



Critical Rethinking of the Constitution as a Mechanism for Power Management and Limitation: Realizing the Rule of Law, Sustainable Development, and the Protection of Public Liberties

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Abstract

This article adopts a qualitative, analytical, and critical approach to rethink the role of the constitution as a fundamental mechanism for managing and limiting political power, aiming to realize the rule of law, sustainable development, and the protection of public liberties. By employing qualitative content analysis and the normative interpretation of fundamental concepts in public law, this research seeks to explore the actual function of the constitution within the context of exercising power. The findings indicate that in contemporary legal systems, the constitution is not merely a document for organizing governmental structures; rather, it serves as a strategic framework for restricting the competencies of public power, intelligently regulating state-citizen relations, and guaranteeing fundamental rights and freedoms. A qualitative analysis of the concepts and mechanisms enshrined in the constitution demonstrates that its effectiveness depends on how its principles are interpreted, implemented, and practically institutionalized within the power structure. Critical analysis within the research demonstrates that the principle of the rule of law becomes an objective reality only when all governing organs are bound by legal rules and practical accountability mechanisms are embedded within the power structure. In the absence of effective legal constraints and the unchecked exercise of legislative and executive powers, the risk of arbitrary conduct and the erosion of individual freedoms increase. This not only leads to power concentration and the erosion of legitimacy but also undermines the stability required for sustainable development. The results emphasize that by precisely defining the scope of competencies, designing oversight mechanisms, and balancing state authority with public liberties, the constitution functions as a vital instrument for safeguarding fundamental rights. Ultimately, the research argues that the constitution should not be viewed merely as a rigid legal text, but as a management and strategic mechanism for curbing power and ensuring law-bound governance to continuously protect public rights and achieve the society's developmental goals.

Keywords: Constitutionalism, Power Limitation, Rule of Law, Legal Sustainable Development, Public Liberties, Critical Analysis.

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Introduction

In contemporary legal thought, the constitution is no longer considered merely a static or ceremonial document for the formal organization of government institutions. Rather, it is considered, as a “supreme fundamental norm,” the most vital legal-administrative law for the structural limitation of political power and the protection of public freedoms (Ebrahimi, 2019). From the perspective of the philosophy of public law, the existential necessity of the constitution in modern states is rooted in the invention and complex work for power and the escape from the transformation of public institutions into centers of tyranny. In fact, in this paradigm, public power is legitimated only when it is enclosed in a circle of legal rules and bases its purpose on respecting the fundamental rights of the people (Bagheri et al., 2016). In this law, the principle of sovereignty is considered as the beating heart of the legal-political system. The fundamental purpose of this principle is to ensure that all people and institutions with power, especially the three branches of government, are subject to predictable laws. Doctrinal analyses show that the exercise of legislative power is an unavoidable necessity only for the establishment of order, justice, and predictability of social relations, but it is power that, in the face of “legally restrictive anchors,” is prone to becoming the greatest threat to individual freedoms. That is why the Constitution, by carefully engineering the limits of competences and the interpretations of continuous supervisory mechanisms, organizes a systematic effort to establish a balance between “the authority of the state’s needs” and “the unholy realm of freedom” (Parhizkar et al., 2020). Entering the new literature of management and governance, one of the ontological challenges of political systems is how to “manage power” in achieving efficiency, sustainable development, and the protection of public rights. In this regard, the constitution is considered, beyond a legal text, as a “management and strategic mechanism” that is responsible for regulating, guiding, and public power. In terms of the indicators of “desirable governance,” the existence of rigid rules in law and at the same time dynamic in fundamental principles provides the necessary platforms for accountability, transparency, and fair distribution of power. However, an analysis of the experience of legal ecosystems proves that the practice of this management function is always faced with deep challenges such as the increasing damage of power, the erosion of supervisory mechanisms, and the meaningful gap between the “will of the basic legislator” and the “performance of executive institutions.” Hence, a critical rethinking of the role of the constitution as a tool for managing power is not a choice, but an epistemology for understanding the close connection between the rule of law, sustainable development, and the protection of fundamental rights (Hosseini, 1401). On the other hand, the constitution is known as the main weight of guaranteeing citizen rights in the literature of public law. The principles contained in contemporary fundamental documents are directly dedicated to the protection of social and civil liberties in order to draw the boundaries of state intervention in the private sphere of individuals (Zeraat, 2012). For example, an analysis of the Constitution of the Republic of Iran shows that the Constitution, by dedicating numerous principles to the rights of the nation, presents Islamic theories for the protection of freedoms. However, the effectiveness of these principles depends on the actual limitation of public power (Abbasali, 2005). At a macro-theoretical level, the relationship between constitutionalism and the rule of law is based on the idea that political power must be “subject to the law” and that this limitation is possible only through a superior and binding document. Researchers have concluded that fundamental knowledge such as the “principle of responsibility” and the “principle of ensuring the realm of interests” is a prerequisite for understanding the limited anatomy of power. Because this concept explains the logic governing the relationship between the state and the citizen (Qasemi et al., 2020).

In addition, the principle of the rule of law has been introduced in recent studies as the cornerstone of citizenship rights. It states that all sovereignty must be based on the law, equality with fundamental rights, the integrity of the criminal process, and the adherence of executive authorities to the principle of innocence are guaranteed. Research shows that these objective consequences, without the existence of mechanisms for striving for power, will be no more than a mirage (Hosseini et al., 2012). In this regard, Farahani and Parvin (2009) correctly show in their analysis of the status of the rule of law by executive officers (police) that without basic legal supervision, citizenship rights are exposed to serious harm. Also, Alavi (2013) with a pathological look at the field of legislation states that legislation, which has been made from the limitations of fundamental rights, can itself become a tool for unjustly restricting individual

freedoms. Bagheri and Nazarizad, examining the nature of public law, also consider the main function of this tendency to be the regulation of the dialectic of the “citizen state.” This is directly at the heart of the managerial role of the constitution. Finally, Abbasi et al. (2026) in their analysis of the relationship between legislation and fundamental rights argue that legislative powers, while being functions of systems, are prone to becoming a threat to fundamental rights in the absence of institutional controls enshrined in the constitution. Despite all these normative foundations, the evidence of legal scholars shows that the existence of a written constitution is not sufficient to guarantee freedoms. In many cases, the constitution supports rights at the “text” level, but at the “execution” level, due to Musa’s interpretations of government reforms or the structural weakness of supervisory institutions, they lose the function of their capabilities (Jafari et al., 2011). Therefore, one of the fundamental questions in contemporary public law is whether the constitution is realized in ability and power.

The objective of the rule of law. This issue is doubly important within the framework of constitutionalism theory, because this theory believes that the constitution should prevent the concentration and abuse of power not only at the level of “value” but also at the level of “action” (Sharifi, 2019). Accordingly, the present article, by adopting an analytical and critical approach, seeks to redefine the role of the constitution as a mechanism for managing and limiting power and rethink its capacities in line with the realization of the rule of law, advancing sustainable development indicators, and sustainable protection of public freedoms. In contemporary public law thought, the constitution is not simply a document for organizing the structure of the government, but is considered the most important legal-administrative framework for managing, limiting political power, and guaranteeing the fundamental rights and freedoms of citizens (Tabatabai et al., 2019). In modern states, the concentration of the instruments of authority in government structures has always been associated with the risk of expanding power and the possibility of violating individual rights; therefore, public law theories have emphasized the necessity of placing political power within the framework of binding legal rules in order to achieve sustainable development. In this framework, public law, as a branch of law that studies the rules governing the organization of internal and external relations of the state, plays an important role in analyzing the mechanisms of management and limitation of power (Salehnia et al., 2010). At the same time, the practical realization of this function of the constitution depends on the establishment of the principle of the rule of law. The principle of the rule of law, as one of the fundamental principles of legal systems, requires that all public authorities and institutions act within the framework of legal rules and that no power is above the law. In this framework, the rule of law is considered as the foundation of the system of citizen rights and rule-based governance and plays an important role in organizing the relationship between executive authorities and citizens. The consequences of this principle in the field of public law include equality before the law, observance of the principle of legality of crimes and punishments, the rule of law over the processes of detection and prosecution of crimes, and acceptance of the principle of innocence (Amid, 2007). From this perspective, the constitution and the rule of law are in a reciprocal relationship: the constitution provides a normative framework for the management and control of power, and the rule of law ensures that this framework is implemented in practice in line with sustainable development (Amid, 2005).

However, the experience of various legal systems shows that the existence of a constitution alone is not enough to guarantee public freedoms. In many cases, the constitution recognizes extensive rights and freedoms at the text level, but at the implementation and management level, these rights face various restrictions (Katouzian, 2011). Especially in the field of legislation, the exercise of legislative authority can be used both to protect citizens’ rights and to limit them. As has been pointed out in some studies, legislative authority plays a fundamental role in guaranteeing the rights and freedoms of citizens, but at the same time it can also become a tool for restricting these rights; therefore, the exercise of this authority must be carried out within the framework of the rules governing the rule of law and sustainable legal development (Qazi et al., 2014). In the literature of public law, numerous studies have examined the concept of the rule of law, the role of the constitution in protecting citizen rights, and the mechanisms for regulating the relationship between the state and citizens. Some of these studies have focused on the conceptual analysis of the principle of the rule of law and its consequences in guaranteeing citizen rights and have introduced it as the foundation of the legal order in modern societies. In contrast, another group of studies has emphasized

the role of the constitution in identifying fundamental rights and regulating relations between public authorities. However, a significant part of these works have examined these concepts separately and have paid less attention to the relationship between the management of power in the constitution and the practical realization of the rule of law. Therefore, an important research gap can be seen in the existing literature. Many studies have either theoretically analyzed the principle of the rule of law or examined the constitution as a document to guarantee citizens' rights; however, few studies have systematically critically assessed the capacity of the constitution as a mechanism for managing and limiting power and for the practical realization of the rule of law. In other words, the relationship between the text of the constitution, the institutional mechanisms for its implementation, and the practical outcome of these mechanisms in protecting public freedoms and achieving sustainable development has been less comprehensively analyzed. Accordingly, this article is based on the assumption that the constitution can only play its effective role in realizing the rule of law and protecting public freedoms if, in addition to recognizing fundamental rights, it also provides the necessary management mechanisms to control political power and ensure the implementation of legal rules. Therefore, the purpose of this research is to critically rethink the capacity of the constitution as a mechanism for managing and limiting power and analyze the relationship between constitutional norms and the practical realization of the rule of law.

Theoretical Framework: Rule of Law and Constitutionalism

To analyze the role of the constitution in limiting power and protecting public freedoms, it is first necessary to explain the theoretical framework governing the relationship between the "rule of law" and "constitutionalism." In public law theory, these two concepts are recognized as the fundamental pillars of the rule of law state; in such a way that constitutionalism provides the institutional and legal mechanism for restraining power and the rule of law guarantees the normative framework for exercising power within the limits of legal rules. In other words, the constitution is an institutional tool for limiting power and the principle of the rule of law is the normative criterion for measuring the legitimacy of exercising that power (Malmeier, 2015).

Rule of Law in Classical Thought: Dicey

One of the first theorists to explain the concept of the rule of law in a coherent manner in public law was Albert van Dicey. In his analysis of the British constitutional system, Dicey listed three main elements for the rule of law: first, the rejection of arbitrary power and the necessity of exercising power based on law; second, the equality of all before the law; and third, the protection of individual rights through general legal rules and court decisions. According to this view, the rule of law means that no authority or institution is above the law and that all exercise of power must be based on predictable legal rules. The important point in Dicey's theory is that he considered the rule of law not merely a formal principle, but also a guarantor of individual freedoms. In his opinion, citizens' freedoms are guaranteed when public power is controlled by general rules of law and the possibility of exercising arbitrary authority is eliminated. From this perspective, the constitution, as a set of fundamental rules, plays a fundamental role in establishing this legal framework. (Malmeir, 2015).

The Normative Dimension of the Rule of Law: Fuller's Theory

Following the evolution of the rule of law theory, Lon Fuller paid attention to the normative dimension of this principle by proposing the concept of "internal morality of law". Fuller believed that a legal system can only have the characteristics of "law" when it observes a set of fundamental principles. These principles include the generality of rules, their announcement and publication, non-retroactivity, clarity and transparency, internal consistency, enforceability and relative stability of laws. According to Fuller's theory, observing these principles is a necessary condition for realizing the rule of law; because without them, legal rules cannot guide the behavior of individuals and government institutions. From this perspective, the rule of law does not simply mean the existence of laws, but also depends on the quality and normative characteristics of those laws. As a result, the constitution can act as an effective mechanism for limiting power when its rules have the aforementioned characteristics and the possibility of their actual implementation is provided. (Malmir, 2015).

A Formal Understanding of the Rule of Law: Joseph Raz's Theory

Providing a different analysis, Joseph Raz defines the rule of law mainly as a formal principle in the legal system. In his view, the main purpose of this principle is to exercise public power within the framework of predictable legal rules. Raz lists a set of institutional and legal requirements for the realization of the rule of law, the most important of which are the clarity of laws, their relative stability, the independence of the judiciary, and the possibility of citizens' access to justice. In this framework, the constitution plays an important role in creating these institutional conditions; because by determining the structure of government institutions, ensuring the independence of the judiciary, and foreseeing supervisory mechanisms, it provides the necessary basis for the realization of the rule of law. However, Raz emphasizes that the rule of law alone does not guarantee justice or fundamental rights; it merely creates a framework for the non-arbitrary exercise of power. (Malmir, 2015).

Substantive Understanding of the Rule of Law: Dworkin's View

In contrast to Raz's formal approach, Ronald Dworkin offers a more substantive understanding of the rule of law. From Dworkin's perspective, the rule of law does not simply mean that the government follows legal rules, but also requires respect for fundamental rights and principles of justice. He believes that citizens' rights should be considered as "rights against the state" and that no public interest can simply violate these rights. Within the framework of this theory, the constitution is not only a set of rules organizing power, but also a document to guarantee fundamental rights and principles of justice. Therefore, the real function of the constitution in limiting power is realized when its interpretation and implementation are based on the principles of fundamental rights and normative values. (Malmir, 2015).

Summary of the Theoretical Framework

A review of the views of Dicey, Fuller, Raz, and Dworkin shows that the rule of law has various dimensions, ranging from formal to substantive aspects. While Dicey emphasizes the negation of arbitrary power and equality before the law, Fuller focuses on the normative characteristics of legal rules, Raz emphasizes the institutional conditions for the realization of the rule of law, and Dworkin analyzes it in relation to fundamental rights and justice. Consequently, to understand the role of the constitution in limiting power, it is necessary to consider these different dimensions in an integrated manner. The constitution can function as an effective mechanism for realizing the rule of law when it provides an institutional framework for controlling power, its rules have the necessary normative characteristics, and the fundamental rights of citizens are considered as the main criterion in its interpretation and implementation. This theoretical framework will be the basis for the analysis of the following sections of the article in examining the capacities of the constitution to protect public freedoms.

The Constitution as a Management in the Mechanism of Limiting Power

One of the most fundamental functions of the constitution in contemporary legal systems is to create legal mechanisms for the centralization of power in the modern state structure, if left without legal restrictions, can lead to the expansion of arbitrary authority and the violation of citizens' rights and freedoms. Therefore, the constitution, by determining the limits of the competence of public institutions and foreseeing the fundamental rules governing the exercise of power, attempts to establish a balance between the authority of the government and individual freedoms. In this framework, the constitution is not only a document establishing power, but also the most important legal instrument for limiting it (Moradi, 1400).

The first mechanism of the constitution to limit power is to determine and limit the competence of government institutions. In any legal system, the constitution prevents the uncontrolled concentration of power in an institution or position by specifying the duties and powers of public authorities. This is especially realized in the form of the principle of separation of powers. Based on this principle, political power is divided between different branches of power to prevent its concentration and to provide for mutual supervision between government institutions (Mousavinia, 1402). Such a structure causes each of the institutions of power to act within the framework of its legal competences and to avoid encroaching on

the sphere of authority of other institutions. The second important mechanism of the constitution is to recognize and guarantee the fundamental rights and freedoms of citizens. The constitution, through legal provisions such as freedom of expression, freedom of assembly, the right to a fair trial, and the principle of equality before the law, outlines a boundary in which the public authority cannot arbitrarily intervene. For this reason, many of the principles of the constitution are directly dedicated to protecting the rights of citizens, and these principles provide a framework for regulating the relationship between the state and individuals. In fact, the recognition of fundamental rights in the text of the constitution is considered one of the most important legal tools to prevent arbitrary interference of power in the field of individual freedoms (Hashemi, 2019).

The third mechanism for limiting power in the constitution is the provision of supervisory institutions and mechanisms for controlling power. In many legal systems, the constitution provides for institutions such as constitutional courts, supervisory councils, or mechanisms for judicial supervision of the exercise of public power. These institutions prevent public power from exceeding the established limits by examining the compliance of laws and government decisions with the constitution. In other words, the constitution not only determines the rules limiting power, but also provides the necessary mechanisms for implementing these restrictions. The fourth mechanism is the regulation of the legislative process and the exercise of legislative power (Hadavand, 2016). Although legislation is one of the most important tools of the government for regulating social relations and achieving public order, this same authority can, in the absence of legal restrictions, become a tool for restricting citizens' rights. Some studies show that legislative authority plays a fundamental role in guaranteeing citizens' rights and freedoms, but at the same time it can also serve as a basis for restricting these rights; therefore, its exercise must be carried out within the framework of the rules governing the rule of law (Moradi, 2017). By determining the limits and conditions of legislation, the constitution prevents this authority from becoming a tool of unlimited authority. Finally, it should be noted that the restrictive function of the constitution does not depend solely on the existence of legal rules in its text, but also on the way these rules are interpreted and implemented. Even the most precise provisions of the constitution cannot prevent the concentration of power if they lack effective executive mechanisms or independent supervisory institutions. Therefore, the constitution can act as an effective mechanism for limiting power when, in addition to determining the limits of competences and recognizing fundamental rights, it also provides the necessary institutional framework for implementing these rules and monitoring political power (Kazemi, 1402).

Structural capacities of the constitution in managing and limiting power

In addition to being a document establishing political order, the constitution is also considered the most important legal tool for managing and controlling public power. This limiting function is achieved not through a single principle, but through a set of structural and normative mechanisms that, together, enable the transformation of political power into a non-arbitrary authority that lays the groundwork for sustainable development (Dehaghi, 2019). Meanwhile, the separation of powers, judicial oversight, the supremacy of the constitution, guaranteeing fundamental rights, and predicting accountability mechanisms are among the most important tools by which the constitution constrains power and prevents its concentration or abuse. The first and perhaps most classic mechanism in this model of power management is the separation of powers. By determining the organization and relationships between different powers and public powers, the constitution prevents all governmental competencies from being concentrated in a single authority. One of the cited sources states that the constitution is the "most important legal source" that explains the "fundamental principles of the rights of a nation-state" and expresses the "organization and relationships between different powers and public powers" (Ghorbani, 1400). This proposition shows that the separation of powers is not merely an organizational technique, but rather a structural element of the rule of law and a prerequisite for controlling power in line with desirable governance. In fact, the division of power between the legislative, executive and judicial branches ensures that each branch acts within its own jurisdiction and reduces the possibility of encroaching on the other branches. From the perspective of public law, this institutional dispersion of power creates a balancing mechanism that prevents the formation of a single and unbridled political will. Thus, the separation of powers is essential

not only for the efficiency of the state, but also for the protection of public freedoms and the stability of the legal system (Alavi, 1402).

Judicial oversight and legal control of power in public administration

The second fundamental mechanism is judicial oversight. If the separation of powers distributes power among institutions, judicial oversight ensures that these institutions do not exceed the limits set in the process of managing power. The constitution can truly limit power when its violation does not go unanswered and an independent authority can measure the actions of public institutions against the criteria of the constitution. In one of the cited texts, the principle of the rule of law aims to "regulate the relationship between executive authorities (including police forces) and citizens" and four The fundamental result for it is equality before the law and the rule of law over the prosecution and investigation processes (Qomashi, 1405). This theme clearly shows that the executive power must be subject to legal supervision and its decisions can be controlled in terms of compliance with the law. Judicial supervision in this sense guarantees that the rights and freedoms of citizens are protected from arbitrary decisions; which is a prerequisite for any model of sustainable development in a political system. Wherever a public authority can restrict freedoms without the possibility of legal review, the rule of law is weakened. Therefore, judicial supervision is one of the most effective tools for transforming the constitution from a formal text into a binding and managerial norm (ibid.). The third limiting factor of power is the supremacy of the constitution. In legal systems based on constitutionalism, other legal rules must be compatible with the constitution and no law or administrative decision can be valid against its provisions. It is this normative supremacy that places the constitution at the top of the legal pyramid and makes it a criterion for measuring legitimacy for the law-based management of society. In analyses related to legislation, it has also been emphasized that the "main legislative power" has a fundamental role in guaranteeing the rights and freedoms of citizens on the one hand, and on the other hand, if it is exercised contrary to the law, it can seriously endanger these rights (Lutfi, 2019). This proposition shows that even legislative authority is not absolute and must be exercised within the framework of the constitution. Therefore, the supremacy of the constitution serves as a shield against arbitrary legislation and a strategic tool for controlling the normative quality of ordinary laws in the path of protecting freedoms and achieving sustainable legal development.

Guaranteeing fundamental rights and limiting the scope of government intervention

The fourth mechanism is the guarantee of fundamental rights. The constitution does not merely regulate the structure of power, but also determines the boundaries of state intervention by recognizing and protecting the rights of citizens. One source states that the constitution "contains general rules regarding the aspects of protecting citizen rights" and "explains the mutual relations between the state and citizens, especially in the area of freedoms" (Sajjadi, 1400). 3). The same file also emphasizes that "citizen rights... are one of the inseparable elements of any constitution" (ibid.). This statement shows that fundamental rights in the text of the constitution have a dual role: on the one hand, they act as rights that can be invoked against the state, and on the other hand, they specify the limits of legitimate state interventions. The clearer, broader, and more enforceable these rights are, the greater the capacity of the constitution to limit power. In other words, guaranteeing fundamental rights is the legal form of the same old principle "power is for man, not man for power" in the form of binding norms.

Mechanisms of responsibility and accountability of power

The fifth mechanism is responsibility. Limitation of power is complete when those in power are accountable for their actions and when violating legal limits has legal consequences for them. In one of the specialized sources of public law, along with the principle of the rule of law, the "principle of responsibility" has also been proposed as one of the key concepts in organizing the internal and external relations of the state (Moradkhani, 2010). This point is of particular importance because it shows that limiting power is not achieved only through the division of competences or the recognition of rights, but must be accompanied by mechanisms that provide the possibility of accountability and holding public officials accountable. Responsibility in this sense can have various forms: political responsibility, administrative responsibility, civil responsibility, and criminal responsibility. By anticipating these problems, the

constitution prevents the transformation of public authority into a power free from oversight and accountability. The more effective and real these mechanisms are, the smaller the gap between the legal order and the personal will of the holders of power (Darai, 1400).

Critical Assessment: Structural Limits and Tensions

The capacity of the constitution to limit power is not automatic and solely dependent on the text, but depends on the interaction between institutional design, the independence of oversight institutions, and the quality of implementation of fundamental rights. In fact, wherever there is a gap between text and implementation, the formalization of the rule of law, or the dominance of security considerations over public freedoms, the restraining function of the constitution is weakened. Therefore, the constitution can act as a real tool for protecting freedom and restraining power when it is elevated from the level of declaring principles to the level of institutional guarantee, effective accountability, and substantive interpretation of fundamental rights (Qurishi, 2010).

Methodology

The present study is, in essence, a “fundamental-theoretical” study that is organized by relying on rational arguments and doctrinal analyses in the field of public law. Since the main goal of this article is to “critically rethink” the role of the constitution, the chosen methodology moves beyond the mere description of legal articles and leans towards an “ultimate” and “functional” analysis of rules. In fact, this study attempts to analyze the constitution not as a static legal text, but as a “managerial and strategic mechanism” for regulating the flow of power; an approach that requires the use of qualitative methods to understand the relationship between “limitation of power” and “sustainable legal development.” Accordingly, the research method in this article is “descriptive-analytical” with a critical tone. In the descriptive section, theoretical foundations and fundamental concepts such as the rule of law and constitutionalism are explained based on the opinions of prominent scholars. However, in the analytical section, which forms the core of the article, the structural capacities of the Iranian Constitution in “management and control of power” are reexamined using legal logic. This critical analysis aims to show how gaps in supervisory mechanisms or narrow interpretations of constitutional principles can prevent the effective protection of public freedoms and, consequently, prevent the realization of sustainable development in legal and political dimensions. The data collection method in this study is the “library and documentary” method. The main research tool is the collection and processing of original legal texts, the Constitution, relevant ordinary laws, the case law of the Administrative Court of Justice and the Guardian Council, as well as specialized literature available in domestic and international scientific books and journals. In selecting sources, priority has been given to works that have addressed the link between power structures and fundamental rights in order to extract the necessary data for analyzing the “effectiveness of the constitution as a tool for controlling power.” In the analysis stage of the findings, the methods of “qualitative content analysis” and “systematic interpretation” have been used. In this process, the rules and principles of the constitution are analyzed in conjunction with each other and within the macro-framework of “the rule of law.” In other words, the researcher, using deductive and inductive reasoning techniques, attempts to establish a logical relationship between the “structure of power distribution” and the “level of protection of public freedoms.” This model of analysis allows us to find out whether the constitution, in its practical implementation, has been able to act as a “legal brake” against the arbitrariness of power and provide the necessary basis for sustainable development, which depends on the predictability of the behavior of power and judicial security.

This research is also organized with a completely qualitative nature; because the analysis of abstract and fundamental concepts such as “rule of law” and “legal sustainable development” requires an investigation into the semantic and philosophical layers of legal texts that cannot be counted by quantitative and statistical methods. In this qualitative approach, the main focus is on “understanding the normative meaning” of constitutional principles and analyzing “how” structural mechanisms affect the management of political power. Instead of relying on the abundance of data, the emphasis here is on a deep exploration of the logic governing the distribution of power and the validity of legal arguments, in order to critically assess the quality of the link between the text of the constitution and the protection of public freedoms.

Finally, the thematic scope of this research is limited to the topics of “fundamental rights and the philosophy of public law.” Its spatial scope is the legal system of the Islamic Republic of Iran with a view to comparative doctrines, and from a temporal perspective, it encompasses legal developments since the revision of the Constitution in 1989 to the present day, in order to present a realistic picture of the current situation and the desired perspective in the management of power and the protection of freedoms.

Theoretical implications: Conditions for realizing the freedom-oriented function of the Constitution

The existence of the Constitution alone does not guarantee the rule of law and the protection of public freedoms. Its effectiveness in restraining power is realized when a set of institutional and cultural preconditions are simultaneously provided. Among these, the independence of the judiciary, the formation of a culture of legalism, and the establishment of institutional guarantees are among the most important factors that can transform the normative capacity of the Constitution into a practical reality. First, the independence of the judiciary is a fundamental condition for the effectiveness of the Constitution in controlling power. In constitutional systems, courts—especially constitutional courts or supreme judicial authorities—play a central role in interpreting and implementing constitutional principles. When these institutions enjoy institutional independence, job security, and freedom to interpret fundamental rights, they can resist tendencies toward the concentration of power and prevent the constitution from becoming a tool in the service of political power. Conversely, weakening judicial independence often leads to the ineffectiveness of oversight mechanisms and the reduction of the constitution to a symbolic text (Bahirai, 1402). Also, the culture of legalism, as the social dimension of the rule of law, plays a decisive role in the practical realization of constitutional principles. Even the most advanced designs of constitutional rights will not be able to guarantee freedoms without social acceptance of the rules and values of the constitution. A culture of legalism is formed when public officials consider themselves bound by the law, citizens are aware of their fundamental rights, and civil institutions can monitor the functioning of political power. In such circumstances, the constitution will not only be a legal text, but also a normative framework for organizing power relations in society (Paknejad, 1400).

Finally, institutional guarantees play a complementary role in operationalizing the principles of the constitution.

They are fulfilled. These guarantees include a set of mechanisms such as effective systems of judicial oversight, independent oversight institutions, transparency in governance processes and accountability mechanisms for public authorities. The existence of these mechanisms allows the principles of the constitution to go beyond the level of normative declaration and to be realized in the form of enforceable and traceable rules (ibid.). Accordingly, it can be said that the constitution can truly protect public freedoms when a sustainable synergy is formed between the normative design of the text, the independence of oversight institutions and the law-based political culture. In such a situation, the constitution will act not only as a founding document, but also as an active framework for limiting power and guaranteeing fundamental rights.

conclusion

Based on a qualitative and in-depth approach, with the aim of critically rethinking the role of the constitution as a mechanism for managing and limiting power, this research examined the relationship between constitutionalism and the rule of law in the light of sustainable development goals. The qualitative and doctrinal analyzes carried out showed that in the classical tradition of public law, the constitution is often conceived as the most important tool for restraining political power and guaranteeing public freedoms; But the findings of this study from a further perspective and by analyzing the semantic layers of the fundamental rights show that this normative perception becomes an institutional and stable reality only under certain conditions. From the perspective of qualitative analysis of the content, it was found that if the constitution lacks executive support, it may have a purely symbolic function, or in the process of power management, instead of limitation, it may become a tool for establishing authority, which is in direct conflict with the principles of sustainable development. Through the qualitative explanation of the position of upstream documents, this research showed that the constitution cannot be understood only as a

document for the formal organization of political institutions, but it should be considered the most key legal-strategic mechanism for managing and limiting public power and guaranteeing the fundamental rights of citizens. In this framework, the principle of the rule of law is not an abstract slogan, but the qualitative foundation of the citizenship rights system and a prerequisite for sustainable development; As in the legal literature of Iran, it is emphasized that the rule of law is the basis of citizens' equality before the public power and the guarantee of their rights (Farmahini Farahani and Parveen, 2008). From this point of view, the constitution has a real function when it manages the relations between the government and citizens in the form of binding, predictable and controllable rules. Also, the qualitative findings of this research show that the constitution, beyond a pure legal document, acts as a strategic system and management system to guide, balance and control public power in order to achieve the goals of the society. The realization of the rule of law and the protection of public freedoms in this model requires a qualitative transformation and a transition from formal views towards the establishment of a responsive, transparent governance system based on institutional controls. The stability and dynamism of this macro-management system depends on strengthening organizational agility in response to citizens' demands, coherence between structural measures and development goals, and promoting a rule-based organizational culture in the body of decision-makers; A matter that establishes the constitution as a strategic tool to maintain the dynamic balance of society and promote the functioning of governance (Alavi, 1402).

The findings of this article also showed that the restraining capacity of the Constitution is not realized in a vacuum, but depends on the link between the normative text, institutional mechanism and practical implementation. The literature of public law states that this branch of law oversees the organization of the internal and external relations of the government and the management of its powers (Bagheri and Nazarizad, 2019). Therefore, whenever the principle of guaranteeing competences and the principle of responsibility do not function properly, the constitution is reduced from the level of a restraining rule to the level of a purely declarative text. Such a situation, especially in the field of legislation, which is the engine of development, can seriously threaten individual rights and freedoms. On the other hand, examining the role of legislation in the light of the principle of rule of law showed that legislative authority, although necessary to regulate collective life, can also become one of the main areas of power concentration. In domestic research, it has been emphasized that legislation should be managed in such a way that it does not cause arbitrary deprivation or limitation of individual freedoms (Alavi, 1402). In this regard, Manouri and Abbasi (1404) also state that the general competence of legislation, on the one hand, is fundamental for guaranteeing rights and freedoms, and on the other hand, if applied outside the managed frameworks, it can seriously jeopardize these rights. This simultaneity of guarantee and threat shows that the constitution should accurately predict not only the limits of competences, but also the management control and accountability mechanism.

Also, a study that was specifically conducted on the position of the principle of the rule of law in guaranteeing the rights of citizens correctly shows that the constitution must regulate the relations of public powers and the relationship between executive institutions and citizens for the benefit of freedom (Farmahini Farahani and Parveen, 2008). This finding is of double importance for the current article, because it shows that the rule of law should be objectified in the daily relations of exercising power. From an analytical point of view and looking at the qualitative nature of power, the most important result of this research is that the constitution is indeed a mechanism for managing and limiting power when the independence of regulatory institutions is tied to practical commitment to sustainable development. Otherwise, the constitution may become a tool to stabilize the concentration of power. In other words, there is a gap between "Constitution as a text" and "Constitution as an institutional reality" that if not filled with effective supervision and accountability, the result will be the weakening of the rule of law (Zarei, 2014). Accordingly, this article emphasizes that the main function of the constitution is the legal restraint of power and the protection of freedom (Alavi, 1402). Therefore, any institutional reform in the field of the constitution is on the path of sustainable development when it aims to strengthen supervision and limit public power. Finally, this research concludes that the constitution is a two-faceted mechanism, the main solution for maintaining its freedom-oriented capacity is strengthening the rule of law in the substantive

sense, developing institutional control over the exercise of power, and fostering a rights-oriented culture in the country's management system.

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