



Explaining the legal framework for implementing civil protest methods in political and democratic systems

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Abstract

As one of the most important tools for citizens' political participation, civil protests play an effective role in realizing democracy, holding the government accountable, and guaranteeing fundamental rights. However, exercising this right requires the existence of specific legal frameworks that, while protecting public freedoms, also guarantee social order and security. The present study aims to explain the legal framework for exercising civil protest methods in political and democratic systems, and examines the legal foundations, principles governing freedom of peaceful assembly and protest, legal restrictions, and government obligations in protecting this right. The research method is descriptive-analytical and based on the study of library resources, international human rights documents, and domestic laws of some democratic systems. The research findings show that the legitimacy of civil protests in democratic systems is based on principles such as freedom of expression, freedom of assembly, the principle of proportionality in imposing restrictions, prohibition of discrimination, and the responsibility of the government to ensure the security of protesters. Also, any restrictions on these rights must be applied in accordance with the law, necessity, proportionality, and compliance with human rights standards. Finally, the research concludes that formulating transparent laws, creating effective mechanisms for managing protests, and strengthening a culture of civil dialogue are among the most important prerequisites for achieving a balance between maintaining public order and guaranteeing the right to protest in political and democratic systems.

Keywords: civil protests, freedom of assembly, human rights, democratic systems, public order, legal framework.

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Introduction

The right to peaceful protest, as a human right that emerged with the emergence of societies and collective life, has always been one of the challenging issues for governance systems. Given its natural and existential nature, the aforementioned right is placed in the field of fundamental human rights that humans possess by their mere existence and is considered a common ideal of human societies. Such rights (according to Blackstone's theory, which was put forward in the middle of the 18th century) are prior to other laws and rights, are not bound by time and place, and are a general rule that is binding on all other laws and rules, and no legislative authority has and will not have the right to enact laws contrary to them (fundamental human rights).

Protest as a means of guaranteeing fundamental rights, according to Article 21 of the International Covenant on Civil and Political Rights, is a right that is included in the category of civil and political rights and has an individual aspect, whose implementation is more evident in a collective manner. The right in

question is most evident as a result of decisions that have a direct impact on the life and livelihood of the nation. The nature and message of each protest may have various aspects, including legal, economic, social, political, etc., depending on the type of problem and decision being made.

Strikes, as another manifestation of natural rights, are a means of exerting pressure on the ruling power to achieve its legitimate goals, including economic, social, etc. rights, which can be manifested in the atmosphere of a democratic society. However, it should always be taken into account that strikes are mostly manifested in relation to people's jobs and professions and are a kind of action against harmful and unjust actions of the employer or relevant official, which is reciprocally carried out peacefully by workers or employees. Regarding civil disobedience, as the title suggests, it is about the right to peaceful protest within the framework of international documents and domestic laws, but civil disobedience, whose main characteristic is failure to follow the law, is considered an act in opposition to the law.

The most important practical role of the right to peaceful protest is a tool to guarantee and protect fundamental and basic rights that accompanies the nation in expressing opinions and criticisms legitimately, providing a platform for expressing opinions and influencing the government so that they can take better and more peaceful steps towards resolving potential problems. The right to peaceful protest in its implementation is of particular importance due to its nature because its implementation involves a set of rights, the recognition of which will lead to the legitimacy of the right to peaceful protest. For this reason, it complements other civil and political rights and can thus significantly influence public opinion and oblige the government to fulfill its obligations, which is to achieve the public good. The application of the aforementioned right is especially relevant in cases where a human right is violated and decisions are made as a result and have a direct impact on the life of the nation, in which case a tool such as the right to peaceful protest has a fundamental application, in order to ensure the implementation of fundamental human rights. As a result, the degree of importance of the right to peaceful protest in any legal system depends on the extent of restrictions and its implementation context. For this reason, international instruments consider restrictions as a criterion so that member states, in accordance with international standards and their own situation, act in recognition of such rights. However, it should be taken into account that, given the level of acceptance of the importance of protest at the international level, the fact that protest creates a challenge to public order for the authorities is denied. Because the importance of peaceful protest and the protests that have taken place worldwide, led to a discussion in the United Nations Human Rights Council on the promotion and protection of human rights in the context of peaceful protest, in which representatives emphasized that guaranteeing human rights in the aforementioned context is the essence of democratic participation and that violence against protesters is a direct threat to democracy and, potentially, to the peace and security of society.

The general understanding of civil disobedience, as well as the prevailing atmosphere in research texts, has been mainly based on democratic discourse, especially liberal discourse, which, first, has paid almost exclusive attention to democratic societies and, considering the legitimacy of the government, has been able to accept illegal protests at the level of minor reforms at most; second, civil disobedience has been taken from the practical scene and as a combat tactic and has been theorized as a way to resolve existing tensions in democratic society and the conflict between the will of the elite and the will of the minority, the individual and society, equality and freedom, etc. Within this framework, civil disobedience movements do not transform and transform the existing political and legal order, but rather, through reforms aimed at making things more just, ultimately lead to greater stability and permanence of the democratic order. Rawls is the leading figure of this view. (Nikpay, Amir, Madani, Zarrin, 2010, p. 279) Civil disobedience, as it plays a constructive and effective role in the doctrine of liberalism, may also be considered a benchmark for other political doctrines. In any case, civil disobedience, in addition to expressing the crises and tensions inherent in liberalism, has also become a constructive and effective tool for resolving these crises and tensions at the level of practice and theory. (Rahmani, Touraj, Mokhtari, Ali, 2015, p. 95)

Freedom of assembly and protest is more important from the perspective of public order because the final stage of political and security crises emerges in the form of assemblies, and the abuse of assembly poses a much more imminent danger than the abuse of any other type of freedom. Even unarmed and peaceful

assemblies have a glorious history of bringing enemies and political rivals to their knees. Great examples of this are the anti-colonial revolution in India led by Mahatma Gandhi, which was accompanied by the slogan of negating violence, and the Islamic Revolution in Iran led by Imam Khomeini (may God have mercy on him). Therefore, public order is very important in regulating the use of freedom of assembly and organization. In this direction, efforts will not only be focused on maintaining the existing order, but will also seek to ensure that any economic, political, and social changes desired by those who assemble are carried out within the framework of the "law" and, as much as possible, do not harm the positive political, cultural, social, and economic structures and assets of the country. In addition, not all gatherings are necessarily protest or even political, but every society, regardless of its motives and goals, needs to establish order and requires observing a balance that will cause minimal disruption to the freedom of others, the indicator of which is the legal order governing society. In fact, the sensitivity of the discussion is not limited to times when the physical order of the place of demonstrations and gatherings is disrupted, but the fundamental problem and question is related to when the security and political order of the society are threatened.

The right to protest as a tool for class struggle and achieving social justice

Social inequality is a situation in which people have different access to valuable benefits, services and positions in society. Such inequality arises when individuals and groups rank and then evaluate each other, and most importantly, social inequality arises in relation to different positions in the social structure. In fact, social inequality refers to differences between individuals or socially defined positions that individuals occupy, and these are differences that affect the way people live, especially the rights, opportunities, rewards and privileges they enjoy.

Marxism analyzes the material conditions and economic activities required to meet the material needs of humans to meet social phenomena in any given society. It assumes that the form of economic organization or mode of production influences other social phenomena, including broader social relations, political institutions, legal systems, cultural systems, aesthetics, and ideologies. The economic system and these social relations constitute a base and a superstructure. As the forces of production improve, the existing forms of organizing production become obsolete and impede further progress. Karl Marx believed: At a certain stage of development, the material productive forces of society come into conflict with the existing relations of production; or this is just the legal expression. With the property relations within which they have operated until now, these relations become their constraints from the forms of growth of the productive forces. Then a period of social revolution begins. These inefficiencies manifest themselves as social contradictions in society, which in turn become expressed at the level of class struggle.

The discussion of social justice has a long history, and since it is of great importance in the Islamic government, as it is considered the most important duty of the ruler, we have given priority to the discussion of social justice over other duties of the ruler, and since this discussion has various dimensions, we will discuss it in more detail. Although justice is spoken of in different schools, there are different understandings of justice.

Theoretical foundations of the right to protest in political schools

Liberal Democracy

Rawls writes in his Theory of Justice: "Justice is the first virtue for a social institution, just as truth is for a system of thought." Justice, according to Rawls, precedes happiness. Happiness and prosperity are then considered as a positive value when their fairness is proven. Justice is a framework in which different people find the opportunity to pursue their desired aspirations and values. In explaining the right to protest, he pays special attention to civil disobedience, and the book A Theory of Justice has expressed his opinion on this in the sixth chapter. According to John Rawls, more complex forms of the right to protest, such as civil disobedience, are realized only in democratic societies whose conditions are largely orderly. In his opinion, this type of protest is not raised in the context of militant action and struggle as a method of changing or even overthrowing a corrupt and unjust system. In his opinion, the issue of civil disobedience

is carried out only in a more or less just democratic state and by citizens who accept and recognize the legitimacy of the constitution. He defines civil disobedience as "a non-public, non-violent, conscientious, political, and unlawful act, usually undertaken with the aim of bringing about a change in the law or procedures of the government. This act should arouse the majority's sense of justice." In any case, despite Rawls' emphasis on civil disobedience and its description and interpretation, it should not be thought that other forms of the right to protest were left out of his view. In the same section of his book, he refers to the existence of other methods of expressing protest, but instead of describing each of them in detail, he mentions the differences between civil disobedience and other protest methods. He also states that civil disobedience can only be resorted to when other protest methods do not change unjust conditions. Therefore, he introduces civil disobedience as the last resort in asserting the right to protest and establishes a hierarchy among the various forms of the right to protest, from freedom of speech to freedom of assembly, strikes, and civil disobedience.

Participatory Democracy

The concept of political participation has been a fluid and evolving one throughout history. The previous image of political participation implied a close connection between the concepts of participation and democracy, and was almost entirely framed within democratic frameworks. In this view, genuine participation is understood as an orderly and controlled process that can sometimes spiral out of control. Widespread protests and, above all, political violence reflect the absence or inefficiency of participatory institutions and processes. In fact, protest is the antithesis of participation. Participation is desirable for both citizens and systems. But the alternative image of participation has emerged from efforts to make protest more inclusive and to integrate it into democratic systems with more traditional models of participation. In this image, participation is understood as the efforts of ordinary people in any type of political system to influence the actions of their rulers and sometimes to change them. In the second picture, participation can range from civil discourse to organized voting and ultimately to riotous insurrection. This picture of participation is normatively neutral. Participation can be good or bad, or both, depending on the value one wishes to place on it and the conditions under which participation occurs (Nelson 1990: 139-137).

In short, the first interpretation and conception of political participation reflects a traditional and primitive conception of political participation that sees it as associated with competition and democracy, within democratic, formal, and legal frameworks, as having an orderly and controlled flow, as opposed to protest and violence, and as inherently desirable and a means to many lofty goals such as freedom, justice, and stability. But the second view, which represents a new perspective on the issue of political participation, involves the incorporation of protest and even violence into the aforementioned process and does not consider them specific to democratic systems. An important event in the evolution of scientific thinking and research related to participation in the past half century is the replacement of the first image with the second image. Given what has been said, in a general synthesis and definition, we can define political participation as follows:

Any voluntary political activity, peaceful or violent, individual or group, organized or mass, aimed at choosing, being chosen or influencing, reformative or fundamental, the agents, processes or the entire governing political structure.

In the above definition, political participation can take place in support of the dominant political system, or in opposition to it. On this basis, and with reference to the orientation towards the ruling political system, we can distinguish two main types of political participation:

a) "positive participation", which is a legitimate, institutionalized, peaceful, formal and accepted action by the ruling political system, within legal frameworks and in line with the continuation of sovereignty. What we mean by positive political participation in this study is "electoral participation" and specifically "voting rate" in national elections.

b) “negative participation”, which is participation outside the defined frameworks, illegal, informal, illegitimate, non-institutional and sometimes violent in order to confront the sovereignty (cf.: Rash 1377: 34-133). Negative participation, which we define in a preliminary definition as “any collective action against political officeholders, the political regime, or its policies within a political unit,” has various forms and forms that can be traced and studied in terms such as collective violence, political protest, civil conflict, political instability, political violence, revolutionary movement, and the like. This concept includes a set of actions that all have in common the actual use of violence or the threat of its use. The above definition also includes revolution as well as guerrilla warfare, uprisings, and riots (cf. Gar 1379: 24). Strikes and demonstrations should also be added to this list, since they are also considered a form of confrontation with the government.

Participatory democracy is a form of government in which citizens, rather than elected representatives, participate individually and directly in political decisions that affect their lives. This model of democracy combines elements of both direct and representative democracy.

Social Movement Theory

Studies of new social movements have developed over recent decades because the neo-Marxist and structuralist models of social movement that were prevalent in Europe in the 1960s were faced with many shortcomings. New social movement theory considered structuralist accounts of social movements inadequate. According to Marxist theory, only when individuals become aware of the mechanisms of their own oppression will a revolutionary proletarian consciousness develop among them. In response to these major inefficiencies and weaknesses, European philosophers such as Michel Foucault, Jacques Derrida, and Pierre Bourdieu began to develop alternative theoretical paradigms. Poststructuralism was the first strand of theory to emerge among French intellectuals, and it gradually evolved and matured into postmodernism.

Postmodernists took as their starting point the critique of Enlightenment ideals that had contributed significantly to the emergence of a liberal, Durkheimian, and Marxist perspective. In particular, the theory of new social movements was a critique of the resource mobilization approach and Marxist theory, and its advocates criticized orthodox Marxism for its primacy of the role of the economy and its failure to recognize the fundamental transformation that took place in Western capitalist societies after World War II.

Postmodernists categorically rejected positivist and utopian notions of history and social struggle, and

By the mid-1980s, postmodernist theory had deeply influenced sociological thought related to social movements, and thus the approach of new social movements emerged. The first advocates of the theory of new social movements were European and Western scholars, including the Italian theorist Alberto Molucci and the German sociologist Klaus Offe, and the basis of their view was based on the assumption that a fundamental transformation and change had occurred in the socio-economic context of Western societies, namely the transition from industrial to postindustrial society.

According to Alan Thorne, in post-industrial society, social movements replace the organization of labor, which was previously the center of political action. Thus, intellectuals, new professions, and students have replaced the working class, which was previously considered the agent of revolutionary change. Or, we can mention Habermas, who shows in his works that consumer capitalism and the welfare state create social control through mass culture and that the intervention of the welfare state extends to personal and social spheres and territories. According to Jürgen Habermas, this form of colonization of the lifeworld leads to the generalization and expansion of the crisis of legitimacy and new forms of resistance emerge outside the channels of official policies. These new forms of resistance, as much as they are expressed against the ruling and dominant rationalities, target official control.

Scholars of new social movements offered a specific understanding of interests that did not conform to the structuralist understandings of the past. According to this new understanding of interests, interests can no longer be considered as a by-product and side effect of the interaction of individuals and the economy. Contrary to the Marxist analytical framework, the approach of new movements starts from the assumption that post-industrial societies no longer have a purely economic basis, but rather the increasing integration

of economic, political, and cultural structures has led to the formation of such societies. Therefore, researchers of new movements are often interested in examining the process of transition from industrial to post-industrial societies and consider the role and impact that this transition has on the development of social movements to be important. In societies where post-industrial forms of production are the dominant feature (North America and Europe), the formation of revolutionary collective identities seems to be much more complex and intricate than in the past. Therefore, the main concern of researchers of new movements is the formation of collective identities because it is through collective identity that individuals participate in social movements.

International Covenant on Civil and Political Rights and the Right to Freedom of Expression and Association

The recognition of this freedom is not limited to this non-binding document. In addition, the right to freedom of association is recognized in more detail in another binding international document, such as Article 23 of the International Covenant on Civil and Political Rights (1999), as follows: 1. Everyone has the right to freedom of association with others, including the right to form and join trade unions for the protection of his interests. 2. No restrictions shall be placed on the exercise of this right except such as are in accordance with law and are necessary in a democratic society in the interests of national security, public safety, public order (*ordre public*), or the protection of health, morals, or the rights and freedoms of others. This article shall not prevent members of the armed forces and the police from being subject to legal restrictions in the exercise of this right. 3- Nothing in this article shall authorize States Parties to the International Labour Organization Convention on Freedom of Association and Protection of the Right to Organise, 1968, to adopt legislative measures or to implement laws that would prejudice the guarantees provided for in that Convention.

As can be seen, the said Covenant, while recognizing the right to freedom of association, has also laid down provisions on the permissible restrictions on the exercise and implementation of this right. The International Covenant on Economic, Social and Cultural Rights, focusing on an economic and social approach, has in its article 8 given greater consideration to the right to freedom of association from the perspective of the right to form unions and syndicates in order to secure economic and social interests and has specifically recognized it. In fact, it has emphasized and confirmed one of the most obvious examples of freedom of association and, similar to the International Covenant on Civil and Political Rights, has also laid down restrictions on the exercise of this right.

This aspect of the right to freedom of association and association has been widely addressed in the conventions of the International Labor Organization, including Conventions Nos. 11, 87, 98, 135, 141, 151, and 156.

The history of the drafting of the Covenant on Civil and Political Rights also shows a similar issue. The difference in the meaning of democracy in different countries was clear to the negotiating governments. However, the definition of a democratic society was included in the article, and the drafters considered it possible to recognize it through respect for the principles of the Charter of the United Nations, the Universal Declaration of Human Rights, and the Covenants on Human Rights.

Therefore, it can be seen that, at least in terms of human rights treaties and documents, a democratic society is considered to be one that respects the principles related to civil and political rights contained in them. In addition, the European Court of Human Rights, in some cases, speaking of the three pillars of democracy, believes that without these three, a democratic society cannot exist. Tolerance, pluralism and freethinking are the three sides of this triangle.

What is relevant to our discussion is that all three pillars of a democratic society are related to the right to assemble, and this is very important. Every assembly undoubtedly seeks to declare a belief and opinion that has opponents. Opponents of this opinion can be the government and government officials, as well as other citizens. Democracy cannot be used in such a way that if the participants in the assembly formed a minority group in society, their rights would be violated due to the displeasure of the majority. In fact, a

society that can protect the rights of all citizens to the fullest extent possible and does not seek to suppress any dissenting opinion is considered a democratic society.

Legitimacy of the purpose; We have already said that the exhaustive list of Article 21 of the Covenant on Civil and Political Rights is immutable, so states cannot add a legitimate purpose under their domestic laws to impose restrictions on the right to assemble. However, a slight delay in the list of legitimate purposes shows the ambiguity in their meaning and leaves the hands of states to justify illegitimate restrictions based on their own interpretation.

In general, the rights contained in the Covenant are divided into two categories based on Article 4: derogable and non-derogable. The right to freedom of assembly is one of the rights that states can suspend in certain circumstances. The Covenant only includes many situations, from war and armed conflict to riots and riots, by using the phrase "in times of public emergency that endanger the rights of the people." However, the Human Rights Committee explains in Commentary No. 29 that not every riot with a disaster reaches the threshold of a public emergency.

If a state finds itself in such a situation, it can suspend the rights that can be suspended in the Covenant after going through three stages. According to Article 4, paragraph 3 of the Covenant, the state must first inform other states of the rights it has suspended through a declaration submitted to the Secretary-General. Second, it must explain the reasons for the decision to suspend the rights, and third, it must also state the time of its termination. The necessity of observing these points in the text of the Covenant shows the deep concern of states about the possibility of abuse of the right to suspend. In the view of the Human Rights Committee, notification is not only necessary to enable the Committee to demonstrate its role in assessing the necessity of resorting to suspension, but also to enable other States to monitor compliance with the Covenant. In addition, a formal declaration informs citizens of their suspended rights and the time and place of their application. The Committee's interpretation considers the reason for the formal declaration to be the protection of the legality of the crime and the rule of law.

After making a formal declaration, States must also comply with three conditions. First, their action must be proportionate to the gravity of the situation. Second, the action must not be inconsistent with their other obligations and, finally, they must comply with the principle of non-discrimination.

The European Convention on Human Rights and the Right to Freedom of Expression and Association

In the European system of human rights, the European Social Charter in paragraphs 5 and 6 of Article 1 and paragraphs 5 and 6 of Article 2 and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) in Article 11 have recognized this right.

In paragraph 1 of Article 11 of the European Convention on Human Rights, it is stated: "Everyone has the right to freedom of assembly and the right to freedom of peaceful assembly and of association with others; this right includes the right to form and join trade unions for the protection of one's interests."

The European Convention on Human Rights further stipulates in paragraph 2 of Article 11 similar provisions to the International Covenant on Civil and Political Rights regarding permissible restrictions on the exercise of the right to freedom of association.

As a result, freedom of association or the right to freedom of association is considered one of the most important first-generation human rights. It has been widely recognized at the international, regional and national levels in various human rights instruments as part of civil and political rights. This freedom enables individuals to assemble together and collectively express, promote, and defend their common interests and concerns.

Other international instruments and treaties related to the right to protest

Regional human rights instruments in which the right to freedom of association was recognized are also very diverse and numerous. Here, we refer to one or more important documents from each regional system that have been developed in the field of human rights protection.

In the American human rights system, the American Declaration of the Rights and Duties of Man in Article 22 and the American Convention on Human Rights in Article 16 have recognized this right: 1- Everyone has the right to freely form associations for religious, political, economic, labor, social, cultural, sports and other purposes. The aforementioned article further specifies in paragraph 2 the criteria for imposing permissible restrictions on the exercise of the right, similar to what is developed in the International Covenant on Civil and Political Rights. In the European human rights system, the European Social Charter in paragraphs 5 and 6 of Article 1 and paragraphs 2 and 3 and 4 of Article 2 and the European Convention for the Protection of Human Rights and Fundamental Freedoms (1950) in Article 11 have recognized the said right.

Article 11, paragraph 1 of the European Convention on Human Rights states: "Everyone has the right to freedom of assembly and the right to freedom of peaceful assembly and association with others. This right includes the right to form and join trade unions for the protection of one's interests. The European Convention on Human Rights further stipulates in Article 11, paragraph 2, provisions similar to the International Covenant on Civil and Political Rights regarding permissible restrictions on the exercise of the right to freedom of association. In the African human rights system, the African Charter on Human and Peoples' Rights (1981), as the most important document adopted in this system to promote and protect human rights, has recognized this right in Article 10 as follows: "Everyone has the right to freedom of association with others. The exercise of this right shall be subject only to such restrictions as are necessary and are determined by law, in particular such as are necessary to protect the national interests, security, health, morals or the rights and freedoms of others.

The right to peaceful protest as a human right has always been the focus of attention of governments. Therefore, in order to exercise the aforementioned right, in accordance with the relevant articles in international human rights documents, Article 27 of the Constitution and relevant ordinary laws, while examining the existing principles and criteria, the necessity of obtaining a permit, which is recognized contrary to Article 27, has been recognized.

According to international standards and the practice of some countries (including Germany), which have recognized the mere notification of a peaceful protest rally, due to the imperative nature of the Constitution; if a protest rally is without a permit but notification has been previously made, the aforementioned rally should be considered legal and enjoy the legal protection of the state, in compliance with the basic legal framework.

Conclusion

Civil protests are one of the most important manifestations of citizen participation in the administration of public affairs and are considered basic indicators of democratic systems. The right to peaceful protest, along with freedom of expression, freedom of assembly, and freedom of association, is one of the fundamental rights recognized in international human rights instruments and the constitutions of many countries. The practical realization of this right, in addition to legal recognition, requires the establishment of appropriate legal and executive mechanisms to guarantee its implementation; in a way that both the rights and freedoms of citizens are preserved and public order, social security, and the rights of others are protected. Therefore, examining the legal framework for the application of civil methods of protests, from the perspective of public law and human rights, is of particular importance in assessing the degree of adherence of political systems to the principles of democracy and the rule of law.

The results of this study show that in political and democratic systems, civil protest is not seen as a threat, but as a means of reform, public oversight, and increasing the accountability of government institutions. The possibility of freely expressing demands and criticisms paves the way for reducing the gap between the government and society and prevents social discontent from turning into widespread crises. In such systems, the law has the duty to protect the right to protest, while also establishing clear and predictable frameworks for how to hold gatherings, the responsibilities of organizers, the duties of law enforcement, and the manner in which potential disputes can be handled. The transparency of these rules, in addition to increasing citizens' legal security, also prevents the exercise of taste and inconsistent decisions.

On the other hand, the research findings indicate that any restrictions on the right to protest must be subject to recognized human rights principles. The principle of legality of restrictions, necessity, proportionality, non-discrimination, and respect for human dignity are among the most important criteria that determine the legitimacy of government interventions. The mere disruption of public order or the expression of critical views cannot alone be the basis for denying or restricting the right to protest. Rather, the government must show that the restriction imposed was necessary to protect a legitimate public interest and resulted in the least infringement of citizens' rights and freedoms. Adherence to these principles creates a balance between public interests and individual rights and prevents the misuse of legal means to restrict civil liberties.

The present study also shows that the success of democratic systems in managing protests depends more on the quality of laws, the independence of judicial institutions, the accountability of executive bodies, and the existence of intermediary institutions than on the use of coercive means. The more legal channels for citizens to raise their demands, engage with public institutions, and pursue protests are strengthened, the less likely they are to experience tension, violence, and social distrust. Conversely, the lack of transparent legal mechanisms or arbitrary enforcement of laws can lead to a decline in public trust and increased conflict between citizens and the government.

In this regard, a review of the experiences of different systems shows that many countries have tried to strike a balance between maintaining public order and ensuring freedom of protest by developing specific laws on holding gatherings, determining the responsibilities of organizers, and training law enforcement forces in observing human rights. These experiences indicate that sustainable security is achieved not through extensive restrictions on civil liberties, but through respect for the law, continuous dialogue with society, and the guarantee of citizens' fundamental rights. The more confident citizens are that the law will protect their rights, the less likely they are to engage in violent or extra-legal behavior.

From the perspective of public law, civil protests can be considered a mechanism for social monitoring of government performance. This right enables the transmission of public demands, criticisms, and demands and helps decision-makers align their policies with the real needs of society. Therefore, having an efficient legal system in the field of protests not only guarantees citizens' rights, but also helps to enhance the legitimacy of the government, increase social capital, and strengthen public participation.

Accordingly, it is suggested that laws related to civil protests be reviewed with an emphasis on the principles of transparency, predictability, and compliance with human rights standards. Also, developing clear guidelines for the conduct of responsible forces in dealing with gatherings, continuous training of officers in the field of respecting citizens' rights, developing mediation mechanisms and social dialogue, and strengthening judicial oversight of restrictive decisions are among the measures that can help to more effectively implement this right. In addition, improving the legal culture of society, increasing citizens' awareness of their rights and duties, and strengthening the role of civil institutions in the peaceful management of protests will pave the way for a better realization of the principles of democracy and the rule of law.

Ultimately, it can be concluded that the legal framework for civil protests will be effective and legitimate when it strikes a reasonable and principled balance between the fundamental freedoms of citizens and the requirements of maintaining public order. This balance is only possible under the rule of law, the independence of regulatory and judicial institutions, compliance with human rights standards, and the commitment of all actors to the principles of civil dialogue and accountability. The more transparent, coherent, and in line with international standards the legal system is in supporting the right to protest, the more likely it is for citizens to participate effectively, public trust will increase, and the legitimacy of the political system will be strengthened.

References

1. Adamiyat, Fereydoun (2006). *The Thought of Progress and the Rule of Law (The Age of the Sepah-Salar)*. Vol. 3, Tehran: Kharazmi.

2. Aghabakhshi, Ali; Afshari-Rad, Minoo (2004). *The Philosophy of Political Sciences*. Vol. 3, Tehran: Chapar.
3. Asghari, Mohammad (2000). *Responsibility in the Light of Enjoining Good and Forbidding Evil*. Tehran: Ettalat.
4. Behrouzizad, Hamid Reza; Karimi-Rad, Vahid (2016). *A Jurisprudential-Legal Study of Citizenship Rights and Its Relationship with Intelligence Activities*. Included in the Collection of Articles of the First National Conference on Information Jurisprudence (Vol. 5) Intelligence, Privacy and Citizenship Rights, University of Intelligence and National Security, Qom Intelligence Research Institute Publishing and Publishing House.
5. Jafari, Mohammad Taqi (2007). *The Wisdom of the Political Principles of Islam (Translation and Interpretation of the Edict of Ali (AS) by Malik Ashtar)*. Allameh Jafari Works Compilation and Publishing House, Tehran, 2007.
6. A Group of Authors (2009). *Passing through the 88th Sedition*. Vol. 1 (Analysis and Review of the Tenth Presidential Election and the Events After It. Tehran: Political Deputy of the Supreme Leader's Representative in the IRGC.
7. Khomeini, Seyyed Rouhollah (2009). *Imam's Journal*. Vol. 1, 4, 5, 8, 14 and 16, Tehran: Institute for the Compilation and Publication of Imam Khomeini's Works (PBUH).
8. Dehkhoda, Ali Akbar (1997). *Dehkhoda Dictionary*. Vol. 6, Tehran: Rozena.
9. Rawls, John (2014). *A Theory of Justice*. Translated by Morteza Nouri, Tehran: Markaz.
10. Shalian, Gerard (1983). *Revolutionary Myths in the Third World*. Translated by Mahmoud Raazi, Bija: Tirajhe.
11. Saffar, Mohammad Javad (1999). *Legal Personality*. Tehran: Dana.
12. Curzon, Leslie Basil (2008). *Dictionary of Laws*. Translated by Ghadir Golkarian and others, Vol. 3, Tehran: Associate Professor.
13. Farajollahi, Reza (2009). *Criminology and Criminal Responsibility* Tehran: Mizan.
14. *Political Groups and Factions from the Viewpoint of the Supreme Leader* (2002). Qom: Satra.
15. *An Annotated Summary of the Negotiations on the Islamic Republic's Constitution*, General Department of Cultural Affairs of the Islamic Consultative Assembly (1985). Vol. 1, Tehran: Ministry of Culture and Islamic Guidance.
16. Motahari, Morteza (2019). *A Journey in Nahj al-Balaghah*. Tehran: Sadra.