

**Constitutional Politics and Institutional Challenges in Islamic  
Republic of Iran;  
Examining the principle of Maslahah in the Iranian Constitution  
and its Contradictive Appearance in Elected and Unelected  
Institutions under Hassan Rouhani's Presidency (2013-2021)**



**Dissertation**

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## STATEMENT OF AUTHENTICITY

I, the undersigned hereby declare that:

1. This dissertation is my own original writing and has never been proposed to obtain an academic degree (bachelor, master, and/or doctor), either at the Muhammadiyah University of Yogyakarta or in other tertiary institutions.
2. This paper is purely my own ideas, formulations, and research, without the help of other parties, except the direction of the Promoter Team and input from the Review Team/ Examiner Team.
3. In this paper there are no works or opinions that have been written or published by other people, except in certain parts referenced sections where the source is listed as a reference in the text, whit the name of the author included in the bibliography.

I make this actual statement and if in the future there are irregularities and untruths in this statement, then I am willing to accept academic sanctions in the form of revocation of titles already obtain for this work, as well as other sanctions in accordance with the norms that apply in this University.

Yogvakarta, 17 October 2023



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## **Preface**

The aim of this research is to examine some of the political consequences of institutional conflict in the Islamic Republic of Iran during the presidency of Hassan Rouhani. This research examines the roots of this institutional conflict by focusing on one of the most important guiding principles in the formation of the Islamic Republic's constitutional structure, namely the principle of *maslahah*. After tracing the history of the meaning and application of the principle of *maslahah* as a tool for law-finding and legal changes in the history of Islamic jurisprudence using the hermeneutic method, this research examines the interpretation and application of this principle by the ruling clerics of Iran and finally, the political consequences of the application of this principle, which relates to the conflict between elected and non-elected institutions during Hassan Rouhani's presidency in the fields of foreign policy, legislation and elections. This research shows how the Iranian ruling ulama's perception of the concept of Islamic governance has led to the expansion of the power of the supreme leader and non-elected institutions as well as the weakening of elected institutions. This research would not have been possible without the cooperation and useful guidance from the supervisors and the Islamic Politics study program at the Muhammadiyah University of Jogjakarta.

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