

Civil Liability of the State for Violations of the Right to Peaceful Protest in Light of International Instruments

1. Abdollah Ghaderi : Ph.D. Student, Department of Law, Sa.C., Islamic Azad University, Sanandaj, Iran

2. Haneh Farkish *: Assistant Professor, Department of Law, Sa.C., Islamic Azad University, Sanandaj, Iran

3. Arkan Sharifi : Assistant Professor, Department of Law, Sa.C., Islamic Azad University, Sanandaj, Iran

*Correspondence: hanehfarkish1@chmail.ir

Abstract

State civil liability, as one of the pillars of democratic systems and an important component of the public sphere, continues to face challenges and insufficient development despite societal progress. Using a descriptive-analytical approach, this study examines the civil liability of the state as well as its key components at the international level, including the duty to protect, the obligation to prevent harm, the proportionality of measures, and, ultimately, the obligation to guarantee and compensate for damages incurred. The findings indicate that although the theories of fault and risk, including liability arising from harmful legislation, have been recognized in domestic law, numerous legal and structural gaps—particularly the absence of institutions such as a constitutional court for the effective protection of citizens' rights—constitute serious obstacles to the effective compensation of individuals harmed by state actions. These deficiencies have resulted in the inadequacy of existing mechanisms for vindicating citizens' rights in cases involving harm caused by state conduct. To address these challenges, measures such as reforming existing laws, establishing special compensation funds for victims, and strengthening oversight of the conduct of state authorities and forces are proposed. These measures are intended to address legal and operational deficiencies, safeguard citizens' rights, and reinforce the foundations of democracy and the rule of law within civil society.

Keywords: state civil liability, right to peaceful protest, principle of protection, prevention of harm, principle of proportionality, obligation to guarantee.

Received: 02 October 2025

Revised: 03 February 2026

Accepted: 10 February 2026

Published 01 May 2026



Copyright: © 2026 by the authors. Published under the terms and conditions of Creative Commons Attribution-NonCommercial 4.0 International (CC BY-NC 4.0) License.

Citation: Ghaderi, A., Farkish, H., & Sharifi, A. (2026). Civil Liability of the State for Violations of the Right to Peaceful Protest in Light of International Instruments. *Legal Studies in Digital Age*, 5(3), 1-9.

1. Introduction

State civil liability, as a relatively modern field of law, developed alongside the transformations that followed the Renaissance. In this process, the principle of absolute state immunity gradually gave way to the principle of state accountability. (Molaei, 2020) The modern state is not only responsible for maintaining public order and security but is also obligated to protect the fundamental rights of citizens, including the right to peaceful protest. This dual role sometimes places the state in a position of conflict between maintaining order and protecting the right to protest. Under such circumstances, the issue of state civil liability for damages that may arise during peaceful protests assumes particular importance. Historical experience demonstrates that, in many instances, disproportionate conduct by state forces toward peaceful protesters has not only resulted in violations of citizens' fundamental rights but has also caused substantial bodily and property damage. Conversely, in some

situations, the state's failure to adopt necessary measures to maintain security and order during assemblies has resulted in disorder and damage to public and private property. Such issues demonstrate the necessity of developing a precise and comprehensive legal framework for determining the components of state liability. Despite the existence of numerous international instruments that directly or indirectly address protest assemblies and the obligations of states, the interpretation and practical application of these principles and rules remain complex. Ultimately, the central issue is to establish an appropriate balance between the legitimate right of citizens to peaceful protest and the state's obligation to maintain public order. In this regard, public participation in exercising control over state power is highly important because the state, as an institution of authority, possesses the power to shape public policies that ultimately affect the population as a whole. It is therefore necessary to ensure that ordinary citizens can exercise such a role in order to prevent any abuse of power. Accordingly, states are responsible for decisions that have public and often unforeseen effects on society. For this reason, transparent and properly managed public participation is essential for ensuring full awareness of government policies and for transforming those policies into effective strategies, plans, and projects. (Prawira & Akbar, 2024)

2. Concepts

2.1. Damage

Damage, or harm, refers to a situation in which a person suffers a diminution in property, bodily integrity, or reputation. (Barikloo, 2023) In other words, damage is a necessary prerequisite for the realization of civil liability. The scope of damage is sufficiently broad to encompass any material or non-material injury. (Safaei & Rahimi, 2024) What is generally understood by this term is the damage or loss resulting from the deprivation of any benefit of life possessed by a person, whether relating to property, reputation, dignity, or other interests. (Rahmati, 2021) In a classical classification, damage may be divided into material and non-material damage, each of which is discussed below.

2.1.1. Material Damage

Within the framework of civil liability, material damage, as a central basis for compensation, consists of any diminution in a person's property or pecuniary rights that is caused against that person's will by another and results from an unlawful act or the fault of another. (Barikloo, 2023) The principal characteristic of such damage is its capacity to be assessed in monetary terms and calculated financially. (Rostami et al., 2022) The purpose of compensation is to restore the injured party's financial position to the condition in which it would have been had the harmful act not occurred.

2.1.2. Non-Material Damage

This type of damage has a broad and often intangible scope, and its precise boundaries are difficult to determine. (Rostami et al., 2022) The rationale underlying its compensation is the protection of human dignity, honor, and reputation. (Barikloo, 2023) Accordingly, damage is not confined merely to material aspects. (Katouzian, 2006) Where a harmful act causes injury to the non-pecuniary rights of individuals, resulting in impairment of or injury to the values associated with the person, such harm must be compensated. (Barikloo, 2023) As also contemplated in Note 1 to Article 14 of the Code of Criminal Procedure, non-material damage may arise from injury to a person's reputation and dignity or may take the form of physical pain or psychological harm. (Rahmati, 2021)

2.2. Peaceful Protest

The right to peaceful protest is among the most fundamental recognized human rights and has been acknowledged at all levels of law, both domestic and international. (Alizadeh & Salehi, 2017) The right to peaceful protest is regarded as a legitimate and lawful means of protecting the fundamental rights of the people to express opinions and exercise public rights and freedoms. Protest is therefore an individual right that is most often exercised collectively. Its purpose is to persuade

competent authorities to recognize and enforce rights, protect common interests, eliminate deprivation, and address dissatisfaction with prevailing conditions. Protest assemblies generally arise where a right has been disregarded and there is no effective opportunity to pursue other lawful avenues. Consequently, by invoking the right to peaceful protest, protesters seek, through verbal, written, and practical means—subject to requirements such as peaceful conduct—to resolve their existing grievances. (Hamilton, 2020)

2.3. *State Civil Liability*

From the nineteenth century onward, recognition of state civil liability became increasingly common in legal systems throughout the world. (Molaei, 2020) The Iranian legal system likewise adopted such an approach through the enactment of the Civil Liability Act of 1960, Article 11 of which explicitly recognized the civil liability of the state. (Houshmand et al., 2020) Accordingly, state civil liability may be defined as the obligation arising from the principle of accountability and the requirement to compensate citizens for harm caused by governmental actions and the conduct of public officials. (Esmailzadeh et al., 2023) Thus, the state's legal obligation to compensate a citizen who has suffered damage as a consequence of governmental decisions or actions constitutes state civil liability. (Rostami et al., 2022)

3. Foundations and Theories of State Civil Liability

3.1. *Fault Theory*

State civil liability, like other forms of liability, rests upon particular foundations, the most important and principal of which is fault theory. The central role of fault is such that the 2016 reform of the French Civil Code also regarded it as a principal basis of civil liability. In the domestic legal system, the Civil Liability Act considers fault to be the basis of such liability, and in order to establish liability, in addition to proving the occurrence of harm attributable to the injuring party, the latter's fault must also be demonstrated. (Tabatabaeinejad & Kazemi, 2019) According to this theory, the sole justification for imposing an obligation to compensate is the existence of a causal relationship between fault and the occurrence of damage, and the burden of proof in a claim for compensation rests upon establishing the fault of the party responsible for the harm. By contrast, in contractual liability, proof of breach of obligation is sufficient. (Katouzian, 2012) It may therefore be argued, on the basis of the national compact—the Constitution as a social contract—and the occurrence of damage, that the state is responsible for compensation. Domestic law contains certain limited analogous instances, including protection and payment of compensation, in the form of blood money, from the public treasury; however, this process is often prolonged and burdensome because of such factors as administrative bureaucracy and limitations in allocated resources. (Doago et al., 2019) Accordingly, the absence of a clearly defined authority and procedure for vindicating the rights of injured persons does not negate state liability. The state, as a legal person, is responsible for its own acts in the same manner as other persons, and because liability attaches to the person responsible, damages arising from state conduct may be pursued and ultimately compensated. (Gharibnavaz, 2016)

3.2. *Risk Theory*

Within the domestic legal system, Article 11 of the Civil Liability Act, while accepting fault theory as the primary presumption, also contemplates a risk-based approach to such liability, particularly in relation to administrative and executive actions. On this basis, the state may be held liable toward citizens, particularly for damages inflicted upon them. Nevertheless, no clear and coherent body of legislation or judicial practice has been developed in this regard, and state liability may primarily be justified by reference to the principle of the rule of law. (Doago et al., 2019) Accordingly, if state forces commit an unlawful act, or in other words a fault, during a peaceful protest, they may be held responsible because of negligence or failure to observe the requirements of their personal competence in decision-making, action, and performance of duties, and must therefore be accountable. (Gharibnavaz, 2016) An important point concerns the final part of Article 11 of the aforementioned Act.

Considering the date of its enactment and the subsequent adoption of the Constitution, this part may be regarded as having been repealed. This is because the final part of Article 11 conflicts with Articles 20, 40, and 56 of the Constitution. (Khatami et al., 2016) Moreover, Articles 13 and 14 of the Law on the Use of Weapons by Armed Forces Personnel in Necessary Cases, (Gharibnavaz, 2016) Articles 14, 145, 255, and 259 of the Code of Criminal Procedure, (Ayeneh Negini & Abrishami-Rad, 2022) and particularly Article 473 of the Islamic Penal Code (Houshmand et al., 2020) specifically demonstrate that the legislature has drawn no substantive distinction between the state's proprietary and sovereign functions in this regard and has based the philosophy of legislation on eliminating harm arising from governmental action. From the perspective of Islamic jurisprudence, the rules concerning destruction of property, the prohibition of harm, justice and equity, respect for Muslim property, and the principle that whoever enjoys the benefit must also bear the corresponding liability likewise support the repeal of the final part of Article 11 of the Civil Liability Act. (Gharibnavaz, 2016) In this regard, where the legislature, in exercising its powers, commits excess, negligence, or abuse of authority, or where legislation conflicts with citizens' interests—for example, where no rational and principled assessment precedes the enactment of a law and the legislation directly conflicts with citizens' fundamental freedoms—the establishment of such conduct together with a causal relationship between those actions and the damage suffered by citizens gives rise to state civil liability. However, what if neither breach of obligation nor excess or negligence in legislation is present? Given the acceptance of fault theory, proving fault has consistently been accompanied by various difficulties and, particularly in this field, has often resulted in unsuccessful and ineffective claims. (Velaie et al., 2022) Consequently, fault has increasingly given way to an assessment of the overall circumstances so that governmental measures may be evaluated against more rigorous standards. Thus, the mere absence of fault, or even the legality of harmful conduct, may nevertheless result in state liability, and fault may no longer constitute an indispensable basis for liability. For example, under Article 328 of the Civil Code, liability for destruction of another person's property arises independently of intent. (Katouzian, 2012) Accordingly, once causation and damage are established, the existence or absence of fault no longer affects the duty to compensate. (Rostami et al., 2022)

3.3. *Theory of Guaranteeing Citizenship Rights*

This theory constitutes a dynamic, multilayered system encompassing a set of public and private rights designed to safeguard human dignity and limit state power. Its central core is manifested in constitutional guarantees, which reflect individuals' inherent and fundamental rights within society. (Khatami et al., 2016) The Constitution establishes such rights as binding and inviolable legal principles. (Khatami et al., 2016) This theory cannot become effective without executive and judicial mechanisms. At this level, the justiciability of rights and the establishment of supervisory institutions, such as the Administrative Justice Court and a constitutional court—in the domestic legal system, the Guardian Council performs the function of safeguarding constitutional principles in the absence of a constitutional court—enable citizens to defend their rights practically and effectively when those rights are violated by the state or other actors. (Heydari, 2023)

Moreover, this theory emphasizes the role of an active civil society, free media, and public awareness as social enforcement mechanisms that compel the state to remain accountable through public oversight and civil pressure. Guaranteeing citizenship rights is therefore a reciprocal process. On the one hand, it obligates the state to respect, protect, and fulfill rights; on the other hand, it transforms citizens from passive holders of formally recognized rights into active rights-bearing individuals equipped with the legal instruments necessary to supervise public power. Such an approach elevates citizenship rights from a merely ethical concept to a legally enforceable norm. Accordingly, because citizenship rights are closely related to the legitimacy and position of governing authority, any impairment of such rights may undermine the stability of that authority. (Heydari, 2023)

4. **State Civil Liability for Violation of the Right to Peaceful Protest**

The right to peaceful protest, as one of the essential pillars of democracy and a prominent manifestation of freedom of expression and assembly, is recognized in international legal instruments and in the constitutions of many countries. Violation of this fundamental right by governing authorities may give rise to state civil liability toward citizens. This liability, which is non-contractual in nature, is based on the principle that the state and its executive institutions, when exercising public power,

are required to comply with legal frameworks and citizenship rights. The basis of such liability is primarily fault or unlawful conduct by state officials, including the issuance of unlawful orders prohibiting assemblies, the use of unjustified and disproportionate force, or arbitrary arrests resulting in harm to protesters. The objective of imposing such liability is not merely to compensate material damage; it also encompasses compensation for non-material harm arising from the deprivation of liberty and human dignity, deterrence against future arbitrary actions, and assurance of the rule of law and governmental accountability. Consequently, civil liability constitutes an effective legal instrument for balancing public power against individual freedoms and for supervising governmental compliance with its international obligations and superior legal instruments. Accordingly, the following sections examine the legal liability of the state and, consequently, its civil liability, with particular emphasis on the components of state civil liability.

4.1. Legal Liability of the State for Violation of the Right to Peaceful Protest

By virtue of the duties it owes to the population, particularly the obligation to guarantee their rights, the state also bears responsibility for violations of those rights. In this regard, the principal components of state legal liability may be understood to include the obligation to protect the right to peaceful protest and the obligation to prevent the occurrence of harm, both of which are discussed below.

4.1.1. Obligation to Protect the Right to Peaceful Protest

Protests may constitute divisive events within systems of governance; however, this does not mean that merely because officials possess authority and power, protesters who may violate the law are deprived of all protection or may lawfully be subjected to physical abuse. (Cragham, 2021) International instruments impose protective obligations upon states in this regard. (Hamilton, 2020) For example, in the Orhan case brought by a Turkish national against Turkey in 1993 concerning the destruction of homes, the court ultimately found violations of social and economic rights and, by reference to Article 5 of the European Convention on Human Rights concerning liberty and personal security and Article 8 concerning respect for private life, ruled in favor of Orhan. (Ebad Shahmoradi & Behniafar, 2023) Moreover, legal texts functioning as agreements between the state and the people, particularly the Constitution as a social contract, require the state, in return for the power and legitimacy it derives from the population, to protect the rights enshrined in law. (Bix, 2014) Such an obligation must be implemented in a manner that does not impose restrictions so severe that they deprive individuals of the effective enjoyment of the right itself. (Roustaei Sadrabadi et al., 2017) Nevertheless, the effectiveness of the right to peaceful protest is frequently undermined when public authorities prioritize the management and control of assemblies rather than facilitating the exercise of the right. In the legal systems of many countries, such a preventive logic has become embedded within the legal framework and grants law-enforcement authorities broad powers. This has resulted in the right being treated as an obstacle to control and management rather than as a fundamental right that must be protected and facilitated. (Hamilton, 2020) Full protection of the right to peaceful protest is therefore possible only when other related and often overlapping rights are also protected, particularly freedom of expression, freedom of association, and political participation. Protection of peaceful protest also frequently depends upon the realization of a broader range of civil, political, economic, social, and cultural rights. (Hamilton, 2020) Consequently, determining whether an individual's participation in a peaceful protest assembly is legally protected requires a two-stage assessment: first, whether the individual's conduct falls within the scope of protection afforded by the right; and second, whether the restrictions imposed in the circumstances are legitimate. The power and authority of public officials provide no authorization for unlawful conduct. (Zick, 2020) The principle of non-use of force is a standard emphasized and supported by legal, international, and human-rights institutions with respect to both protesters and the state. Accordingly, in fulfilling its duty to promote the public good, the state may resort to force only to the extent strictly necessary and subject to all applicable protective frameworks, with a view to protecting protesters and preserving the peaceful character of the assembly. (Eslami & Kamalvand, 2014)

4.1.2. *Obligation to Prevent Harm*

This obligation derives from the principle of due diligence, which is recognized in international law. (Hosseini & Rahaei, 2024) Accordingly, in addition to recognizing responsibility, appropriate enforcement mechanisms must be established so that no right is violated and no compensable harm remains without redress. (Lanza, 2019) States are therefore required to adopt the necessary preventive measures to avoid harm to persons and property during protests and, in accordance with general standards, must continually seek to minimize damage and bodily injury and protect life and fundamental human rights. For example, in the Contreras case against the State of El Salvador before the Inter-American human rights system, the court found that unlawful detention involved multiple human-rights violations and placed the victim in a position in which effective exercise of the right of defense was impossible. Accordingly, by reference to Chapter II of the American Convention on Human Rights, the court ordered remedies for victims of violent crimes, including guarantees of citizenship rights and compensation for loss of income. (Ebad Shahmoradi & Behniafar, 2023) The proposition that not every harm is necessarily compensable is generally accepted; nevertheless, harm resulting from violations of law, custom, established practice, or comparable legal standards should not remain uncompensated. (Rahmati, 2021) In this regard, civil liability should arise where otherwise legitimate and lawful governmental actions result in the violation of citizenship rights. (Tabatabaieinejad & Kazemi, 2019) Accordingly, liability may be pursued where it has a legal basis and where the state's breach of its obligations and duties causes harm to others. (Houshmand et al., 2020)

4.2. *State Civil Liability for Violation of the Right to Peaceful Protest*

Another sphere of responsibility borne by the state toward its citizens in cases involving violation of the right to peaceful protest, as a fundamental human right, is civil liability. Such liability must always be assessed in conformity with international standards and, particularly, constitutional requirements. Accordingly, two key components of this field are discussed below.

4.2.1. *Principle of Proportionality in Responding to Protests*

The principle of proportionality seeks to establish a reasonable and equitable relationship between decisions adopted by public authorities and the objectives pursued through those decisions. Accordingly, a logical relationship must exist among the means employed, the decision adopted, and the resulting consequences. Any decision or action that exceeds the intended objective, as well as any excessively restrictive or unnecessary measure, is therefore prohibited and objectionable. (Hedavand & Mashhadi, 2016) In this regard, states must refrain from broad and excessive measures restricting protest and from imposing other unnecessarily stringent restrictions. (Lanza, 2019) Furthermore, the reasons advanced by public authorities for imposing any restriction must satisfy certain requirements: they must be convincing, based on a comprehensive assessment of the relevant facts, sufficient, and proportionate to the circumstances. Restrictions must not be justified beyond the scope and legitimate objectives expressly provided by law. The principle of proportionality therefore requires a detailed and careful assessment of the circumstances affecting the conduct of a peaceful protest assembly. Accordingly, the state must demonstrate that any restriction produces substantial benefits that could not be achieved without the restriction or could only be achieved with substantially less effectiveness. (Venice et al., 2019) Consequently, a complete prohibition of a protest assembly should constitute the final measure of restriction and must remain proportionate to the prevailing conditions and circumstances. Thus, in the tension between expression through protest and public safety, expression should not automatically be accorded lesser importance than safety. (Cragham, 2021) Under the principle of proportionality, measures must be directed toward enabling the exercise of the rights of all members of society, and the objectives of assemblies cannot be used as a basis for eliminating the rights and freedoms of others. Likewise, when restrictions are imposed, any restrictive measure adopted by the state must be limited, lawful, and proportionate to the objective pursued because the state has a positive obligation to facilitate peaceful protest assemblies and must not depart from their legitimate and lawful purpose. (Jafari & Batebi, 2015)

4.2.2. *Obligation to Guarantee Rights and Compensate Damage*

Freedom of peaceful protest is a cornerstone of a democratic society and a key element in creating a public sphere in which diverse voices and viewpoints may be heard. (Jarman & Hamilton, 2009) The state's duty to guarantee fundamental rights derives from legal instruments and international obligations, while the Constitution, as the supreme source of domestic law, requires the state to guarantee and implement such rights, particularly the right protected under Article 27 of the Constitution. Accordingly, pursuing the legitimate objective of creating an environment in which protesters can be seen and heard, thereby further strengthening democracy, constitutes a duty and responsibility of every state. (Lanza, 2019) At the international level, institutions charged with protecting and guaranteeing human rights include the Human Rights Council, the Human Rights Committee, and similar bodies. The Human Rights Committee, for example, has articulated these obligations in terms of respect and guarantee for the purpose of facilitating and protecting the right to peaceful protest. (Hamilton, 2020) Within the domestic legal system, the legislature, through Article 27 of the Constitution, sought to guarantee the peaceful character of protest assemblies by referring to the prohibition on carrying weapons, thereby protecting security, health, freedom, the rights of other citizens, and the rights of protesters seeking to exercise their right of assembly. (Alizadeh & Salehi, 2017) In this regard, the state, as a legal person, is responsible for its acts in the same manner as other persons; since liability attaches to the responsible person, damage resulting from governmental conduct may be pursued and ultimately compensated. (Gharibnavaz, 2016) From the perspective of legal philosophy and the ultimate objectives of law, compensation for damage and protection against injury constitute fundamental rights that may assume priority when balanced against certain competing interests. Accordingly, where the exercise of the right to peaceful protest results in material or non-material harm to citizens, the relevant obstacles and difficulties must be addressed through a correct and principled legal approach, without arbitrary or discretionary application.

With respect to the state's responsibility to compensate damage, since liability refers to the possibility of imposing upon one party a duty to remedy deficiencies, damage, or loss caused to another, (Kashani, 2016) restoration to the previous condition or compensation for damage constitutes one of the principal methods of discharging such responsibility and is among the most important effects of a liability action. (Kashani, 2016) Injured parties who bring claims against public authorities, however, encounter a range of obstacles. Quantitative findings indicate that protesters' claims are often dismissed on the basis of immunity doctrines and that claimants face stringent limitations. Qualitatively, protesters' rights remain underdeveloped in several respects, including recognition of enforceable rights against unlawful law-enforcement conduct and the limitations applicable to the use of force by law-enforcement officials. (Zick, 2020) Likewise, when local authorities are named as defendants, immunity may operate as an affirmative defense even where the officials concerned have engaged in unlawful conduct. (Zick, 2020) Under current domestic legal practice, and in the absence of a constitutional court, compensation claims must first be addressed pursuant to Note 1 of Article 10 of the Administrative Justice Court Act, as amended on April 30, 2023. (Ayeneh Negini & Abrishami-Rad, 2022) Accordingly, governmental misconduct must first be established before the Administrative Justice Court, after which a claim for damages may be brought before a general court. The mechanism adopted by the legislature in this regard is inconsistent with Article 173 of the Constitution, which assigns the vindication of citizens' rights to the Administrative Justice Court. (Ayeneh Negini & Abrishami-Rad, 2022) It is also inconsistent with certain principles of adjudication, including effective judicial protection, prevention of undue prolongation of proceedings, and specialization in judicial decision-making. (Ayeneh Negini & Abrishami-Rad, 2022) Therefore, in light of the wording of Article 173 of the Constitution concerning complaints, grievances, and objections raised by the people, claims involving state liability—including establishment of misconduct, confirmation of the occurrence of damage, determination of the amount of compensation, and even enforcement of judgments—should fall within the jurisdiction of the Administrative Justice Court. Under current practice, however, only establishment of governmental misconduct falls within the jurisdiction of that Court, while confirmation of damage and determination of its amount remain within the jurisdiction of general courts.

5. Conclusion

State civil liability for violation of the right to peaceful protest and for the resulting damage constitutes an important issue in both domestic and international law and has attracted increasing attention in recent years. By identifying the most important relevant components, this study has sought to clarify the civil liability of the state so that no compensable harm arising in this context remains without redress. Accordingly, the state must harmonize its domestic laws and regulations with international human-rights standards and establish effective mechanisms for compensating damage arising from protests. Establishing a special compensation fund for victims of protests, particularly through an annual budget allocation, could contribute to guaranteeing prompt and effective compensation. Supporting victims and compensating losses arising during peaceful assemblies constitute key characteristics of a society governed by the rule of law. Therefore, even where the cause or person responsible for the damage cannot be identified, the absence of an express provision in the Civil Liability Act should not prevent adjudication; rather, courts should rely on general principles requiring judges to resolve disputes despite legislative silence or deficiency. (Kashani, 2016) In such circumstances, relevant principles may be derived from authoritative Islamic sources, including distributive justice, social solidarity, respect for Muslim property, the principle that liability accompanies entitlement to benefit, and related jurisprudential doctrines. From another perspective, strengthening oversight of the conduct of security forces and the management of protests, together with appropriate training for relevant personnel, can make a substantial contribution to preventing harm. With respect to access to justice, facilitating victims' access to judicial institutions through reduced litigation costs, provision of legal assistance, and protection of witnesses and victims may establish a safer environment for pursuing such claims. Furthermore, strengthening the role of national human-rights institutions, civil society organizations, and the media in monitoring protest management and advocating for victims can contribute more effectively to the realization of democracy and the dignity inherent in citizenship rights. The doctrine of absolute state immunity, particularly within welfare-state systems of governance, should also be abandoned or substantially revised because immunity from liability for harm conflicts with the effective protection of rights within society. Judicial practice should likewise avoid dismissing a significant proportion of alleged legal violations merely on immunity grounds because such immunities restrict opportunities for courts to innovate and develop constitutional law. Accordingly, in the absence of a constitutional court, general courts should strengthen judicial protection of constitutional rights.

Ethical Considerations

All procedures performed in this study were under the ethical standards.

Acknowledgments

Authors thank all who helped us through this study.

Conflict of Interest

The authors report no conflict of interest.

Funding/Financial Support

According to the authors, this article has no financial support.

References

- Alizadeh, A., & Salehi, R. (2017). Freedom to Form Assemblies and Demonstrations in Light of Article 27 of the Constitution of Iran. *Islamic Law*, 14(52), 127-162.
- Ayeneh Negini, H., & Abrishami-Rad, M. A. (2022). The Role of Branches of the Administrative Justice Court in Adjudicating Civil Liability Claims Arising from Government Misconduct. *Public Law Thoughts*, 12(2), 23-38.
- Barikloo, A. (2023). *Civil Liability* (11th ed.). Mizan Legal Foundation.
- Bix, B. (2014). *A Dictionary of Legal Theory* (2nd ed.). Ney Publishing.
- Cragham, C. (2021). It Should Not Matter What Type of Officer Wrongly Arrests You: Using Civil Rights Actions to Protect Peaceful Protestors. *Journal of Legislation*, 48, 370-389.

- Doago, H., Hashemi, S. M., & Zare, A. (2019). A Comparative Study of the Ethical Responsibility of the State Arising from Acts of Nationals in Iranian and International Law. *Ethical Research*, 10(2), 113-138. <https://sid.ir/paper/362908/fa>
- Ebad Shahmoradi, M. Z., & Behniafar, A. (2023). State Civil Liability for Compensating Victims of Violent Crimes in Iranian Law and International Instruments and Explaining Its Geopolitical Dimensions. *Geography (Regional Planning)*(51), 648-684.
- Eslami, R., & Kamalvand, M. M. (2014). Challenges to Freedom of Assembly in the Iranian Legal System in Light of the International Human Rights Regime. *International Law Review*, 31(50), 187-222.
- Esmailzadeh, H., Moghadari Amiri, A., & Mortazavi, A. (2023). State Civil Liability for Protecting Citizens' Health from the Perspective of Shi'a Jurisprudence, Citizenship Rights, and International Instruments. *Research in Islamic Jurisprudence and Law*, 19(72), 11-29. <https://doi.org/10.22034/IJRJ.2023.705520>
- Gharibnavaz, I. (2016). *Civil Liability of Individuals in Public Protests* (1st ed.). Dadgostar Publishing.
- Hamilton, M. (2020). To Facilitate and Protect: State Obligations and the Right of Peaceful Assembly in International Human Rights Law. *Asia-Pacific Journal on Human Rights and the Law*, 21(1), 5-34.
- Hedavand, M., & Mashhadi, A. (2016). *Principles of Administrative Law: In Light of the Decisions of the Administrative Justice Court* (4th ed.). Khorsandi Publishing.
- Heydari, M. (2023). The Impact and Role of Constitutional Law in Guaranteeing Citizenship Rights. *Legal Civilization*, 6(16), 339-354.
- Hosseini, S. M., & Rahaei, S. (2024). Due Diligence: A Standard at the Heart of the International Human Rights System. *Human Rights*, 19(37), 53-78. <https://doi.org/10.22096/HR.2023.2009618.1606>
- Houshmand, H., Firouzabadi, H. J., & Zargarian, T. (2020). State Civil Liability for Harmful Sovereign Conduct. *Islamic Government*, 25(2), 141-169.
- Jafari, A., & Batebi, S. (2015). Citizen and Citizenship Rights. *Journal of Cumhuriyet University Faculty of Science*, 36(3), 4083-4092.
- Jarman, N., & Hamilton, M. (2009). Protecting Peaceful Protest: The OSCE/ODIHR and Freedom of Peaceful Assembly. *Journal of Human Rights Practice*, 1(2), 208-235.
- Kashani, J. (2016). The Competent Authority for Adjudicating Liability Claims against the Government. *Judicial Legal Perspectives*(73-74), 125-162.
- Katouzian, N. (2006). *Introductory Course in Civil Law: Legal Events* (11th ed.). Enteshar Co.
- Katouzian, N. (2012). *Non-Contractual Obligations: Civil Liability* (11th ed.). University of Tehran Press.
- Khatami, M. E., Kashfi, S. M., & Khatami, H. (2016). Requirements for Securing and Guaranteeing Citizenship Rights in the Islamic Republic of Iran from the Perspective of the Supreme Leader. *Citizenship Rights Research*, 1(3), 20-230. <https://doi.org/10.30497/hcr.2016.75780>
- Lanza, E. (2019). *Protest and Human Rights: Standards on the Rights Involved in Social Protest and the Obligations to Guide the Response of the State*.
- Molaei, A. (2020). Obstacles and Challenges to the Application of State Civil Liability in Iran. *Public Law Studies*, 5(4), 1423-1440.
- Prawira, M. R. Y., & Akbar, A. M. (2024). Legal Analysis Regarding Alleged Violations During Demonstration Against Strategic Project Development Nagari Air Bangis, West Sumatra. *Progressive Law Review*, 6(01), 11-25.
- Rahmati, H. (2021). A Review of Damage and Its Compensation in Iranian Law. *Humanities and Islamic Sciences in the Third Millennium*, 4(1), 84-104.
- Rostami, A., Jafari, A., & Sedighian, A. M. (2022). Effects of State Civil Liability in the Iranian Legal System. *Scientific Quarterly of Economic Jurisprudence Studies*, 4(5), 533-550. <https://doi.org/10.22034/ejs.2023.385795.1381>
- Roustaei Sadrabadi, H., Motahhari-Fard, M., & Motavallizadeh Naeini, N. (2017). Security Considerations in the Jurisprudential Ruling on Strikes in an Islamic Government. *National Security*, 7(24), 11-35.
- Safaei, H., & Rahimi, H. (2024). *Civil Liability: Non-Contractual Obligations* (19th ed.). SAMT.
- Tabatabaieinejad, M., & Kazemi, M. (2019). Interaction of Public and Private Law regarding Civil Liability. *Private Law Studies*, 49(4), 697-716.
- Velaei, A., Yavari, A., & Gorji Azandaryani, A. A. (2022). In Pursuit of Legislative Accountability: Reflections on Civil Liability Arising from Legislative Acts. *Comparative Law Studies*, 13(2), 887-912. <https://doi.org/10.22059/jcl.2022.350177.634431>
- Venice, C., Institutions, O. O. f. D., & Human, R. (2019). *Study: European Commission for Democracy Through Law*.
- Zick, T. (2020). *The Rising Costs of Dissent: Public Protest and Civil Liabilities*. <https://ssrn.com/abstract=3511233>