The Legal Necessities of the Guardian Council's Supervisory Role in Elections with Emphasis on Challenges and Opportunities

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Abstract

Today, elections, as one of the fundamental components of the right to self-determination, play a significant role in the relationship between the state and the nation. In all countries, a specific and lawful institution is designated to supervise, control, and ensure the proper conduct of elections; however, such institutions are often confronted with numerous challenges and opportunities that must be identified and examined. Accordingly, the present study, adopting a descriptive-analytical method and relying on the requirements stipulated in the General Election Policies, investigates the legal necessities of the Guardian Council's supervisory role in elections, with an emphasis on challenges and opportunities. The findings of this study indicate that despite the general conformity of the existing legal framework with the General Election Policies and the existence of opportunities such as adherence to the important principles of ensuring the integrity and freedom of elections, securing maximum public participation, safeguarding the rights of candidates and voters, maintaining complete impartiality, facilitating the presence of candidates or their representatives throughout all stages of the electoral process, and providing written responses regarding the reasons for disqualification, significant challenges still remain. These challenges include difficulties in verifying the qualifications of electoral candidates, ambiguities in qualification approval and disqualification procedures, issues related to the timing of candidates' electoral campaigns, and the lack of national education and public information dissemination. Therefore, it appears that election law suffers from deficiencies and shortcomings in various electoral processes, making it necessary for the supervisory institution, in overseeing all stages of elections, to take these principles and indicators into consideration and to incorporate the necessary legal rules, regulations, and mechanisms for their more effective implementation within the legislative processes related to elections.

Keywords: Elections, Guardian Council, General Election Policies, Challenges and Opportunities, Iran

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1. Introduction

Today, one of the most important means of realizing democracy is elections, which represent the manifestation of the right to vote of all members of the people in the political community and must be held properly and free from any harm or defect.

Today, throughout the world, in order to ensure electoral integrity, the necessity of supervision over elections is acknowledged, and different countries have each entrusted a specific institution with this important task so that seekers of political power cannot alter the people's vote in favor of their own interests (Fattahi Zafarghandi, 2018; Safari Shali, 2015). In the technical and legal sense, various definitions have been provided for the term "supervision." Some have regarded supervision as a set of operations through which the degree of conformity of performance with laws and regulations is measured in order to ensure the compatibility of outcomes with predetermined objectives. Others have defined "supervision" as the act of the supervisor, and from this perspective, a supervisor is one who observes an act or acts and assesses the correctness or incorrectness of that act or those acts according to a certain established standard (Jafari Langroudi, 1999). Existing studies show that the importance of supervision over elections is rooted in the privileged position of elections within the domains of law and politics. Elections, as a peaceful and lawful process for the transfer of power, constitute a mechanism for exercising the right to self-determination in order to achieve an efficient and merit-based system (Nikounahad & Asakereh, 2019).

For elections of such importance, the Constitution of Iran, in Article 99, by adopting the model of constitutional adjudication similar to the French legal system, has designated the "Guardian Council" as the exclusive authority for supervising elections and referenda. According to this article, "the Guardian Council is responsible for supervising the elections of the Assembly of Experts for Leadership, the presidential election, the Islamic Consultative Assembly election, and recourse to public opinion and referenda." Given the general wording of "supervision" in this article and the lack of specification regarding its type in terms of enforcement guarantee, as well as various doubts that arose between election administrators and supervisors concerning the nature of the supervision mentioned, the Guardian Council, in Interpretive Opinion No. 1234 dated May 22, 1991, in response to an inquiry from the head of the Central Election Supervisory Board, considered the type of supervision mentioned in this article to be "approbatory supervision, encompassing all executive stages of elections, including the approval and rejection of candidates' qualifications." Some jurists believe that the term approbatory supervision, through the Council's interpretation of Article 99, entered public law from private law (Mehrpour, 2010), meaning that all actions of the executive authority must be carried out with the approval of the supervisor (Arshadi, 2006). In other words, since in approbatory supervision the permission and consent of the supervisor constitute a necessary condition for the validity of the executive authority's act (Etaat, 2004), all electoral affairs acquire validity under the supervision of the supervisor, namely the Guardian Council (Hashemi, 2003), and this is consistent with the requirements of the approbatory nature of the supervisor's supervision. In fact, the Guardian Council, in order to achieve the objectives for which the law has regarded the supervision mentioned in Article 99 as approbatory, has adopted this interpretation, because informative supervision cannot lead to the realization of those objectives.

However, despite the above-mentioned documents for introducing a basis for recognizing this competence and legal status for the Guardian Council, there are important challenges and differences of legal opinion concerning the Guardian Council's supervision, pursuant to Articles 4 and 99 of the Constitution, over prior laws and regulations. It seems that such supervision cannot be exercised without the involvement of Parliament, and the Constitution has not provided arrangements for the formalities of this matter. Therefore, with respect to constitutional interpretation, inquiry through authorities other than the competent authorities mentioned in the Constitution and entrusting the determination of the matter to the Guardian Council do not appear to constitute a fully satisfactory position and are not free from dispute. There remains room for further study and examination, and the need to examine the legal dimension of the Guardian Council's supervisory role in elections, with a focus on challenges and opportunities and the removal of ambiguities surrounding them, is strongly felt. Accordingly, this study seeks, for the first time in a comprehensive examination after the promulgation of the General Policies on Elections, with emphasis on the important clauses of these policies and based on a descriptive-analytical method, to answer this fundamental question: What are the legal necessities of the Guardian Council's supervisory role in elections, with emphasis on the challenges and opportunities before it?

2. Conceptual and Theoretical Framework of the Research:

2.1. The Guardian Council:

The Guardian Council is one of the supervisory institutions of the system of the Islamic Republic of Iran. All enactments of the Islamic Consultative Assembly, before becoming enforceable, require the endorsement of this Council in order to prevent any inconsistency with the standards of Sharia and the Constitution. The approval of the qualifications of candidates in all nationwide elections, except city and village council elections, also falls within the scope of this Council's duties. The Council consists of twelve members: six of these twelve are jurists in Islamic law who are appointed and dismissed by the Leader, and the other six are legal experts selected by the head of the Judiciary and introduced to the Islamic Consultative Assembly for a vote of confidence. The secretary of the Guardian Council is the highest official of this Council, and at present Ahmad Jannati is its current secretary (Darvishvand, 2015). The Guardian Council has been provided for in the Constitution of Iran in such a way that its absence alongside the legislature would invalidate Parliament and its enactments, because the Guardian Council is responsible for examining all enactments of Parliament in terms of their non-contradiction with Islamic standards and the Constitution, so that, if no contradiction exists, the enactment of Parliament assumes legal form (Eslampanah, 2005).

According to the Constitution of the Islamic Republic of Iran, two types of responsibility and authority, namely legislative and judicial, have been envisaged for the Guardian Council. In the sphere of legislative powers, under Article 94 of the Constitution, the Guardian Council has the authority to approve or reject the enactments of the Islamic Consultative Assembly. In addition, pursuant to Article 93 of the Constitution, the decisions of the Islamic Consultative Assembly will not have legal validity without the existence of the Guardian Council. The Islamic Consultative Assembly does not require the Guardian Council's approval only in the adoption of its internal rules of procedure. In the sphere of judicial powers, according to Article 98 of the Constitution, this Council possesses the functions of a constitutional court, because under this article, the task of interpreting the Constitution has been entrusted to this Council (Bozorgmehri, 2006). In the sphere of electoral powers, under Article 99 of the Constitution of the Islamic Republic of Iran, the Guardian Council is responsible for supervising the elections of the Assembly of Experts for Leadership, the presidential election, the Islamic Consultative Assembly election, and recourse to public opinion and referenda. This supervision is of the approbatory type.

2.2. The Process and Structure of the Electoral Supervisory System

An election is a formal decision-making process through which the people, or part of the people, select a person or persons for an official position for a specified period by casting votes into ballot boxes in order to administer their public affairs (Dawes & Hughes, 2011). In the Islamic Republic of Iran, supervision over elections includes four general axes, namely: supervision over the process of verifying, approving, and rejecting the qualifications of candidates; supervision over electoral campaigning; supervision over voting, vote counting, and announcement of results; and finally supervision over and examination of electoral complaints. Under the law, the Guardian Council has been introduced as the supervisory institution over all electoral processes, dimensions, and stages, and the necessary enforcement guarantees have also been granted to this institution in order to protect the people's rights. In this regard, the General Policies on Elections have also taken into account the supervisory requirements of this institution over all stages of parliamentary elections from many perspectives (Tahan Nazif & Kadkhoda Moradi, 2020).

Clause 1 of Article 110 of the Constitution counts the determination of the general policies of the system, after consultation with the Expediency Discernment Council, among the duties and powers of the Leader. The general policies of the system are determined on the basis of the principles and objectives of the Islamic Republic of Iran and define the frameworks and orientations of the country in all areas of governance. The important issue is the nature of these policies in the constitutional law of the Islamic Republic of Iran, because clarifying the legal character of these policies removes ambiguity from matters such as the status of these policies in Iranian constitutional law and the manner of supervising their proper implementation. Through the clauses contained therein, the General Policies respond to several electoral concerns, some of which have also been the subject of challenge and dispute in several recent elections. Various factors necessitated the adoption of the General Policies on Elections, including lack of transparency in electoral expenses; removal of inequality among candidates in the use

of campaign facilities; prevention of and response to electoral violations and crimes due to legal deficiencies in this area; ambiguity and lack of precise explanation of the Guardian Council's criteria for verifying candidates' qualifications; absence of and ambiguity in appropriate supervisory mechanisms sufficient for overseeing the performance of representatives who enter Parliament; and the incompleteness of prior criteria for participation in elections, such as in presidential elections, where being a political statesman, being a competent manager and prudent administrator, and similar conditions are not clearly defined in terms of who qualifies as a manager and prudent administrator. Therefore, the most important necessity that led to the adoption of the General Policies was the absence of a comprehensive and coherent election law capable of encompassing all stages of elections, including the pre-registration stage, registration stage, campaign stage, voting stage, and subsequent stages.

Supervision over Elections

"Supervision," in its lexical meaning, means "monitoring" and "placing under observation." Dictionaries provide various expressions for conveying the concept of this word, all of which return to the meanings mentioned above. There is no ambiguity in the lexical meaning of this word; however, regarding its technical definition, scholars of each discipline have provided a definition appropriate to that discipline. From a legal standpoint, supervision over elections refers to the set of operations carried out by the supervisory institution in order to ensure the precise and proper implementation of the law and the integrity of elections. According to Article 99 of the Constitution, the Guardian Council is responsible for supervising elections. According to the interpretive opinion of the Guardian Council, the supervision mentioned is approbatory. Studies show that both approbatory and informative supervision have precedents in all systems and various laws. Accordingly, it may be said that these forms of supervision are not exclusive to the laws of the system of the Islamic Republic, the Guardian Council, the Constitution, or even post-revolutionary laws; rather, the legal precedent of these forms of supervision in Iran also extends to pre-revolutionary laws.

Since the first election held under the supervision of the Guardian Council, namely the by-election of the First Parliament, up to the present, the Guardian Council's supervision has been approbatory, and the Guardian Council has applied this type of supervision at all stages and, on the basis of this supervision, has rejected the qualifications of those who lacked the legal conditions. In addition, pursuant to Article 92 of the Constitution, the members of the Guardian Council are elected for a six-year term; however, in the first term, after three years, half of the members of each group are changed by lot and new members are elected in their place. Therefore, the honorable members of the Guardian Council are not permanent, and the duration of their membership is limited; nevertheless, despite changes in the members of the Guardian Council, this type of supervision has been applied in all periods. This itself indicates that the constitutional legislator's intent in supervision over elections was approbatory supervision, and any other type of supervision is contrary to the Constitution.

In various chapters of jurisprudence, such as waqf and testamentary disposition, both approbatory and informative supervision have been discussed. Jurists consider the type of supervision to be subject to the designation and agreement of the parties, and where supervision and its type have not been specified, in most cases they have not sufficed with informative supervision and have also deemed observance of approbatory supervision necessary. In the words of the author of Jawahir, the type of supervision differs according to persons, times, places, and circumstances. Therefore, in light of multiple pieces of evidence, the Guardian Council's supervision is approbatory from a jurisprudential perspective, and it cannot perform its legal duties through informative supervision.

From a legal perspective as well, approbatory supervision has been institutionalized through the adoption of various laws, and the legal precedent of this type of supervision even extends to pre-revolutionary laws. It may be proven by multiple pieces of evidence, which may be summarized as follows: the practice of the Guardian Council; the lack of designation of a superior authority and the finality of the Guardian Council; the absolute and unrestricted nature of supervision; the apparent meaning of the term supervision; the necessity of verifying the qualifications of candidates; the existence of characteristics and indications of approbatory supervision; the compatibility of approbatory supervision with the role of elections and the Guardian Council; the independence of the supervisor from the executive authority; the exclusive authority of approbatory supervision; the enforcement guarantee of supervision; the necessity of the principle of approbatory supervision; the philosophy of supervision; the principle of non-authority; approbatory supervision as real supervision; and the explicit reference of laws to approbatory supervision (Mortazaei, 2013).

3. Research Background:

Through an in-depth and extensive review of studies conducted on the subject of this research, it was observed that numerous studies have so far been conducted on the challenges and opportunities of the supervisory position of the Guardian Council. However, no comprehensive research has been carried out concerning the necessity of the Guardian Council's supervisory role through an analysis of the challenges and opportunities before it. Therefore, this research, by identifying the legal status of the Guardian Council and enumerating the challenges and opportunities before it, can create a new and fresh perspective on the supervisory role of the aforementioned institution. The results of some of the most recent related studies are presented below.

In a study by Nikounahad and Asakereh (Nikounahad & Asakereh, 2019), which aimed to examine what scope and requirements the Guardian Council has delineated in its comparative practice when reviewing parliamentary enactments under Article 94 for the realization of supervision over elections under Article 99, they concluded that the comparative practice of the Guardian Council is aligned with the meaning of the interpretive opinion on Article 99 and with the concept, meaning, and purpose of supervision in public law. The Guardian Council's opinions based on Article 99 demonstrate the "effectiveness," "specificity," "generality and comprehensiveness," and "exclusivity" of supervision over elections. Tahan Nazif and Kadkhoda Moradi (Tahan Nazif & Kadkhoda Moradi, 2020), in a study aimed at diagnosing the legal system governing supervision processes in Islamic Consultative Assembly elections in light of the General Policies on Elections, examined the Guardian Council's supervisory process from a diagnostic perspective on the basis of principles and criteria derived from the general policies governing supervision over elections and, in view of the existing shortcomings and gaps in supervisory mechanisms, offered reform proposals. Gorji Azandariani and Jalilvand (Gorji Azandariani & Jalilvand, 2018), in a study aimed at supervision over the quality of laws in the practice of the Guardian Council, state, by examining practical procedures, that both the Constitutional Council of France and the Guardian Council in the Islamic Republic of Iran have sometimes gone beyond the limits of their inherent duty and have engaged in supervision over the quality of laws. The final result of this study confirms that this institution, while comparing the enactments of the Islamic Consultative Assembly with Sharia standards and constitutional principles, has sometimes supervised parliamentary enactments from aspects such as normativity, transparency, stability, feasibility and enforceability, fairness, coherence, and similar criteria. The outcome of this research is that, despite signs of an approach based on supervision over the quality of laws in the practice of the Guardian Council, there is still no comprehensive analysis of this issue in the aforementioned theories, and accordingly it appears that the practice of the authority responsible for safeguarding the Constitution of the Islamic Republic of Iran should provide and present qualitative criteria for laws.

Tahan Nazif (Tahan Nazif, 2015), in a comparative study concerning the pathology of the legal system governing supervision processes in Islamic Consultative Assembly elections in light of the General Policies on Elections, concluded that the laws governing supervision contain defects and gaps that make it necessary, based on these policies, to review and reform the existing state of supervision over Islamic Consultative Assembly elections. Hashemi and Edalatjou (Hashemi, 2011), in a study aimed at a comparative examination of parliamentary election supervision in Iran and England, concluded that Iran's legal system is based on dual supervision. In Iran, the Guardian Council, pursuant to Article 99 of the Constitution, is responsible for this supervision, and thereafter the credentials of elected representatives are examined and approved. The aforementioned article says nothing about the manner of this supervision, and this issue has caused different legal interpretations to emerge. This supervision is exercised in such a way that, in addition to supervision over the correctness of elections, a form of supervision over the correctness of selection is also carried out by the supervisory authority, and this issue has been a major source of electoral tensions. However, in the electoral system of England, while taking into account the fundamental differences between the two legal and political systems, there is no institution similar to the Guardian Council to which supervision over elections has been assigned by law. Objective conditions and the absence of ambiguous and interpretable conditions make the issue of qualification assessment evaluable, and qualification assessment is more party-based, while supervision has a follow-up character and depends on individual complaints pursued through a special election court. Hashemi (Hashemi, 2003), in a study aimed at examining whether the Guardian Council's supervision is disciplinary, approbatory, or informative, concluded, by examining the concepts of approbatory and informative supervision, that the Guardian Council's supervision is a form of disciplinary supervision so that the Guardian Council, as an impartial supervisory

authority, by comparing candidates' characteristics with legal conditions and by supervising the electoral process, can guarantee a free and lawful election.

4. Research Findings:

4.1. The Legal Status of the Guardian Council in the Constitution

In the constitutional law of the Islamic Republic of Iran, the Guardian Council is one of the important institutions that, after the victory of the glorious Islamic Revolution of Iran, was provided for in the text of the Constitution by the Assembly of Experts for the Constitution so that, through its supervision, it could examine the conformity of ordinary law with the Constitution and sacred Sharia, as well as the proper implementation of the law in the conduct of elections, and prevent any deviation. Imam Khomeini and the Supreme Leader also refer to the Guardian Council and emphasize the necessity of this Council so that the document accepted by society as the national document may be preserved. Although the supervision of jurists to prevent the incompatibility of constitutional laws with Islam was envisaged, it did not find its proper position.

Thus, despite the importance and status of the Guardian Council in the Constitution, no specific chapter or section titled "Guardian Council" is found. Only in Chapter Six, under the second section, Articles 91 to 99, without determining a title or heading, are devoted to explaining the formation of the Guardian Council and its duties and powers. After Article 90 of the Constitution, where the powers and competence of the Islamic Consultative Assembly end, the Constitution suddenly and without any title addresses, from Articles 91 to 99, the formation and status of the Guardian Council and its powers. This is while the composition of the Guardian Council and its competence and powers in no way fall within the framework of Parliament's powers and competence, and it would have been necessary for the legislator to adopt a more appropriate arrangement.

If this shortcoming is due to the fact that the Constitution has considered the Guardian Council to be part of the legislative branch, it would have been appropriate for a separate section of the chapters on the legislative branch to include the title "Guardian Council." Since the chapter related to the executive branch contains sections titled "The Presidency and Ministers," which appears in the first section, and "The Army and the Islamic Revolutionary Guard Corps," which is included in the second section, it would have been necessary for the chapter related to the legislative branch also to include another section titled "Guardian Council." Even if this objection is valid and appropriate, it does not alter the essence of the matter. The reason must be sought in the history of the drafting and formulation of the Constitution in the Assembly of Experts. At that time, the representatives first approved the various constitutional articles and then placed titles on them and determined the location of the chapters and sections corresponding to those titles (Madani, 2001).

The Constitution specifically describes the Guardian Council and its competences exclusively in nine of its articles, namely Articles 91 to 99. Since the Guardian Council is considered one of the high institutions of the system, the Constitution also repeatedly mentions the Guardian Council and its competences and powers in other articles and has set forth its duties and powers in detail in eleven other articles, namely Articles 4, 6, 69, 72, 108, 110, 111, 112, 118, 121, and 177. In addition, some other constitutional articles, although they do not directly mention the "Guardian Council," are in some way related in substance to the work of this body.

4.2. Principles Governing Supervision over Elections

The principles governing supervision over elections refer to those requirements and fundamental electoral frameworks that legal institutions, especially the supervisory institution, must take into account when supervising all stages of elections in order to provide the grounds for the realization of healthy and fair elections. In fact, these principles determine the general spirit governing supervision and the principal and fundamental orientations of the system governing supervision over elections, such that it may be said that supervisory processes are the outward form of supervision over elections, while the inward substance of supervision consists of the indicators and principles explicitly stated in the text of the General Policies on Elections, to which reference may be made below.

"The principle of ensuring the integrity and freedom of elections" is one of the requirements explicitly stated in Clauses 11 and 15 of the General Policies on Elections. Since there is always a risk that some individuals may seek, by resorting to unethical

and unlawful tools, to undermine electoral integrity and win elections (Ebrahimi et al., 2021), electoral supervisors are obligated, through their precise supervision over all electoral processes, to prevent the occurrence of electoral violations and crimes. The principle of "maximum public participation" is another principle of supervision over elections identified in Clause 11 of the General Policies. It reflects the people's support for the governing system and causes the authority of the governing system to be displayed, while also contributing to security, immunity, and the discouragement of enemies (Sadri, 2006). The "principle of ensuring the rights of candidates and voters" is also among the requirements whose fulfillment is emphasized in Clause 11 of the Election Policies. Based on this principle, the supervisory authority is obligated, through precise and transparent supervision, to secure the rights of candidates, including accurate, proper, and impartial examination of candidates' qualifications, supervision over the proper protection of polling stations, impartial and immediate examination of electoral complaints, and the rights of voters, including the right to vote, protection of votes, prevention of threats against voters, and similar matters (Asadzadeh, 2017). The "principle of the necessity of complete impartiality" is another principle governing supervision over elections, referred to in Clause 15 of the General Policies. Under this principle, for the supervisory authority in supervising elections, the conformity of the actions of executive authorities with laws and regulations must be of primary importance, and the authority must act in ensuring proper implementation of laws and regulations without any inclination toward individuals, parties, or tendencies (Hashemi & Edalatjou, 2011).

Alongside these four principles, there are also several other fundamental indicators and criteria for attracting maximum participation and the political participation of the people, which strengthen individuals' motivation regarding their responsibility toward society and determination of destiny, political stability, legality, and elite participation. This issue is so important that the Supreme Leader considers the realization of religious democracy possible through the people's conscious participation in a proper and coherent choice. Therefore, the development of the culture of political and maximum public participation in a religious democratic government is necessary, and the Guardian Council can employ measures such as determining transparent, time-bound, and confidence-building mechanisms; facilitating the presence of candidates or their representatives at all stages of elections; requiring written accountability regarding the reasons for annulment of elections; and requiring written accountability regarding the rejection of candidates' qualifications as golden opportunities.

4.3. Challenges before the Guardian Council in Supervising Elections

By studying and examining the legal and campaign-related requirements explicitly stated in the General Policies, and despite the great importance of some clauses in electoral processes, it appears that the necessary legal rules, regulations, and mechanisms for implementing them still do not exist, creating multiple challenges that must be taken into account in legislative processes in the field of elections.

4.3.1. Difficulty in Verifying the Qualifications of Electoral Candidates:

Registration for Islamic Consultative Assembly elections receives broad interest, and these elections, with the participation of several thousand individuals from across the country, make the review of qualifications by the Guardian Council difficult. On the one hand, the high number of electoral candidates and, on the other hand, the short legal deadline for examining qualifications have increased the scope of this problem. The ease of registration conditions in parliamentary elections causes many registrants to pursue objectives other than occupying a parliamentary seat, such as gaining fame. On the other hand, the law grants supervisory institutions, especially the Guardian Council, only a short period for verifying qualifications, and by no calculation can the precise examination of the qualifications of more than thirteen thousand electoral candidates within a period of nearly two months be considered easy.

4.3.2. Ambiguity in Approval and Rejection of Qualifications by the Guardian Council:

Accusations of political or factional conduct against the Guardian Council by disqualified candidates and some groups have always been a constant feature of parliamentary elections in Iran. Although, according to the General Policies on Elections, written reasons for disqualification are provided to individuals, this mechanism has still not been able to result fully in increased public trust and social capital for the Guardian Council. Although the Guardian Council presents itself as committed to strict

observance of the law and the conditions mentioned for approval or rejection of qualifications, many people, due to their close familiarity with candidates, cannot endorse the Guardian Council's determination. The Council's weak information dissemination and improper response to claimants have caused reputational damage to this vital institution, to the extent that sometimes unknown actors, by publishing documents of violations through unconventional channels, confirm the Guardian Council's determination.

4.3.3. Timing of Electoral Campaigning by Candidates:

According to the law, the period for electoral campaigning by candidates is only one week before the election, and before that individuals are not permitted to campaign. If we accept that the objective of campaigning is to introduce the competence, knowledge, and integrity of a candidate to voters, this objective will not be achieved within a one-week period. As a result, this legal procedure is violated, and candidates begin covert campaigning in real and virtual spaces and in various forms, sometimes even one year earlier. This harm requires greater attention when taking into account the fact that members of Parliament, in the final year of their term, devote most of their effort to campaigning in their electoral constituencies, and representative duties become sacrificed to the electoral atmosphere. Therefore, increasing the campaign period on the one hand, and supervising any electoral activity before that period, particularly internal parliamentary supervision over representatives on the other hand, can reduce the consequences of this harm.

4.3.4. Lack of National Education and Information Dissemination in the Field of Elections:

The lack of proper information dissemination, promotion, and education in electoral procedures is another important electoral harm that undermines the position and supervisory status of the Guardian Council. Electoral education is one of the most important duties of the government and media in elections. The election of parliamentary representatives in Iran is still affected by unconventional methods for attracting popular votes, and these methods will not be eliminated except through awareness-raising and proper national education. Emphasizing the role and importance of parliamentary representation, introducing the indicators for choosing a good representative, creating and developing impartial and fair platforms that assist people in making proper choices, and finally producing media content capable of explaining the procedure for holding elections, their importance, and the methods for guaranteeing their integrity may constitute the subject matter of such education. Most promotional activities concerning elections in the national media are limited to content clichés that attempt to invite people to maximum participation and express minimum indicators for selecting a good representative in a few conventional formats. It appears that, with the expansion and increased media coefficient of cyberspace and social networks, education and promotion of electoral objectives must undergo transformation and change.

4.3.5. Harms Related to Electoral Expenses:

The electoral expenses of candidates for the Islamic Consultative Assembly are important from two perspectives. First, it is unclear from what sources candidates finance their electoral expenses, which are sometimes extremely high, and sometimes a simple calculation shows that some exorbitant electoral expenses exceed the income of a representative during four years of parliamentary service. This raises the question of what objectives lie behind the financing of extensive electoral campaigns. The presence of sponsors and financial supporters alongside candidates for the financing of electoral expenses creates a major harm, namely the approach of certain wealthy individuals to candidates and investment in them so that, in the future, they can create a kind of indebtedness for the representative and benefit from the opportunities available to that representative. Therefore, the necessity of managing the financing of electoral expenses is a way to prevent corruption in Parliament, and neglecting it may damage the supervisory role of the Guardian Council.

Of course, the urgent bill on transparency and supervision over the financing of electoral activities in Islamic Consultative Assembly elections, which was approved in February of the same year, is valuable and commendable from the perspective that it is the first law for managing electoral expenses, but it is not without flaws. The aforementioned bill addresses the determination of instances of financing and campaign expenditures, criminalization of campaign financing from outside the country, creation of a system for monitoring electoral expenses and registering receipts and payments of campaign expenses in

that system, determination of a financial ceiling for electoral expenses, and designation of a financial representative for each electoral candidate. However, at least two fundamental objections exist regarding this bill. First, although the term transparency is used in the title of the bill, the bill does not make information on electoral expenses transparent. This information is available only to the Expediency Discernment Council, executive and supervisory election boards, and the Article 10 Commission of the Law on the Activities of Parties and Political Groups, whose members include the representative of the Prosecutor General, the representative of the head of the Judiciary, one representative from among the secretaries-general of national parties, one representative from among the secretaries-general of provincial parties, the political deputy of the Ministry of Interior, and two representatives elected by the Islamic Consultative Assembly from among volunteer representatives. Thus, supervision over electoral expenses is not transparent to the general public, and unfortunately this type of centralized and case-based supervision will not be sufficiently beneficial. On the other hand, the punishment stipulated in the mentioned law is limited to sixth-degree discretionary punishment, except imprisonment and electoral deprivation, which does not create sufficient deterrence.

4.3.6. Harms of Campaigning in Cyberspace:

In general, management of cyberspace is very difficult because of the novelty of this space and its rapid and extensive changes, and most existing social network platforms fall outside the scope of national governance. The main harm of campaigning in cyberspace arises from the absence of self-regulatory rules for domestic platforms such as messaging applications, the absence of appropriate laws for criminalizing campaigning in cyberspace, and lack of control over foreign platforms for filtering and managing content. The main recognized harms of campaigning in cyberspace include the dissemination of fake and misleading news, the creation of severe polarizations that undermine the environment of healthy competition, campaigning before the legal deadline, manipulation and direction of people's votes through text mining and social network analysis within a specific geographical area, which leads to the identification of the tastes and interests of people in a region and the production of advertisements suited to them, and finally abnormal methods of disseminating and promoting campaign content, such as using celebrities or, in the worse case, influencers.

4.3.7. People's Confusion in Choosing Suitable Representatives

Another harm existing in elections is people's confusion in making a worthy and proper choice. The preparation and publication of multiple lists by various groups and parties, although helping people make purposeful choices in order to realize their wishes based on minimum knowledge, is generally not shaped by historically purposeful relations among the members of the list, but rather by electoral claims to shares and political relations. Therefore, most people do not have sufficient knowledge of new candidates in elections. The lack of transparency in the performance of former representatives also leaves people without a clear criterion for evaluation, and electoral lists cannot represent continuous and overlapping cooperation among their members in Parliament. This harm stems from two structural weaknesses: first, the lack of transparency in the performance of representatives in the Islamic Consultative Assembly, which deprives people of a basis for action in future elections; and second, the absence of a party structure in Iran, which leaves the responsibility of scientific, political, and media support for individual candidates, which is necessary for successful representation, to no institution or organization.

4.3.8. The Intrinsically Challenging Nature of Elections

In general, any competition whose result is the victory of one group and the defeat of others is challenging. Therefore, every election is intrinsically challenging. At the same time, due to the sensitivity of the position of the Islamic Consultative Assembly or the presidency, emotions and sentiments in their electoral competitions are stronger than in other elections, and this inevitably spreads to a significant part of society as supporters of electoral candidates.

Accordingly, from this perspective, the main challenges of elections may be divided into two categories. One category of these challenges belongs to the nature of elections and electoral competition. The enthusiasm and excitement of electoral competitions and candidates' supporters, like the fans of two rival sports teams who contribute to intensifying the atmosphere of competition, fall within this category. The more this electoral enthusiasm leads to the weakening of rationality in electoral competitions, the greater the social challenges arising from it will be. The other category of electoral challenges is formed as a

result of external factors. These external factors may arise from the improper behavior of candidates or may be organized through the actions of the enemies of the system. Failure to manage electoral challenges may lead to the emergence of deep social divisions and prepare the ground for anti-security actions by hostile currents dependent on enemies. Indeed, during the tenth presidential election, these same challenges created the ground for the emergence and manifestation of a major sedition.

4.4. The Decisive Role of the Guardian Council

One effective way to manage electoral challenges is the existence of a decisive institution whose arbitration electoral rivals accept. In the system of the Islamic Republic, this important task has been assigned to the Guardian Council. This institution is composed of the country's leading Islamic jurists and legal experts and is connected to the highest authority of the country, namely the Leadership of the system.

In the electoral supervision system of our country, election supervisory boards, from county supervisory boards to the Central Supervisory Board, are responsible for supervising elections and examining the complaints of electoral rivals. If existing disputes are not resolved at these levels, the matter is referred to the Guardian Council. At this stage, the decision of the Guardian Council, as the highest decisive institution in elections, has the force of a final decision, and the parties to the competition must comply with it.

In tracing the roots of the events following the 2009 presidential election, it is clearly understandable that if the parties to the dispute had submitted to the arbitration of the Guardian Council, the disputes that arose would have been resolved before reaching the stage of a social and security challenge. Unfortunately, however, some parties to the dispute attacked the position of the Guardian Council from the outset and refused to submit to the arbitration of this institution. Although it later became clear that their participation in the election was a prelude to changing the frameworks of the system with the support of foreign enemies, rather than playing a role within the system itself.

Given the numerous constitutional articles concerning the Guardian Council, the necessity of the existence and legal status of this supervisory institution has been less subject to challenge and criticism by revolutionary forces of different orientations. However, because of its resistance to foreign influence in the pillars of the system and its prevention of deviation, excessive demands, and misconduct, it has continually been the object of resentment and hostility from the enemies of the Islamic Revolution and their domestic agents and followers. Of course, it should not be left unsaid that because of the Council's opposition to some demands of factions and currents within the system with different orientations, it has also been treated unkindly. If one overlooks the personal positions of some honorable members of the Guardian Council, it must be recalled that the main performance-related criticisms of this Council are directed at the election period, and these criticisms also originate from the challenge between the "supervisor" and the "executive authority" of elections.

5. Conclusion

In general, any competition whose result is the victory of one group and the defeat of others is challenging. Therefore, every election is intrinsically challenging, and the bodies involved in it are always confronted with numerous opportunities and challenges. One of the most important institutions of the Islamic Republic of Iran, regarded as a guarantee of the Sharia legitimacy of the system of the Islamic Republic of Iran, is the Guardian Council, which has functions different from those of corresponding institutions in other legal systems. While this creates suitable opportunities for ensuring electoral integrity, these very differences have also produced multiple challenges before the Guardian Council.

Undoubtedly, elections today, in many countries of the world, are an important and useful instrument for realizing democracy and reflecting the people's will in political decision-making. Electoral integrity can guarantee the integrity of policymakers and policies, as well as the proper representation of both in relation to the will of the people. Therefore, identifying weaknesses and deficiencies in Iranian elections can also greatly contribute to holding healthy elections and can strengthen the legal and lawful position of the Guardian Council. The study of the requirements explicitly stated in the General Policies shows that, despite the explicit nature of these policies and despite the great importance of some clauses in the electoral process, multiple challenges have arisen, such as difficulty in verifying the qualifications of electoral candidates, ambiguity in qualification approval and rejection, timing of candidates' campaigns, lack of national education and information

dissemination, and similar matters. Moreover, the necessary and appropriate legal rules, regulations, and mechanisms for implementing them still do not exist and must be taken into account in legislative processes in the field of elections.

Apart from the difference of opinion concerning the Guardian Council's supervision, pursuant to Article 4 of the Constitution, over previous laws and regulations, it appears that this supervision cannot be exercised specifically and without the involvement of Parliament. However, the Constitution has not provided arrangements for the formalities of this matter. The adoption of a position and the expression of legal arrangements in this field appear necessary and essential. This is while, in many cases in which the jurists of the Guardian Council have ruled that such laws are inconsistent, the same laws have later, in different periods, been approved by this Council in another form and format.

The principle of ensuring the integrity and freedom of elections, the principle of ensuring maximum participation, the principle of ensuring the rights of candidates and voters, and the principle of complete impartiality, as well as the observance of several fundamental indicators and criteria such as the necessity of determining transparent, time-bound, and confidence-building mechanisms, facilitating the presence of candidates or their representatives at all stages of elections, written accountability regarding the reasons for annulment of elections, and written accountability regarding the rejection of candidates' qualifications, are opportunities available to the Guardian Council. Therefore, the use of transparency mechanisms in Parliament and in election procedures; continuous and extensive public education; management of electoral expenses; reform of the election law and related laws; management of electoral campaigning, especially in cyberspace; and finally efforts to revive the party system, establishment of special electoral commissions composed of various parties for the implementation of elections, and removal of ambiguities in provisions such as Articles 3 and 28 of the Law on Supervision over Islamic Consultative Assembly Elections, enacted in 1999, are important strategies necessary for improving the legal status of the Guardian Council and ultimately the performance of elections in the Islamic Republic of Iran.

Ethical Considerations

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

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Conflict of Interest

The authors report no conflict of interest.

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