

Privatization and Social Rights in Light of the Constitution of the Islamic Republic of Iran: An Analysis of the Requirements of the Regulatory State and Social Justice

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the second paragraph of the Introduction, the sentence “Within this framework, education, health, social security, and housing constitute fundamental state obligations and cannot be entrusted exclusively to market mechanisms” is normatively important but stated too categorically without distinguishing between the state’s obligation to provide services directly and its obligation to ensure, regulate, finance, or supervise their provision. The authors should distinguish the obligations to respect, protect, and fulfill social rights and clarify which dimensions may legitimately be performed by private entities. This distinction would prevent the analysis from equating privatization automatically with governmental withdrawal and would strengthen the argument that the state may delegate service delivery while retaining nondelegable constitutional responsibility.

In the paragraph beginning “In the legal system of the Islamic Republic of Iran, privatization policy, particularly following the promulgation of the General Policies of Article 44 of the Constitution,” the legal status of the General Policies of Article 44 requires more rigorous examination. The manuscript should explain their constitutional basis, their relationship with Article 110 of the Constitution, their binding force upon the legislature and executive, and their interaction with the Law on the Implementation of the General Policies of Article 44. Without this hierarchy-of-norms analysis, the discussion treats the General Policies, constitutional provisions, and ordinary legislation as if they possessed equivalent legal authority.

The Introduction states that “the practical experience of implementing privatization in certain sectors and economic enterprises has demonstrated that the absence of effective regulatory mechanisms, weak public oversight, and insufficient

attention to the social effects of transfers have, in some instances, weakened employment security.” This causal assertion should be supported by a clearly defined evidentiary basis. The authors should identify the administrative reports, judicial decisions, parliamentary investigations, audit findings, or empirical studies from which this conclusion is drawn. The present formulation risks attributing adverse outcomes exclusively to privatization without separating the effects of poor purchaser selection, macroeconomic instability, sanctions, enterprise indebtedness, defective corporate governance, and regulatory failure.

In the paragraph reviewing the literature, the manuscript identifies three broad groups of studies but does not present a sufficiently systematic review of prior scholarship. The sentence “most have either adopted an economically oriented approach or examined the effects of privatization in a fragmented and sectoral manner” should be substantiated through a structured account of the databases searched, keywords used, inclusion period, types of publications reviewed, and criteria used to classify studies. Even in a doctrinal and descriptive-analytical article, a transparent literature-selection strategy is necessary to support the claimed research gap and to avoid presenting a selective narrative review as a comprehensive survey.

The research question in the paragraph beginning “Accordingly, the present study seeks to answer the following fundamental question” combines at least two analytically distinct issues: the actual effects of privatization on the obligations of the social state and the normative limits of its legal legitimacy. The first is primarily empirical and requires evidence concerning outcomes, whereas the second is doctrinal and requires constitutional interpretation. The authors should either divide the question into separate subquestions or explain how the descriptive-analytical method integrates empirical evidence with normative legal analysis. The hypothesis should likewise be reformulated into propositions capable of being evaluated through the materials and method actually employed.

In the paragraph addressing Rawls, the sentence “political and economic institutions are legitimate only where they operate to reduce unfair inequalities and protect disadvantaged groups” simplifies the difference principle and does not sufficiently distinguish it from a general welfare-maximization principle. The authors should more accurately explain that inequalities are permissible where they are attached to positions open under conditions of fair equality of opportunity and work to the greatest benefit of the least advantaged. This conceptual refinement is particularly important because Rawls is repeatedly used as the principal normative standard for assessing privatization across employment, health, housing, and education.

The discussion of the regulatory state in the paragraph beginning “To establish a balance between economic efficiency and the requirements of social justice” should be expanded beyond the general claim that the state retains responsibility for regulation and supervision. The manuscript should specify the institutional characteristics of an effective regulatory state: legal independence, functional autonomy, transparent appointment procedures, reason-giving duties, public participation, judicial review, conflict-of-interest rules, enforcement powers, and measurable service obligations. Without such institutional detail, the “regulatory state” remains an abstract recommendation rather than an implementable legal model.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The methodological paragraph stating that the study uses “a descriptive-analytical method and draw[s] on library sources, legal instruments, domestic practices, and international human rights standards” is insufficiently detailed for a scientific legal article. The authors should identify the specific method of constitutional interpretation, the approach to comparative legal analysis, the criteria for selecting domestic practices, and the manner in which international human rights norms are incorporated into Iranian law. The manuscript should also explain whether “domestic practices” refers to administrative decisions, privatization contracts, parliamentary reports, judicial judgments, audit reports, or documented case studies. Without this information, the analysis is difficult to replicate or evaluate.

In the Research Background section, the paragraph beginning “The first consists of studies examining privatization from economic and managerial perspectives” relies predominantly on general international references rather than directly engaging with the Iranian studies it purports to classify. The authors should identify representative Iranian studies by author, year, research question, method, and principal finding. A rigorous review should explain how each body of research contributes to

or differs from the present article. The current discussion remains too general to demonstrate that the proposed study meaningfully advances beyond existing Iranian legal and economic scholarship.

In the Research Innovation section, the claim that “The second innovation is the explanation of the relationship between privatization and social rights within a unified analytical framework” requires the actual presentation of that framework. The manuscript presently discusses several sectors consecutively, but it does not formulate common analytical variables or a matrix through which all sectors are assessed. The authors should specify a consistent set of criteria—such as accessibility, affordability, availability, quality, nondiscrimination, accountability, minimum core obligations, and non-retrogression—and apply these criteria systematically to employment, health, education, housing, and public services.

In the theoretical section, the sentence “Since the final decades of the twentieth century, and concurrently with the expansion of neoliberal approaches, this policy has become one of the principal instruments for reforming the economic and administrative structures of states” introduces neoliberalism as a causal and ideological framework but does not define it or distinguish among its economic, political, and legal dimensions. The authors should clarify whether neoliberalism is being used descriptively to refer to market-oriented reforms or critically to denote a normative project involving deregulation, fiscal restraint, and commodification. This conceptual precision is necessary because the manuscript later attributes several social consequences to “market logic” without explaining the mechanisms through which such logic affects rights.

The paragraph discussing T. H. Marshall states that “access to education, health, social security, decent employment, and adequate housing constitutes part of the obligations of the modern state toward its citizens.” While Marshall’s account of social citizenship is relevant, the manuscript should acknowledge the historical and contextual limits of his framework, particularly its development within the British welfare-state tradition and its emphasis on membership-based citizenship. The authors should explain how Marshall’s theory is adapted to the constitutional structure of the Islamic Republic of Iran and whether social rights are understood as citizenship rights, human rights, constitutional entitlements, directive principles, or a combination of these categories.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.