislative power would be observed in this way. So the freedom of speech by the representatives about the important issues of a country and the ratification of the acts has been confirmed by all the countries around the world.

What is clear is that after the end of their responsibility, the representative are not allowed to commit public crimes and its does not exclude the principle of the representative's responsibility; he is still responsible before the people who elected him. The guarantee of observing this responsibility is not electing the representative for a second time. On the other hand the representative is responsible before his conscience as well. This cannot be abrogated through legal acts. And if the representative does not behave in this way, it shows his lack of qualification before his conscience. So changing the parliamentary immunity to an advantage and abusing it before the social system is treason. In fact such immunity increases the representative's responsibility, and is no justification

to shun the onus. Based on this in the constitution of the countries studied parliamentary immunity has been predicted for the representative through which the representatives are free to express their opinions in defense of the rights of the nation. <<Article 98 of Russian Federation constitution and article 57 and 58 of Tajikistan constitution and article 84 and 86 of Iran constitution>>

Also no one can insult the representatives and they cannot be arrested with the head of the parliament's permission, in case of a crime there are some conditions for his arrest which is a kind of immunity for the representative. As far as his speech is related to his representation he cannot be prosecuted or arrested. Article 86 of Islamic Republic constitution and 59 of Tajikistan constitution and 98 of Russian Federation constitution observe this right, in fact in all countries around the world representatives are entitled to be free in their speech and practice. Though representative in doing their responsibilities have immunity but such immunity is not absolute, the representatives have the same right as other people. The principle of all before the law allows the governing board that if a representative commits a crime during his responsibility the judiciary system is allowed to prosecute them. They are just immune in doing their legal responsibilities. What is clear is that representative's civil and financial responsibility is along this, in case a representative makes damages has to make up for it.

Among the other responsibilities mentioned for the representatives is that they cannot hold another job simultaneously. The constitution of countries have predicted this for the citizens, however academic positions are excluded. <<Article 97 of Russian Federation constitution and 58 Tajikistan constitution 141 if Islamic Republic constitution >> each citizen is entitled to hold one official job, just if the second job is academic or dealing with research it is to be excluded.

Results and discussions:

Those interested in comparative law know well that the world is developing. Many discussions are heard throughout the globe, the unification of the governments and governances and even forming single parliaments, single monetary unit and a single global community, talking about equal rights and such cases which are possible in the communication era and new system. These thoughts can be applicable through different ways. It should be considered how these plans are to observed, what conditions are required for the people to reach such a position. In this study we concluded that many of the principles are the same in the countries, in fact there is no conflict among them concerning these principles. Principles such as having

a single parliament and an authority of legislation-people's government-voting with the majority of the people and secretly, election with the presence of the majority of the people, observing order in the codification of law, referring to special commissions, having certain and peculiar qualification for legislative assemblies, and the authority of interpolating the governing board and other cases show that all the world follows similar goals to provide an equal right for all in a big community. Of course there are some principles and rules which are different in some countries and they are the inseparable part of the governments. In some cases maybe some of the principles are changes or amended according to the governing board. As a case it was explained that the Russian Federation constitution has allowed the president to close down the parliament at certain times. Maybe first such a principle seem proper due to special political decisions, but this authority of the president has deflated the basic principle of democracy, in fact such a power should be lowered or brought down to minimum. In Tajikistan and Iran governments parliament is formed by the direct vote of the people and the president is not only under their supervision is not allowed to close down the parliament, in other words the separation of powers exists. Another interesting point found in the constitution of both countries is codification of internal law based on convention and conventional resources and those customs and traditions and norms observed by the people. So the acts of the parliament have not been based on religion, because they have not used religion as a source in the constitution. Though most of the people's beliefs are based on religion and are among the inseparable religious principles. Principles such as justice, equality and helping the poor which lead to the codification of the law are rooted in the beliefs of humanity, in other words social religion and ethics along with beliefs are in the attitude of the legislators, and so in near future the governments should accept religious rules and orders

expressly in their codification of the law and to overcome the social problems by relying on such beliefs.

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