

Criteria for Distinguishing the Supplementation and Modification of Law in Government Rulemaking within the Iranian Legal System (The Scope of Government Rulemaking from the Perspective of Modifying and Supplementing the Law)

Eileen. Nozari¹, Nader. Mirzadeh Kouhshahi^{2*}, Fereidoon. Nahreini³

¹ PhD Student, Department of Public Law, Kish International Campus, University of Tehran, Tehran, Iran

² Associate Professor, Department of Public Law, Faculty of Law and Political Science, University of Tehran, Tehran, Iran

³ Associate Professor, Department of Private Law, Faculty of Law and Political Science, University of Tehran, Tehran, Iran

* Corresponding author email address: mirzadeh@ut.ac.ir

Received: 2026-04-08

Revised: 2026-09-27

Accepted: 2026-10-06

Initial Publish: 2026-10-06

Final Publish: 2027-01-01

Government rulemaking in the Iranian legal system, particularly through regulations, cabinet resolutions, and administrative circulars, constitutes an essential instrument for the implementation of statutes and the fulfillment of the government's administrative functions. Nevertheless, a persistent question concerns the boundary between government rulemaking undertaken for the purpose of implementing the law and rulemaking that, in practice, results in altering the substance or legal effects of the law. The principal issue addressed in this study is the criteria by which, within the framework of Iranian public law, a distinction can be drawn between the "supplementation of law" and the "modification of law" in government rulemaking. Using a descriptive-analytical method and relying on library-based sources, constitutional principles—particularly Article 138 of the Constitution—and the rules governing the hierarchy of legal norms, this study examines the issue. The principal finding is that the decisive criterion for distinguishing between these two forms of rulemaking is not the formal designation of the regulation but rather its substantive and legal effect on the statutory provision. Accordingly, where a regulation merely establishes executive, administrative, and technical arrangements for implementing the law, resolves practical ambiguities, or determines mechanisms for giving effect to a statutory provision, it falls within the scope of supplementing the law. By contrast, where a regulation expands or restricts the scope of application of the law, alters the conditions for the application of a statutory provision, or modifies statutory rights, obligations, exceptions, or legal effects, it exceeds the limits of the government's executive authority and amounts to modification of the law. It is therefore concluded that the government's rulemaking authority must be understood as subordinate to and serving the implementation of legislation, rather than operating independently of the law or in conflict with the legislative intent.

Keywords: *Supplementation of Law, Modification of Law, Government Rulemaking, Hierarchy of Legal Norms, Article 138 of the Constitution*

How to cite this article:

Nozari, E., Mirzadeh Kouhshahi, N., & Nahreini, F. (2027). Criteria for Distinguishing the Supplementation and Modification of Law in Government Rulemaking within the Iranian Legal System (The Scope of Government Rulemaking from the Perspective of Modifying and Supplementing the Law). *Interdisciplinary Studies in Society, Law, and Politics*, 6(1), 1-23. <https://doi.org/10.61838/kman.isslp.592>



1. Introduction

Government rulemaking constitutes one of the most important mechanisms for implementing legislation in contemporary public-law systems. Although, under the principle of separation of powers, the enactment of general and binding rules falls primarily within the competence of the legislature, effective implementation of statutes is impossible without the adoption of certain executive, administrative, and technical arrangements by the executive branch. Accordingly, within the framework of its statutory competences, the government facilitates the implementation of legislation through regulations, cabinet resolutions, circulars, and other administrative rules. In the legal system of the Islamic Republic of Iran, this competence is likewise recognized, particularly under Article 138 of the Constitution; nevertheless, the exercise of this authority is always subject to the requirement that governmental regulations be enacted subordinate to the law, rather than alongside or contrary to it (Fadaei Jouybari et al., 2017).

Nevertheless, determining the precise boundary between executive rulemaking and intervention in the legislative domain has consistently been accompanied by ambiguity. The principal problem arises from the fact that certain governmental regulations are ostensibly enacted for the purpose of implementing legislation but may, in practice, expand or restrict the scope of application of a statute, alter the conditions governing the application of a statutory rule, or modify the legal effects contemplated by legislation. In such circumstances, the question arises as to whether the government is still acting in the capacity of supplementing the law or whether it has exceeded the limits of its executive authority and proceeded to modify the law. The importance of this issue is not confined to the technical regulation of the relationship between statutes and regulations; rather, it is directly connected with principles such as the rule of law, the principle of legality of administrative decisions, and the hierarchy of norms (Vijeh, 2008).

The transformation of governmental functions and the expansion of the state's role in regulating public affairs have made this issue even more significant. In circumstances where the contemporary state is no longer merely a passive executor of legislation and

instead confronts diverse economic, social, and administrative domains in its regulatory capacity, the scope and density of governmental regulations have correspondingly increased. Although this expansion may appear administratively inevitable, it also entails the risk that administrative regulations may gradually depart from their supplementary role and, in practice, acquire a function parallel to legislation. For this reason, distinguishing between the "supplementation of law" and the "modification of law" has become one of the fundamental issues in analyzing the limits of governmental rulemaking authority (Vaezi, 2023).

Within Iranian legal scholarship, some studies have addressed the legal basis of governmental authority to enact regulations and its limits under Article 138 of the Constitution, while others have focused on oversight mechanisms, including the Speaker of Parliament's review of governmental approvals or the competence of the Administrative Justice Court to annul regulations contrary to law (Kadkhodaei & Darvishvand, 2012). Nevertheless, what has received less independent attention is the formulation of a clear criterion for distinguishing regulations adopted to supplement the law from regulations which, despite their executive appearance, in practice alter the content or effects of legislation. From this perspective, the principal gap in the existing literature lies not merely in articulating the general limits of governmental authority, but in the absence of an analytical criterion for identifying the point at which supplementation passes into modification of the law.

Accordingly, the central question of this study is: on the basis of which criteria can governmental rulemaking intended to supplement legislation be distinguished from rulemaking that results in modification of the law within the Iranian legal system? It appears that the principal criterion should be sought in the legal effect of the regulation on the statutory rule. Thus, where a regulation merely concerns the determination of executive arrangements, the resolution of practical ambiguities, and the organization of administrative mechanisms for implementing legislation, it falls within the domain of supplementation; however, where it expands or restricts the scope of the statute, alters the conditions governing the operation of the statutory rule, or changes its legal effects, it goes beyond supplementation and enters the domain of modification.

The aim of this article is to clarify this conceptual and legal boundary and to provide a criterion for identifying it within the framework of Iranian public law. Using a descriptive-analytical method and relying on library-based sources, legislation, and the principles governing the hierarchy of norms, the study seeks to clarify the limits of legitimacy of governmental rulemaking in relation to the domain of legislation.

2. Literature Review

Studies concerning governmental rulemaking and its relationship with legislation may, through a thematic classification of the Iranian public-law literature, be grouped and analyzed around three principal axes: first, the legal foundations of governmental competence to enact regulations and the limits of that competence under Article 138 of the Constitution; second, the mechanisms for oversight of governmental approvals and review of their inconsistency with legislation; and third, studies concerning legislative quality, the philosophy of regulation, and the consequences of normative proliferation.

Within the first axis, scholarship focusing on the regulatory competence of the executive branch has generally sought to explain the status of “regulations” as an adjunct to the function of implementing legislation. In this regard, studies addressing the executive branch’s regulatory competence, particularly through comparisons between Iran and France, emphasize the distinction between parliamentary legislation and executive rulemaking and maintain that regulatory authority constitutes an adjunct to the implementation function; the executive may therefore formulate rules necessary for carrying out administrative duties only within the framework of enacted legislation (Vaezi, 2010). In continuation of this approach, scholarship concerning legal competence in public law emphasizes that governmental regulations must remain directed toward the implementation of statutes and must avoid encroachment upon the legislative sphere or conflict with superior norms (Nahrini, 2021). Furthermore, the analysis of the term “laws” in Article 138 of the Constitution demonstrates that this term carries different implications in different parts of the provision for drawing the boundary between legislation and execution, a distinction of fundamental importance for determining the limits of governmental competence

(Fadaei Jouybari et al., 2017). Despite the theoretical value of these studies, their primary emphasis is on the “nature of competence” and normative analysis of constitutional text, while relatively less attention has been paid to establishing an operational criterion for distinguishing the functional boundary between “supplementation” and “modification.”

The second axis of the literature concerns supervisory mechanisms and the control of legal inconsistencies. In this field, studies examining the inconsistencies of governmental resolutions reviewed by the Speaker of the Islamic Consultative Assembly demonstrate that parliamentary scrutiny of governmental approvals plays a fundamental role in safeguarding the hierarchy of norms and the rule of law (Mohseni & Ghamami, 2013). Such studies investigate the recurrent causes of conflict between executive approvals and ordinary legislation in light of the legal mechanisms implementing Articles 85 and 138 of the Constitution. Likewise, analyses of legislative supervision over Cabinet resolutions emphasize the structural importance of such review in controlling deviations in governmental regulations (Parvin & Patfat, 2015). At the regulatory level, the executive arrangements concerning review of governmental approvals under Articles 85 and 138 similarly reflect an institutional and expert-based process for comparing governmental approvals with statutes, with the final determination entrusted to the Speaker of Parliament (Kadkhodaei & Darvishvand, 2012). Analysis of this category of scholarship indicates that its principal concern is with mechanisms of ex post review and institutional annulment procedures rather than with developing an ex ante conceptual criterion for distinguishing the intrinsic character of supplementary regulations from modifying ones.

The third axis of the literature approaches the subject at a broader level, from the perspective of the philosophy of legislation and the consequences of regulatory proliferation. Scholarship concerning the hierarchy of norms and the quality of lawmaking emphasizes that an accumulation of statutes and regulations without adequate assessment of their consequences may result in normative inconsistency (Vijeh, 2008). From an economic and administrative perspective, the expansion of regulation has likewise been analyzed as a factor contributing to normative expansion, enlargement of government, and increasing administrative complexity

(Zarei & Shams, 2013). From the theoretical perspective of administrative-law doctrine, research on the principle of acting beyond statutory authority examines the requirement that every administrative action remain within the competence conferred by the legislature (Malakouti Hashjin, 2014). Although this body of research analyzes the consequences of normative proliferation and the foundations of ultra vires doctrine, it does not provide a coherent model for drawing a precise substantive distinction between the “modification of law” and the “supplementation of law” in governmental rulemaking.

As a research gap, it may therefore be stated that a systematic review of the existing literature reveals, despite considerable theoretical richness across all three axes, an “analytical discontinuity and gap” among theories concerning governmental competence, the supervisory practices of controlling institutions, and the consequences of regulatory proliferation. Previous studies have either provided general explanations of Article 138, described annulment procedures, or examined the consequences of regulatory inflation. Yet the most serious public-law challenge—namely, the development of a “substantive and stage-based criterion” capable of assessing, irrespective of the formal designation of a regulation, its actual legal effect on a statutory rule and of determining the boundary between “permissible supplementation” and “impermissible modification”—has remained unresolved. The present study is designed to address this analytical gap.

3. Conceptual Framework

The conceptual framework of this study is based on the premise that, within the Iranian legal system, governmental regulations are valid and justified only when they occupy a position subordinate to legislation in the normative chain and do not exceed the authority conferred by the legislature. Within this structure, the Constitution stands at the apex of the hierarchy of norms, while executive regulations, particularly Cabinet regulations and resolutions, possess a derivative character and must conform to both the text and the spirit of legislation. Accordingly, the governing principle of governmental rulemaking is the supplementation of law within the limits of legal competence, rather than the creation of an autonomous rule parallel or superior to legislation (Vijeh, 2008). In this study, governmental

rulemaking is understood as the enactment of general and binding rules by the executive branch within the framework of statutory competences, a concept also discussed in modern administrative-law literature under the theory of the regulatory state. Under this conception, the state goes beyond being a merely executive or service-oriented actor and becomes an institution that promotes public order and the effectiveness of public policy through rulemaking, supervision, behavioral regulation, and enforcement of norms (Hadavand & Jam, 2022). Notwithstanding this transformation, expansion of the state’s regulatory competences in no way signifies emancipation from legal constraints or authorization to rewrite legislative intent; rather, the principle remains that every regulation must serve the implementation of legislation and must not substitute for legislation or unlawfully amend it.

In light of this foundation, two different situations must be distinguished. The first is supplementation of law, referring to the adoption of regulations for clarification, regulation of technical details, determination of implementation mechanisms, and facilitation of effective execution of legislation without altering the content, scope, or nature of the statutory rule. The second is modification of law, in which a governmental regulation exceeds the limits of interpretation and supplementation and, in practice, changes the content or effects of a statutory provision, whether by expanding or restricting its scope or by introducing a new condition, exception, or obligation not contemplated by the statute (Malakouti Hashjin, 2014). Accordingly, a regulation that merely makes the method of implementing legislation clearer and more practicable remains within the sphere of supplementation; however, where the regulation operates in such a manner that the result is an alteration of the rights, obligations, restrictions, or privileges of persons, it crosses the boundary of supplementation and approaches modification of the law.

For the purpose of identifying this boundary, the present study proposes four complementary criteria: purpose, content, scope of effect, and relationship with legislative intent. The purpose criterion concerns whether the regulation was adopted merely to facilitate implementation and resolve executive issues or instead seeks to alter the legislative orientation and redefine legislative policy. The content criterion examines whether the regulation merely contains administrative

and executive arrangements or introduces new substantive rules, novel conditions, or restrictions not expressly provided for by statute. The scope-of-effect criterion concerns the degree of direct influence exerted by the regulation on individual rights and obligations; the more direct and determinative this effect, the greater the likelihood that the regulation has entered the sphere of modification. Finally, the criterion of legislative intent constitutes a fundamental indicator for assessing the legitimacy of the regulation: if the regulation clarifies and gives effect to legislative intent, it supplements the law; but if it displaces, restricts, or rewrites legislative intent, it exceeds administrative authority and results in impermissible modification (Malakouti Hashjin, 2014). The distinction between supplementation and modification must therefore be drawn not on the basis of the title or formal appearance of the regulation but according to its actual function within the legal system. Judicial review constitutes the principal enforcement mechanism for preserving this boundary. Under Iranian law, the Administrative Justice Court is competent to annul governmental regulations that are contrary to legislation or exceed the limits of executive authority. Accordingly, whenever a regulation crosses the threshold from supplementation into modification, it may be exposed to judicial annulment as either inconsistent with legislation or *ultra vires* (Vijeh, 2008). The overall implication of this analysis is that governmental rulemaking in the Iranian legal system is inherently an instrument for implementing and supplementing legislation, not a vehicle for altering legislative intent; wherever an administrative regulation, instead of clarifying and facilitating implementation, intervenes in the content or effects of legislation, it leaves the realm of legitimacy and must be assessed as a “modification of law.”

4. Analysis of Findings

4.1. Legal Foundations of Governmental Rulemaking Authority

4.1.1. Necessity and Status of Governmental Rulemaking in the Legal System

The question of governmental rulemaking competence is, in fact, a question concerning one of the most sensitive boundaries of public law: a boundary that, on the one hand, relates to the effectiveness of public

administration and the necessity of regulating executive affairs and, on the other, concerns the preservation of legislative supremacy, protection of the legislature’s exclusive competence, and prevention of administrative power from expanding beyond its permissible limits. If the government is understood narrowly as the executive branch and the administrative apparatus subordinate to it, it is evident that this institution cannot perform its extensive responsibilities merely through direct reliance on enacted statutory texts. Legislation, particularly in contemporary legal systems, is frequently formulated at a general and abstract level and therefore inevitably requires supplementary rules, executive arrangements, procedural specification, administrative organization, and sometimes technical elaboration for its implementation (Vaezi, 2010). It is from this necessity that administrative rulemaking arises. Nevertheless, this necessity should not generate the assumption that the executive possesses authority equivalent to legislative power or that it may, under the guise of regulating the manner of implementation, affect the substantive content of legislation. The principal question lies precisely here: how far may the government proceed in adopting regulations for implementing legislation, and at what point does such rulemaking cross the boundary of implementation and become intervention in the legislative domain?

The answer to this question depends, above all, upon the position of governmental regulations within the hierarchy of norms and upon the nature of administrative competence in the Iranian legal system. In a legal system structured according to a hierarchy of norms, the validity of every legal rule derives from its conformity with superior rules. On this basis, the Constitution occupies the apex of the normative hierarchy, while ordinary legislation, governmental regulations, and administrative decisions must be understood as subordinate to it. Executive regulations likewise occupy a position below ordinary legislation, and their legitimacy can be defended only insofar as they remain within the framework of their enabling statute and are directed toward its implementation. As analyses of the hierarchy of norms explain, within a vertical normative system each norm is defined and restricted by a superior norm; accordingly, executive regulations cannot be conceived as possessing an existence independent of legislation or authority liberated from it

(Vijeh, 2008). This foundation is not merely a theoretical proposition; it directly and decisively affects the understanding of governmental competence to enact regulations, Cabinet resolutions, and other administrative rules. If a subordinate regulation purports to operate as legislation, expands the statutory scope, diminishes it, or alters its content, it has in fact departed from its proper position within the hierarchy of norms.

4.1.2. *Article 138 of the Constitution and the Basis of Regulatory Competence*

From this perspective, Article 138 of the Constitution constitutes the principal point of departure for explaining governmental rulemaking competence. It authorizes the Cabinet to enact resolutions and regulations for the performance of administrative duties, the implementation of legislation, and the organization of administrative bodies. Ministers are likewise authorized, within the scope of their functions and Cabinet resolutions, to enact regulations and issue circulars. At first glance, Article 138 may appear to confer broad and general authority upon the executive; however, reflection on the substance and philosophy of this provision demonstrates that the competence is neither original nor independent, but derivative and functional. In other words, the authority is not conferred for the creation of norms equal in rank to legislation, but for enabling the implementation of legislation and administration of governmental organizations (Fadaei Jouybari et al., 2017). Put differently, the government is empowered to adopt regulations because legislation alone cannot incorporate every administrative and executive detail, not because the government is a co-legislator alongside Parliament in producing general and binding norms.

This understanding is also reflected in legal interpretations of Article 138. Reliable analyses of this provision state that although the Cabinet and ministers possess authority to enact regulations, such regulations must not conflict with either the text or the spirit of legislation (Vijeh, 2008). The importance of this proposition lies in the fact that it defines the limits of governmental competence not merely in relation to the literal wording of legislation, but also with reference to its purpose and normative orientation. Thus, even where a regulation does not appear to contradict the express

wording of a statute, if its practical effect is to alter legislative purpose, shift the scope of application, or create a new burden not contemplated by legislation, it cannot be justified under Article 138. This point is of fundamental importance to the subject of the present article because the distinction between supplementation and modification becomes visible precisely here. Supplementation occurs when the regulation fills an executive gap, clarifies the method of implementation, and facilitates realization of legislative intent; modification occurs when the regulation exceeds this role and interferes with legislative intent.

4.1.3. *Restrictions on Governmental Regulatory Competence under Article 85 and the Principle of Legality*

The relationship between Article 138 and Article 85 of the Constitution is likewise decisive in understanding the limits of this competence. Article 85 emphasizes the personal nature of parliamentary representation and the non-delegability of legislative authority and therefore establishes parliamentary legislative competence as original and, except within the limits expressly prescribed by the Constitution, non-transferable (Kadkhodaei & Darvishvand, 2012). Accordingly, any interpretation of Article 138 that would permit the government to adopt rules that are substantively legislative would conflict with Article 85. The issue is not whether the government may enact rules; clearly, public administration would be impaired without administrative rulemaking. The issue is that administrative rulemaking must occupy a position subordinate to legislation and must belong to the domain of implementation rather than legislative substitution. Thus, a distinction must be drawn between “executive rulemaking” and “executive legislation.” The former is necessary for administration; the latter threatens the constitutional allocation of competences (Kadkhodaei & Darvishvand, 2012).

This distinction becomes clearer when the nature of competence in public law is considered. In private law, the principle is individual freedom, and restrictions require legal authorization; in public law, however, the logic is reversed: a public authority may act only within powers conferred upon it by law. In other words, within the sphere of public authority, the governing principle is “lack of competence” unless competence is established by law (Mazhari, 2018; Nahrini, 2021). Accordingly,

governmental rulemaking authority is neither presumed nor inherent; rather, it is a legally constituted and limited competence deriving from the Constitution and ordinary legislation. A direct consequence is that where the scope of administrative authority is ambiguous, interpretation should not lead to an uncontrolled expansion of governmental power, but should preserve legislative supremacy and observe caution in extending public competence.

The same logic is clearly articulated in the doctrine of “acting beyond statutory authority.” According to analyses of this principle, *ultra vires* action refers to conduct performed outside the framework of competences conferred by the legislature (Malakouti Hashjin, 2014). Under this conception, an administrative act is unlawful not only where the authority performs an act expressly prohibited by law, but also where it undertakes an action for which no legal authorization exists or which cannot reasonably be derived from the wording and purpose of the relevant legislation. This issue acquires particular importance in regulatory matters because much of the expansion of administrative authority does not occur through overt statutory violation, but through expansive interpretations of regulatory competence and the gradual transformation of the government from an executor into a body determining the substantive content of individual rights and obligations.

The doctrine of acting beyond statutory authority has been analyzed through both narrow and broad approaches. Under the narrow approach, the principal criterion is whether the administrative act falls within powers conferred by the legislature; under the broader approach, considerations such as rationality, proportionality, procedural fairness, and consistency with legislative purpose are also taken into account (Malakouti Hashjin, 2014). Both approaches are useful for the present discussion, although they must be distinguished. On the one hand, it is correct that an administrative authority should observe considerations such as proportionality and rationality in exercising its powers. On the other hand, compliance with these standards cannot cure an absence of competence. A regulation lacking a proper jurisdictional basis or exceeding legislative intent does not become lawful merely because it is useful, technically sophisticated, or administratively efficient. Administrative efficiency

cannot substitute for legal authorization. Although this proposition may appear self-evident, in practice it constitutes one of the principal sources of controversy in contemporary administrative law.

4.1.4. Requirement of an Implementing Regulation for Execution of Legislation and Its Relationship with Article 85

The relationship between Articles 138 and 85 of the Constitution is of fundamental importance in determining the limits of governmental authority to enact implementing regulations. Article 85, by emphasizing the personal nature of parliamentary representation and prohibiting delegation of legislative competence, establishes as a principle that determination of fundamental rules concerning individual rights and obligations must remain within legislative competence, except in circumstances expressly permitted by the Constitution (Kadkhodaei & Darvishvand, 2012). From this perspective, the mere referral of implementation of a statutory provision to an executive regulation does not in itself amount to delegation of legislative authority; rather, it is necessary to examine which matters the legislature itself has determined in the statutory text and which matters it has entrusted to the executive authority.

In the first situation, the legislature itself defines the essential elements of the legal rule, including its subject matter, conditions of application, scope, and legal effects, while merely delegating the determination of implementation methods and executive arrangements to regulations. In such circumstances, the implementing regulation plays a supplementary and executive role because the right or obligation derives from the legislation itself and the governmental regulation merely specifies how it is to be implemented. For example, where legislation establishes the existence of a right or obligation and leaves matters such as administrative forms, competent implementing authorities, procedural sequence, application registration, or other practical arrangements to an executive regulation, the government remains in the position of implementing the statutory rule rather than creating it. Such delegation does not conflict with Article 85 and may be analyzed within the regulatory competence contemplated by Article 138 (Kadkhodaei & Darvishvand, 2012).

In the second situation, however, the reference to an executive regulation is structured in such a way that

determination of the essential and substantive elements of the statutory rule is effectively transferred to the government. In such circumstances, the legislation may merely state a general objective or broad heading and make the legal effects dependent upon a regulation to be adopted by the Cabinet. Where the determination of persons subject to the rule, the conditions required for the creation of a right or obligation, the restrictions imposed upon individuals, or the conduct carrying legal consequences is essentially delegated to the regulation, the matter can no longer be regarded as mere “executive supplementation of legislation.” In such circumstances, the regulation goes beyond determining the method of implementation and intervenes in defining the normative content of the rule.

Accordingly, a distinction must be made between “making implementation of legislation dependent on a regulation” and “making determination of the content of legislation dependent on a regulation.” The former, where the essential elements of the rule have already been determined by the legislature, may fall within the legitimate domain of executive rulemaking. The latter, where decisions regarding the creation, scope, or essential conditions of rights and obligations are delegated to the government, is incompatible with the logic of Article 85 and the exclusive position of the legislature in determining fundamental legal rules (Kadkhodaei & Darvishvand, 2012). Therefore, the principal criterion for assessing such delegations is not merely whether the statutory text includes a phrase such as “in accordance with the implementing regulation,” but rather the nature of the matters whose determination has been delegated by the legislature to the government. Accordingly, referral to an implementing regulation falls within the domain of “supplementation of law” where the statute itself defines the core of the legal rule and the governmental regulation merely organizes the mechanisms by which it is realized. By contrast, where the regulation is empowered to determine the essential elements of the rule, define the scope of individual rights and obligations, or decide upon their creation and limits, the designation “implementing regulation” is not by itself sufficient to confer legitimacy; in such circumstances, the government has effectively entered part of the legislative domain. It is precisely at this point that the question of real-world examples acquires importance, requiring examination of those instances in Iranian legislation

where determination of part of the normative content of a legal rule has been referred to governmental regulations.

4.1.5. *Implementing Regulations and the Limits of Governmental Intervention in the Implementation of Law*

It is from this point that the relationship between statutes and implementing regulations must be reconstructed with greater precision. An implementing regulation, properly understood, is an instrument for executing legislation, not a source for creating a new legal rule. Analyses of Article 138 emphasize that implementing regulations must remain consistent with the limits established in their enabling legislation and that the framework for their enactment should be interpreted restrictively so as to prevent legislation through regulatory instruments (Vijeh, 2008). This conclusion is important because it allows practical criteria to be developed for assessing the validity of governmental regulations. Whenever a regulation introduces new matters instead of explaining methods of implementation; whenever it alters the scope of individual rights or obligations instead of organizing an administrative process; or whenever it creates a condition, exception, limitation, or privilege beyond the statute rather than specifying executive mechanisms, its legitimacy must be questioned. In such cases, the regulation has crossed the boundary of “supplementation” and approached the domain of “modification” or even “transformation” of legislation.

For this reason, the distinction between implementing regulations and independent regulations should not lead to misunderstanding. Some analyses regard Article 138 as encompassing two categories: implementing regulations adopted pursuant to legislation and independent regulations adopted for the administration of administrative and organizational matters without necessarily being connected to a specific statute (Vijeh, 2008). Yet even if this distinction is accepted, it does not result in unlimited executive authority. Independent regulations remain embedded within the legal system and derive their meaning from legally defined governmental functions and competences. Although such regulations may not directly implement a particular statute, they still may not conflict with ordinary legislation or create rights and obligations for

individuals without statutory support. Administrative independence does not mean independence from law. Likewise, the concept of the regulatory state should not be misunderstood. The transformation of the contemporary state from a classical interventionist state into a regulatory state, although it has expanded the government's role in regulating markets, directing the conduct of actors, and setting implementation standards, does not in itself eliminate the principles of legality or the hierarchy of norms (Hadavand & Jam, 2022). A regulatory state may employ a wider variety of instruments than a traditional state and may adopt a greater volume of technical and sector-specific rules, but this functional expansion does not alter the source of legitimacy. Even in increasingly complex regulatory processes, the administrative authority must still be capable of grounding its action in an identifiable legal competence. In other words, "regulation" describes a functional role of government; it does not provide a license to escape legal constraints.

4.1.6. *Judicial Review of Governmental Regulations and Protection of Legislative Supremacy*

If governmental regulations are accepted as occupying a position subordinate to legislation, mechanisms must necessarily exist to guarantee this subordination. Iranian constitutional law does not leave this guarantee solely to the legal conscience of administrative officials, but provides specific supervisory mechanisms. In this context, the constitutional framework governing judicial review plays a prominent role. Courts are required to refuse application of governmental regulations that contravene legislation or exceed executive authority, while individuals may seek annulment of such regulations before the Administrative Justice Court (Mehrpour & Alamolhoda, 2017). The constitutional establishment of the Administrative Justice Court further institutionalizes review of complaints and objections concerning administrative authorities, agencies, and governmental regulations. Analyses of this framework emphasize that executive regulations are subject to review from two perspectives: the competence of the issuing authority and the substantive conformity of the regulation with legislation (Vijeh, 2008). This distinction is highly relevant to the present discussion. The issuing authority may lack competence to address the subject matter altogether, or it may possess general competence

but adopt a regulation that substantively exceeds or contradicts legislation. Both situations are subject to judicial control and annulment.

In explaining the institutional position of the Administrative Justice Court, scholarship has likewise emphasized that it constitutes the principal judicial instrument for safeguarding legality in governmental actions and regulations (Mehrpour & Alamolhoda, 2017). Its importance lies in transforming review of regulations from a political or administrative recommendation into an enforceable judicial guarantee. In effect, if Article 138 provides the legal foundation for conferring authority upon the government, the judicial-review framework constitutes the basis for restraining that authority. Without such restraint, every regulatory system is gradually exposed to the risk that administrative rulemaking will overtake the legislative domain. Accordingly, the Administrative Justice Court is not merely a forum for adjudicating individual complaints, but part of the constitutional architecture designed to preserve the boundary between legislation and administrative regulation.

Judicial review of regulations is itself accompanied by interpretive questions, including whether the Administrative Justice Court may assess governmental regulations only against ordinary legislation or may also examine their conformity with the Constitution. Analytical studies have treated this question as central to defining the relationship between the competence of the Administrative Justice Court and that of the Guardian Council (Mehrpour & Alamolhoda, 2017). Irrespective of the details of this controversy, what matters for the present discussion is that even under the narrowest conception of its competence, the Court unquestionably has authority to assess governmental regulations for inconsistency with legislation and excess of authority. This is sufficient to establish the principle that the government is not the final authority in determining the limits of its own regulatory competence and that its regulations remain subject to judicial review.

From a theoretical perspective, such review is a natural requirement of legislative supremacy. If legislation is superior to governmental regulations within the normative hierarchy, an institution must exist to give practical effect to that superiority in cases of conflict. Otherwise, the hierarchy of norms would remain merely theoretical. For this reason, the legal consequence of

acting beyond competence is inseparable from the concept of competence itself. As scholarship on *ultra vires* doctrine emphasizes, every exercise of public authority is defined and constrained by law, and every decision or act beyond legally prescribed competence is susceptible to judicial annulment (Malakouti Hashjin, 2014). On this basis, it may be stated that in public law, “competence” and “reviewability” are two sides of the same coin: wherever legal authority is conferred, mechanisms must exist to assess its limits.

These considerations lead to a broader conclusion concerning the nature of governmental rulemaking. Administrative regulation is not an inherently exceptional competence in the Iranian legal system because public administration could not function without it. Nevertheless, it is never an independent or self-sufficient competence. Through Article 138 and ordinary legislation, the government is authorized to provide the means for implementing legislation, regulate administrative organization and procedures, and clarify technical details concerning the execution of statutory rules. Yet once the government, under the guise of regulation, moves beyond legislative intent, it comes into conflict with the constitutional allocation of legislative competence, the hierarchy of norms, the principle of legality, and *ultra vires* doctrine. This conflict is not merely a neutral disagreement of interpretation; in practice, it may shift the locus of rule production within the legal system, allowing administrative authorities gradually to assume the role of defining the boundaries of rights and obligations instead of Parliament. Such a development is incompatible with the constitutional structure of the Islamic Republic of Iran (Hashemi, 2019).

It is from this point that the fundamental criterion distinguishing the “supplementation of law” from the “modification of law” becomes clear. Supplementation occurs where an administrative regulation, in fidelity to legislation, specifies methods, mechanisms, executive standards, and administrative arrangements in such a way that, if the regulation were removed, the statutory rule itself would remain intact but its implementation would become difficult or incomplete. Modification, by contrast, occurs where an administrative regulation operates in such a manner that removing it reveals that the government has in reality added something to the statutory rule, subtracted from it, introduced an

exception, or altered its scope. In the former situation, the regulation serves the law; in the latter, it competes with or substitutes for it. For precisely this reason, the legal foundations of governmental rulemaking competence cannot be reduced merely to the “existence of authority under Article 138”; rather, they must be understood in light of an interconnected set of principles: legislative supremacy, the non-transferable character of legislative competence, the legality of administrative authority, the prohibition of acting beyond statutory competence, and the availability of judicial review.

Accordingly, any analysis of governmental rulemaking that disregards this constellation of principles either exaggerates the regulatory capacity of the government or oversimplifies the relationship between legislation and administration. Within the Iranian legal system, the government is neither merely a passive executor of legislation nor a hidden legislator operating under the guise of execution. Its actual position lies between these two extremes: it is entrusted with executive supplementation of legislation, but such supplementation is legitimate only where it occurs within legally conferred competence, in conformity with statutory purposes, and consistently with the hierarchy of norms. In this sense, the legal foundations of governmental regulatory competence consist of both conferral rules and limitation rules: rules that, on the one hand, enable effective administration and, on the other, prevent implementation of legislation from sliding into alteration of legislation.

On this basis, governmental rulemaking competence in Iranian law may be summarized as resting upon three interrelated foundations: first, the positive basis of the competence, rooted in Article 138 and the necessities of public administration; second, its substantive and structural limitations, derived from the constitutional allocation of legislative competence, the principle of legality, and the subordinate position of regulations within the hierarchy of norms; and third, supervisory guarantees manifested in judicial review and the doctrine of acting beyond statutory authority (Nahrini, 2023). The product of these three foundations is that the government may render legislation implementable but may not rewrite it; it may clarify the details of implementation but may not alter its legislative content; and it may regulate within the framework of law but may

not convert regulatory authority into a disguise for legislation. This conclusion provides the theoretical foundation necessary for the subsequent discussion, namely, the criteria by which it may be determined when governmental regulations merely supplement legislation and when they exceed this boundary and result in modification or alteration.

4.2. *Legitimate Scope of Governmental Rulemaking in Supplementing Legislation*

4.2.1. *Concept and Basis of Supplementation of Law*

Having explained the legal foundations of governmental rulemaking authority, the next step is to clarify the legitimate scope of its exercise. The fact that the executive branch is constitutionally and statutorily authorized to adopt regulations, resolutions, circulars, and other administrative rules does not itself answer the question of how far this authority extends or where it terminates. The central issue concerns the meaning of “supplementation of law” as the legitimate function of governmental rulemaking and the matters encompassed within it. If the preceding discussion demonstrated that this authority is derivative, limited, and legally constrained, the present section must determine how this subordination should be understood in practice and on what basis a regulation can be identified as supplementing legislation rather than altering or restricting it.

In contemporary legal systems, legislation is normally expressed at a general and abstract level. This feature derives from the nature of legislation itself. Particularly in complex administrative, economic, financial, technical, and organizational fields, legislatures cannot or do not wish to incorporate every implementation detail into statutory text. On the one hand, including every detail in legislation would deprive statutes of necessary flexibility and reduce their capacity to respond to evolving administrative circumstances. On the other hand, many executive matters are inherently specialized, variable, and administrative and are therefore better regulated at a subordinate normative level by administrative authorities. It is from this point that the concept of “supplementation of law” acquires meaning: legislation establishes the principal rule, general objective, and binding framework, while the government, in implementing the statute, regulates the means,

arrangements, procedures, timeframes, technical standards, and mechanisms necessary to realize it (Vaezi, 2010). Supplementation of law is therefore not a deviation from the legislative system, but a natural requirement of applying legislation within the administrative sphere.

Nevertheless, if this executive necessity is detached from its legal logic, it may easily become a channel for expanding administrative authority. The government may always claim that a regulation was enacted merely to improve statutory implementation, while in practice some such regulations may expand, restrict, condition, or even reverse the statutory rule. The concept of supplementation cannot therefore be reduced to the assertion of the administrative authority or to executive usefulness alone. Supplementation is a legal concept and must be assessed according to legal criteria. Such criteria derive from the foundations examined in the preceding section: the subordinate position of regulations within the hierarchy of norms, the derivative nature of executive competence, the principle of legality, the prohibition of acting beyond authority, and the possibility of judicial review. Accordingly, whenever a regulation gives practical effect to statutory provisions, operationalizes implementation, or resolves executive ambiguities, it falls within the legitimate sphere of supplementation; whenever it intervenes in the content of the legal rule itself, it leaves that sphere (Kadkhodaei & Darvishvand, 2012).

One of the first indicators of legitimate supplementation is that an administrative regulation addresses the “manner of implementation” rather than adding to the “substance of the legal rule.” Although the distinction may be subtle in borderline cases, analytically it is clear. The substance of the rule consists of that part of legislative intent determining the existence of a right, obligation, prohibition, authorization, privilege, or legal status. By contrast, the manner of implementation concerns the means by which that rule is realized in practice, including the administrative process, competent authority, applicable timeframe, required documentation, and procedural sequence. Where legislation establishes a right or obligation, the government may specify the application procedure, reviewing authorities, administrative forms, methods of notification, technical standards, and executive formalities; however, it may not use these arrangements

to extinguish the right, add a new condition to it, or restrict its scope. Supplementation of law is therefore primarily associated with “organizing the implementation of legislation,” not with “redefining legislative content” (Vaezi, 2010).

This conclusion may also be inferred from interpretations of Article 138. As analyses of that provision indicate, governmental authority to enact regulations and resolutions is defined in relation to “ensuring implementation of legislation,” and this expression clarifies the functional role of the executive (Vijeh, 2008). Implementing legislation is conceptually distinct from recreating it. Implementation requires the administrative authority to begin with the text and purpose of legislation and translate them into operational mechanisms. Recreation occurs where, under the pretext of implementation, the administrative authority effectively decides upon the boundaries of rights or obligations, their constituent elements, the persons to whom they apply, or applicable exceptions. Although a gray area undoubtedly exists between these two situations, this conceptual distinction provides the foundation for identifying the legitimate scope of governmental rulemaking.

4.2.2. *Scope of Governmental Authority to Supplement Executive Details of Legislation*

In defining this scope, it must be accepted that legislation is not always equally detailed or explicit. In some instances, the legislature merely sets out the principal lines and intentionally leaves the determination of details to the government. In other cases, the legislature neither expressly delegates authority nor specifies every detail, yet the nature of the subject makes it necessary for the government to adopt arrangements enabling implementation. Both situations may in principle be legitimate, provided that the government does not exceed statutory boundaries. Therefore, the scope of supplementation is not limited to those cases in which legislation expressly provides that “the implementing regulation of this Act shall be approved by the Cabinet within a specified period,” although such cases are among the clearest examples. Even in the absence of an express delegation, the government may need to enact regulations in order to organize statutory implementation. Nevertheless, the absence of legislative specification must not be interpreted as authorization

for arbitrary expansion of executive competence; rather, the boundaries of supplementation must in such cases be inferred with greater caution from the purpose of the statute, the structure of the legal rule, and administrative necessities (Vaezi, 2010).

4.3. *Instances of Legitimate Rulemaking in Supplementation of Law*

4.3.1. *Determination of Procedures and Formal Requirements for Implementation*

The legitimate sphere of supplementation may be seen in several principal domains. First, the government may determine formal standards and administrative procedures for implementing legislation. No legislature can incorporate every form, registration arrangement, application method, correspondence procedure, case-processing sequence, document format, or precise administrative step into statutory text. Such matters do not concern the substance of the statutory rule but rather the instruments through which it is executed. Their determination through administrative regulations is therefore not only permissible but often necessary. Even in this field, however, the government must ensure that procedural requirements do not become obstacles to the statutory right or obligation itself. Procedures remain legitimate where they facilitate and organize implementation, rather than operating as instruments for depriving legislation of its practical effect (Nejabatkhah & Faqih Larijani, 2020).

4.3.2. *Determination of Technical Standards and Criteria*

Second, the government may establish technical standards and criteria necessary for implementing legislation, provided that the statute has determined the general framework and orientation. A substantial part of contemporary governance in fields such as health, education, communications, the environment, transportation, financial markets, public services, and professional regulation requires specialized and changing standards that cannot easily be fixed in detailed form within legislation. In such cases, administrative rulemaking serves as a mechanism for translating general statutory requirements into measurable and operational standards. Yet a distinction must again be drawn between technical standard-setting and substantive legislation. Where an administrative

authority merely specifies quality thresholds, assessment procedures, technical indicators, and implementation requirements, it supplements the law. If, however, under the guise of technical standards it conditions access to a statutory right upon requirements not contemplated by the statute or otherwise restricts the statutory scope, it exceeds the legitimate domain (Hadavand & Jam, 2022).

4.3.3. *Administrative Organization and Allocation of Executive Functions*

Third, the government may organize the executive structure and administrative division of labor required for statutory implementation. Article 138 of the Constitution, in addition to implementation of legislation, contemplates the organization of administrative bodies, indicating that part of governmental regulatory competence concerns the internal and administrative organization of executive agencies (Vaezi, 2010). Establishing executive hierarchies, identifying responsible units, organizing interagency coordination, adopting internal instructions, distributing implementation responsibilities among subordinate bodies, and designing administrative mechanisms for performing statutory functions are matters that in principle lie within the legitimate governmental sphere. So long as such regulations concern the internal organization of implementation and do not create new restrictions or privileges for persons beyond the statutory framework, they may be regarded as paradigmatic examples of legitimate supplementation.

4.3.4. *Identification of Executive Instances and Methods for Realizing the Statutory Rule*

Fourth, the government may identify executive instances and methods for realizing statutory rules while preserving the legislative framework. In many cases, legislation employs a general term or broad concept that cannot be effectively applied without identifying its practical instances. For example, a statute may require observance of certain standards, preservation of a specified norm, implementation of a particular arrangement, or protection of a public interest without enumerating every executive example. In such circumstances, governmental regulations may assist in translating general statutory concepts into operational

situations. Yet this authority remains legitimate only so long as identifying examples does not alter the meaning or scope of the legal concept itself. If the administrative authority, through the process of identifying examples, effectively changes the statutory definition or includes or excludes persons and situations beyond legislative intent, the measure can no longer be considered legitimate supplementation (Fadaei Jouybari et al., 2017).

4.3.5. *Determination of Temporal and Gradual Arrangements for Implementation*

Fifth, the legitimate scope of supplementation also includes establishing temporal arrangements and phased implementation. Many statutes require sequencing, deadlines, transitional arrangements, and organization of the transition from the previous legal regime to the new one. The government may in such cases adopt implementation schedules to facilitate execution. Yet an important boundary remains even here: implementation scheduling must not result in unjustified suspension of the statute, deprivation of its effect, or delays that functionally restrict the substance of the legal rule. Put differently, the government may regulate the manner in which legislation enters into operation, but may not use scheduling as a mechanism for postponing or neutralizing legislative intent.

4.4. *Criteria for Identifying Legitimate Supplementation of Law*

Taken together, these examples indicate that the legitimate domain of supplementation can be identified through three principal indicators: a necessary relationship with implementation, fidelity to the purpose and structure of the statutory rule, and avoidance of interference with the substance of rights and obligations (Vaezi, 2010). Where all three indicators are present, it may more confidently be concluded that the regulation remains within the legitimate sphere of supplementation. A necessary relationship with implementation means that the regulation is required, or at least reasonably useful, for operationalizing legislation and that implementation would otherwise be disrupted. Fidelity to statutory purpose and structure means that the regulation preserves legislative orientation and does not construct a concept inconsistent with it. Avoidance of interference with the

substance of rights or obligations means that the regulation must not create, eliminate, expand, restrict, or transform the legal position of individuals.

An important methodological point must also be noted: the legitimate scope of supplementation cannot be assessed solely through the wording of the regulation; its actual effects must likewise be examined. A regulation may employ formally executive or procedural language while its practical effect is to restrict a right, increase an obligation, or alter statutory scope. For this reason, assessment of the legitimacy of governmental rulemaking requires a substantive rather than merely formal approach. Such a criterion is consistent with the hierarchy of norms and the prohibition of acting beyond authority, because what matters is not how the regulation describes itself, but what it actually does. If the effect produced by a regulation is one that only the legislature is authorized to create, the mere designation of the instrument as a regulation or directive cannot suffice to confer legitimacy.

This substantive perspective reveals the relationship between supplementation and the doctrine of acting beyond statutory authority. Ultra vires conduct does not occur only where an administrative authority openly regulates a subject wholly outside its competence. It also occurs where the authority regulates a related subject but does so in a manner exceeding statutory authorization. Scholarship on this doctrine emphasizes that action beyond conferred competence is unlawful and subject to judicial annulment (Malakouti Hashjin, 2014). Accordingly, even where the subject of the regulation formally falls within an agency's functions, it remains necessary to determine whether the rule adopted was genuinely necessary for implementation or exceeded that purpose. The legitimate scope of supplementation is therefore determined not merely by the "subject matter" of the regulation, but by the "limits of its legal effect."

4.4.1. *Role of Jurisdictional Limits and Legislative Intent in Determining the Scope of Supplementation*

The role of legislative intent must likewise be taken into account. The more expressly and precisely the legislature speaks in statutory text, the narrower the government's room for regulatory supplementation becomes; conversely, the more general, framework-oriented, and goal-based the legislation, the greater the

space left for executive detail. This is a natural rule governing the relationship between legislation and regulation. However, even where a statute is general, such generality must not be mistaken for "absolute legislative silence." Legislative silence does not always imply delegation. Sometimes silence results from a deliberate legislative decision not to address matters beyond those expressly stated, in which case the government may intervene only to the extent necessary for realizing the general legislative intention. Accordingly, any interpretation of statutory silence should be undertaken cautiously and in light of the principle of non-competence in public law rather than a presumption favoring expansion of administrative authority (Mazhari, 2018; Nahrini, 2021).

The legitimate scope of supplementation is also linked to the principle of proportionality. Even where the objective of a regulation is legitimate and its jurisdictional basis exists, the method selected by the government for implementing the legislation must be proportionate to the statutory objective and to the legal burden imposed upon individuals. Where the government adopts burdensome procedures, unusual requirements, or increasing restrictions to achieve a limited administrative purpose, the regulation may cross the boundary of supplementation and acquire a restrictive or legislative character. In this sense, proportionality is not merely a principle of good administration but also a criterion relevant to determining the limits of legitimate rulemaking (Malakouti Hashjin, 2014). A disproportionate regulation may formally serve implementation while, because of the intensity and scope of its effects, substantively altering the statute.

A distinction must similarly be drawn between clarifying statutory ambiguity and substituting an administrative interpretation for legislation. In the course of implementation, the government will inevitably need to clarify certain general or ambiguous statutory concepts. Such clarification forms part of legitimate supplementation where it remains within ordinary interpretive limits and is faithful to the text and purpose of the statute. If, however, an administrative authority uses statutory ambiguity as an opportunity to substitute its preferred interpretation for the likely legislative meaning, it has entered the domain of determining legal content. In such circumstances, the danger arises that an

administrative regulation will become not an instrument for discovering and implementing legislation but a mechanism for replacing legislative intent with administrative will. It is precisely at this point that the subsequent issue addressed in this article—the modification of legislation—emerges.

In summary, the legitimate domain of governmental rulemaking in supplementing legislation should be understood as the sphere in which the government facilitates the external realization of statutory rules without interfering with their legislative core. This sphere includes regulating procedures, administrative arrangements, technical standards, executive structures, processes, implementation schedules, and methods for applying statutory provisions. Yet all of these are permissible only provided that the regulation does not directly or indirectly interfere with the statutory right, obligation, prohibition, exception, privilege, scope of application, or normative orientation. Put differently, the government may construct the “path for implementing the law,” but it may not change the “legal content of that path.”

From this perspective, legitimacy of governmental rulemaking in supplementing legislation does not derive merely from the technical character of the regulation, its administrative usefulness, or administrative necessity. Rather, legitimacy derives from fidelity to its subordinate position in the normative hierarchy. A regulation remains legitimate only so long as it serves legislation. The further it departs from this relationship—even in the name of efficiency, regulation, technical expertise, or executive necessity—the closer it moves toward the sphere of illegitimacy. Supplementation is therefore not an expansive concept granting unrestricted discretion to the government; rather, it is a narrow and legally constrained concept developed precisely to preserve the possibility of implementation without encroaching upon legislative competence.

On this basis, identifying the legitimate domain of supplementation constitutes a necessary precondition for identifying the illegitimate domain of modification. Until the criteria of legitimate supplementation are clearly established, it is impossible to demonstrate precisely when governmental regulations cross the boundary of implementation. The present discussion therefore provides the foundation for the next stage:

examining the circumstances in which governmental regulations, instead of supplementing legislation, modify it and identifying the indicators and forms of such modification.

4.4.2. Case Study: Distinguishing Supplementation and Modification in the Implementing Regulation of the Passport Act

The Passport Act of 1972 provides a clear example of both situations analyzed above. Article 2 provides that issuance of a passport is contingent upon submission of documents establishing the applicant’s identity and Iranian nationality and that such documents shall be determined in accordance with the implementing regulation. In this case, the right to obtain a passport and the principal condition governing it—proof of identity and nationality—are themselves established by the legislature, while the regulation merely determines the specific documents that may be accepted. This is a clear instance of legitimate supplementation because the content of the statutory rule remains unchanged (Hashemi, 2019). Article 17 of the same Act, however, requires more careful examination. It authorizes the government to prevent the issuance of passports and departure from the country for persons with final tax debts, enforceable judicial or registration debts, and persons who have failed to comply with foreign-exchange obligations, in accordance with criteria established by regulation. In this provision, the legislature itself identifies the three categories of persons subject to restriction; the regulation merely determines the criteria for identifying and enforcing the restriction. To this extent, the arrangement remains within legitimate supplementation. The sensitive point, however, is that this restriction concerns the exercise of a fundamental liberty—departure from the country. Accordingly, any expansion through regulations or executive rules that adds new categories to those specified in Article 17 or broadens the concept of persons violating foreign-exchange obligations would leave the sphere of supplementation and approach prohibited modification, particularly in the form of “creating restrictions beyond the statutory text” (Nahrini, 2021).

4.5. Prohibited Limits of Governmental Rulemaking in Modifying Legislation

4.5.1. Concept of Modification of Law and the Basis of Prohibited Regulatory Limits

Once the preceding discussions have established the legitimate domain in which the government may “supplement legislation,” it becomes necessary to identify the points at which administrative rulemaking departs from service to legislation and begins to “modify” or alter it. If supplementation means creating mechanisms for implementing legislative intent, modification means interfering with legislative intent. Whether such modification occurs openly or is concealed through technical formulations, it conflicts with the separation of powers, the principle of legality, and the hierarchy of norms. The prohibited limits of governmental rulemaking do not necessarily lie in the “subject matter” of the regulation, but rather in its “legal effect.” Whenever an administrative regulation, instead of specifying details for implementing a statutory rule, alters, conditions, or transforms that rule, it enters the prohibited domain (Kadkhodaei & Darvishvand, 2012).

4.5.2. Forms and Instances of Impermissible Modification of Legislation

Creating Restrictions or Expanding the Scope of the Statutory Rule

The first indicator of entry into the prohibited domain is the “creation of restrictions or expansion of the statutory scope” beyond the express text or spirit of legislation. In determining rights and obligations, the legislature explicitly or implicitly defines their boundaries. Through regulations, the government is authorized only to facilitate access to those rights or performance of those obligations, not to restrict them. Whenever a regulation or Cabinet resolution, contrary to the statute, subjects a right to conditions not prescribed by the legislature or extends application of a statutory rule to persons or circumstances not included in the statutory text, it is effectively rewriting the law (Vaezi, 2010). Although this form of modification may be justified by reference to “public interest” or “administrative necessity,” it nevertheless constitutes unauthorized interference with legislation. Under the principle of legality, restrictions on rights must be based on law, and governmental regulations may not autonomously create such

restrictions because administrative instruments do not possess legislative competence to restrict individual rights.

Creating or Expanding Exceptions to the Statutory Rule

The second prohibited domain concerns the “creation of new exceptions” or “expansion of existing exceptions” to legislation. When the legislature establishes a general rule and expressly excludes certain cases, those exceptions are ordinarily exhaustive in nature, meaning that only the specified cases fall outside the general rule. The government may not add further cases by regulation. Adding exceptions reduces the scope of statutory effect. Here, modification occurs in the form of “weakening the statutory rule.” Where the government adopts regulations that effectively exclude parts of a general statute from implementation, it is in substance partially suspending the legislation. This is a clear form of acting beyond administrative competence because the executive may implement legislation but may not suspend or neutralize it (Vaezi, 2010).

Alteration of Substantive Elements and Redefinition of Statutory Concepts

The third prohibited boundary concerns the “alteration of substantive elements” or “redefinition of statutory concepts.” Sometimes the government ostensibly implements the same legislation through regulations but substitutes a different meaning when defining the relevant concepts or conditions of application. For example, if legislation refers to “domestic producers,” the government may not by regulation restrict that concept to “producers holding a particular market share.” Such action is not interpretation but redefinition of legal concepts and alteration of statutory scope. This form of modification is particularly dangerous because it occurs under the guise of “executive interpretation.” Administrative authorities may clarify statutory language for purposes of implementation, but they may not construct a new meaning that alters legal consequences (Nejabatkhah & Faqih Larijani, 2020).

Unauthorized Alteration of Statutory Procedures and Executive Structure

The fourth prohibited area concerns “alteration of statutory arrangements” in a manner that undermines legislative purpose. The legislature may prescribe procedures, deadlines, or processes designed to protect individual rights or ensure fairness. If governmental

implementing regulations alter these arrangements in a manner that prevents realization of the statutory objective, the government is unlawfully modifying the law. For example, where legislation establishes a body with a specified composition for hearing a complaint, the government may not by regulation create a different composition or substitute another authority. Alteration of procedures, once it exceeds matters of “formal procedure” and reaches the level of changing the “statutorily defined executive structure,” becomes a means of circumventing legislation. Such regulations do not supplement legislation; they disregard legislative intent concerning how justice is to be achieved or legal rights implemented (Parvin & Patfat, 2015).

Creating New Rules in Areas of Legislative Silence

The fifth indicator of prohibited modification is the “creation of new rules” in areas where the legislature has deliberately remained silent or refrained from regulation. Legislative silence does not invariably constitute delegation to the government. In many circumstances, silence may be “strategic,” indicating that the legislature did not wish to impose a rule in the relevant domain or preferred that the matter not be governed by administrative regulation. Where the government adopts regulations in such areas, it fills a “legislative gap” with an “administrative rule.” This is concealed legislation. When the government regulates a subject in which the legislature consciously chose not to intervene, it effectively appropriates legislative competence. These prohibited limits exist precisely because statutory silence must not be used by the government as a basis for expanding its own authority (Mazhari, 2018; Nahrini, 2021).

4.5.3. Criterion for Distinguishing Impermissible Modification from Supplementation

Across all of these situations, the criterion for distinguishing modification from supplementation is the “alteration of the nature of the right or obligation.” A supplementary regulation “serves legislative intent” and merely facilitates the means for attaining the legislature’s objective. A modifying regulation, however, “competes with legislative intent” by attempting to create a path different from the one defined by the legislature. At this point, the hierarchy of norms becomes particularly important because an administrative regulation, as an inferior norm, cannot alter or transform

the superior statutory norm. Judicial practice likewise emphasizes the prohibition of exceeding statutory competence (Malakouti Hashjin, 2014). Where a regulation ceases to implement legislation and instead purports to govern the legislation itself, it loses its legal legitimacy.

These prohibited limits are not confined to governmental institutions but extend to all quasi-legislative and administrative bodies. The danger of modification becomes especially acute where statutes are drafted in broad or ambiguous terms. In such circumstances, the administrative authority is most tempted to impose its own preferences under the guise of “executive regulations.” Yet ambiguity does not authorize modification; rather, it calls for more rigorous adherence to interpretive principles and greater fidelity to legislative purposes. Impermissible modification ultimately results in the “hollowing out of legislation,” whereby the statutory text remains formally intact but its practical meaning and effects are altered by administrative will (Malakouti Hashjin, 2014).

4.5.4. Legal Consequences of Impermissible Modification and the Boundary between Administration of Law and Interference with Law

Ultimately, the boundary between supplementation and modification is the boundary between “administering legislation” and “interfering with legislation.” So long as the government operates within the framework of implementation, it supplements the law and possesses competence; once it engages in “rulemaking parallel to legislation” or “alteration of statutory content,” it leaves the legitimate domain and enters the prohibited sphere of modification. Identifying these limits is not merely the responsibility of supervisory institutions but an inherent requirement of a legal system committed to preserving the supremacy of law over administration and preventing administrative arbitrariness. Accordingly, judicial review and analysis of the legal foundations of governmental rulemaking confirm that any regulation altering statutory effects without express legislative authorization constitutes an “impermissible modification” and is legally subject to annulment (Malakouti Hashjin, 2014). To clarify the boundary between these two situations further, examination of a provision of the Anti-Smuggling of Goods and Foreign Currency Act reveals the depth of this legal problem.

4.5.5. Case Study: Violation of the Principle of Legality under the Anti-Smuggling of Goods and Foreign Currency Act

The Anti-Smuggling of Goods and Foreign Currency Act provides an example of prohibited modification through delegation of the determination of punishable conduct. A provision of the amended Act treats the entry and removal of goods from warehouses without appropriate warehouse receipts or release documents as subject to a monetary penalty and further requires commercial custodians of essential goods—whose specific categories are determined by executive bodies—to register information concerning stored goods. Unlike the Passport Act example discussed above, the legislature in this context provides no substantive list or criterion for determining what constitutes an “essential good”; the determination of the goods subject to the statutory obligation, and consequently to sanctions in cases of non-compliance, is transferred entirely to an executive body and announced through an administrative system rather than through a formal Cabinet regulation (Nahrini, 2023).

The same pattern appears where the legislation treats the purchase, sale, transport, or storage of certain goods outside “criteria determined by the government” as a violation. Here too, the material element of the violation—that is, what conduct falls “outside the criteria” and thereby becomes punishable—is defined not by the statutory text but by “government-determined criteria.” According to the criterion developed in the analysis of constitutional legislative competence, this is precisely the second situation identified above: the legislature employs a broad and indeterminate formulation and leaves the substantive content of the material element of the violation to the government. Such an arrangement is inconsistent with the constitutional logic that the essential elements of punishable conduct must derive from legislation rather than administrative determination (Kadkhodaei & Darvishvand, 2012). Where the material element of conduct carrying punitive consequences is defined not by legislation but by an executive body, “law” is effectively reduced to “administrative decision.” This constitutes a paradigmatic instance of transition from supplementation to modification under the threefold criteria of necessary connection with implementation, fidelity to the purpose and structure of the legal rule, and

non-interference with the substance of rights and obligations.

4.6. Analysis of the Theoretical and Legal Foundations of the Principle of Unity of Competence in Delimiting Regulatory Powers

4.6.1. Theoretical Explanation of the Principle of Unity and Exclusivity of Competence

Competence is the authority granted by law to a body to adjudicate a particular matter or dispute and render a decision concerning it. Rules of competence therefore constitute a form of division of labor among decision-making bodies, such that each legal matter or dispute is assigned to an authority considered competent and institutionally prepared to address it in light of its knowledge, experience, and administrative structure (Nahrini, 2023). On this basis, the most important characteristics of competence are its “specificity, exclusivity, and unity,” characteristics that are not confined to judicial bodies but apply equally to non-judicial authorities (Nahrini, 2023).

Under this principle, each matter or dispute should ordinarily fall within the competence of one authority, rather than multiple judicial or non-judicial authorities. In other words, unity of competence means exclusivity of jurisdiction (Nahrini, 2023). The rationale for this principle lies in the fact that where more than one authority simultaneously possesses subject-matter competence over the same issue, at least four adverse consequences may arise: first, disorder and fragmentation in the governing system for resolving the issue; second, increased costs and delays; third, the possibility of conflicting decisions in analogous matters; and fourth, even where outcomes are substantively consistent, conflict at the enforcement stage if decisions favor different persons (Nahrini, 2023). Accordingly, the general rule is that a specific competent authority should be designated for each matter and that competence should remain exclusively vested in that authority. Only the legislature, and only where it determines necessity or public interest, may exceptionally establish another authority alongside it (Nahrini, 2023).

4.6.2. *Possibility and Limits of Extending the Logic of Unity of Competence to Legislative and Regulatory Competence*

The rationale underlying the principle of unity and exclusivity of competence in adjudication is not inherently confined to judicial proceedings. The justification for the principle—avoiding multiple competent authorities for the same subject so as to prevent conflicting decisions, unnecessary costs and delays, and instability in implementation—reflects a broader principle of public law: for every matter requiring a binding determination, only the authority expressly designated by the legislature possesses competence, and no other authority, regardless of whether it is judicial or administrative, may without legislative authorization determine the matter alongside or in place of that authority. This is the same logic previously applied to governmental regulatory competence through the principle that lack of competence is the default in public law and through the doctrine of acting beyond statutory authority (Malakouti Hashjin, 2014; Nahrini, 2021). What was previously described as acting “beyond conferred competence” may, from this perspective, also be understood as violating the principle of exclusivity and unity of competence. The difference is that the present discussion does not concern exclusive jurisdiction to adjudicate disputes, but the exclusive competence to determine the normative content of a statutory rule.

4.6.3. *Relationship between the Passport Act, the Anti-Smuggling of Goods and Foreign Currency Act, and the Principle of Unity of Competence*

Application of this criterion to the two examples examined above reveals clearly the distinction between legitimate supplementation and prohibited modification. Under the Passport Act, competence to identify the relevant legal status of persons remains with specialist authorities already established within the legal system, while implementing regulations merely organize executive standards governing those pre-existing determinations. No new decision-making authority is created in parallel with or in substitution for the legally competent authorities. Accordingly, the exclusive competence of each relevant authority remains intact, and the arrangement constitutes an example of legitimate supplementation (Nahrini, 2023).

By contrast, under the Anti-Smuggling of Goods and Foreign Currency Act, executive bodies are effectively transformed into authorities determining essential components of conduct carrying punitive consequences through broad delegation lacking substantive criteria. This situation produces precisely the adverse consequences associated with violation of the principle of unity of competence: multiplicity of decision-making authority regarding a single normative question, ambiguity concerning whether Parliament or the executive body ultimately determines the substantive content of the rule, and instability and unpredictability in enforcement. Thus, just as no adjudicatory body may, without legislative authorization, appropriate jurisdiction from a legally competent tribunal, no executive body may, without explicit legislative authorization consistent with constitutional limits, appropriate from Parliament the competence to determine the normative substance of a statutory rule, particularly a rule carrying punitive consequences (Nahrini, 2023). This is precisely the point at which supplementation of legislation turns into its impermissible modification.

5. Conclusion

The present study, focusing on one of the fundamental issues of Iranian public law—the distinction between “supplementation of law” and “modification of law” in governmental rulemaking—sought to reconstruct the relationship between legislation and administration within the framework of constitutional principles, administrative-law doctrine, and the logic of the hierarchy of norms. The significance of the issue derives from the fact that a substantial proportion of contemporary public administration is carried out not through legislation in the strict sense but through a broad range of regulations, Cabinet resolutions, directives, circulars, and executive standards (Hashemi, 2019). In such circumstances, although governmental rulemaking authority is unavoidable and necessary for administrative effectiveness, the central question concerns how far this authority extends and the point at which it departs from implementation and enters the domain of interference with legislation. This article has sought to demonstrate that the answer is not merely a technical issue of administrative law but lies at the core

of the rule of law, separation of powers, and limitation of public authority.

The analysis first demonstrated that governmental rulemaking competence in the Iranian legal system is neither original nor independent nor equivalent to Parliament's legislative competence; rather, it is derivative, executive, and limited. Although the constitutional framework authorizes the Cabinet and ministers, within their respective functions, to issue regulations and resolutions, this authority is legally connected to the implementation of legislation (Fadaei Jouybari et al., 2017; Vaezi, 2010; Vije, 2008). This limitation reveals the legal nature of the competence. The government is not the creator of an autonomous normative order, but the executor and organizer of the manner in which legislative intent is realized. The constitutional principle concerning the allocation of legislative competence likewise draws a clear distinction between legislation and administration (Parvin & Patfat, 2015). Taken together with the general logic of public law, these principles indicate that governmental regulations are legitimate only where they remain directed toward implementation and within the statutory framework, rather than altering, expanding, or restricting the statutory rule (Hashemi, 2019).

On this basis, the article next elaborated the concept of "supplementation of law" and sought to demonstrate that supplementation is a narrow legal concept rather than an elastic expression capable of justifying every form of regulatory intervention by the executive. In this study, supplementation refers to normative governmental measures necessary for operationalizing legislation, determining executive procedures, organizing administrative structures, formulating technical standards, establishing temporal arrangements, clarifying processes, and specifying the manner in which statutory provisions are applied, without interfering with the statutory right or obligation itself (Nahrini, 2021). Accordingly, the legitimate domain of governmental rulemaking is the domain of "organizing implementation." Within this domain, the government may facilitate the path by which legislation is implemented, but it may not alter the destination, substantive content, or scope of legislation. It is from this point that the fundamental distinction arises between "constructing the instruments of implementation" and

"constructing a new meaning for legislation" (Vaezi, 2010).

The analysis further demonstrated that at least three principal criteria must be considered simultaneously in identifying legitimate supplementation: first, the existence of a necessary or at least reasonable connection between the regulation and statutory implementation; second, fidelity to the purpose, structure, and normative orientation of the legislation; and third, avoidance of interference with the core of statutory rights, obligations, prohibitions, permissions, or exceptions (Nahrini, 2021). Where all three conditions are satisfied, the regulation may properly be regarded as remaining within the sphere of supplementation. Thus, matters such as specifying forms and administrative documents, organizing application procedures, establishing implementation deadlines, adopting technical standards within a statutory framework, designating responsible units, and regulating administrative coordination may in principle constitute legitimate supplementation. Yet if these same measures are structured in such a way that they render a statutory right practically inaccessible or create a new obligation, they lose their supplementary character. Consequently, legitimacy of administrative rulemaking depends not merely upon the subject of the regulation but upon its actual substantive effects (Malakouti Hashjin, 2014).

The article then turned to the other side of the distinction, namely, "modification of law," in order to identify the prohibited limits of governmental rulemaking. The principal finding is that modification occurs where a governmental regulation, under the guise of implementation, interferes with the normative content of legislation. Such interference may take various forms: adding new conditions to statutory rights, restricting the categories of persons covered, expanding or narrowing the subject matter of the rule, creating new exceptions, altering substantive elements of statutory concepts, redefining key legislative terms, imposing obligations not established by statute, or modifying procedures that the legislature designed to ensure fair implementation. In each such case, what occurs is no longer mere "facilitation of implementation" but "administrative legislation." In other words, the government ceases to occupy a position subordinate to the law and instead attempts to substitute

administrative will for legislative intent (Kadkhodaei & Darvishvand, 2012).

The importance of this point lies in the fact that modification is not always open, explicit, or immediately identifiable. A regulation may appear merely procedural, technical, or executive while its actual effect is to restrict a right or alter the statutory scope. Accordingly, the article emphasized the need for a substantive approach to reviewing governmental regulations. Such an approach requires that legitimacy not be assessed solely according to the title, form, or language of a regulation; rather, it must be determined what the regulation actually does and how it affects the legal position of individuals. If the practical consequence is that a person is deprived of a statutory right or subjected to an obligation not created by legislation, the regulation has entered the prohibited domain of modification regardless of its formal designation as a regulation or directive. Thus, the ultimate criterion distinguishing supplementation from modification is not the legal form of the regulation but its normative effect (Malakouti Hashjin, 2014).

Within the same framework, the article demonstrated that the doctrine prohibiting action beyond statutory authority plays a central role in analyzing the legitimacy of governmental rulemaking. Acting beyond competence does not occur only where an administrative authority regulates an entirely unrelated subject; it may also occur where the authority regulates a related matter but adopts substantive rules exceeding statutory authorization. Therefore, even where the subject of a regulation falls within the functions of an administrative body, it is still necessary to determine whether its effects go beyond implementation. This issue is especially important in technical and regulatory fields, where administrative bodies, relying upon specialized expertise and complexity, may have a greater tendency to expand the scope of their intervention (Hadavand & Jam, 2022). The present study has demonstrated that expertise and administrative necessity, while relevant to the determination of implementation details, can never independently create competence to alter legislation.

The study also emphasized the close relationship between this issue and the hierarchy of norms. In every legal system committed to the rule of law, inferior norms must conform to superior norms and derive their legitimacy from them. Administrative regulations, as

subordinate norms, remain valid only so long as they operate within legislation and serve its implementation. Once that relationship is reversed and the regulation begins to shape, restrict, or rewrite legislation, the normative order is disrupted (Katouzian, 2013). From this perspective, the distinction between supplementation and modification is not merely an internal controversy within administrative law but reflects a broader understanding of the structure of the legal system. If administrative regulations are gradually permitted to replace statutes, one of the principal guarantees of the rule of law—the superiority of legislative will over executive will—will be weakened.

This discussion naturally places supervisory institutions at the center of attention. Within the Iranian legal system, governmental regulations are subject to both legislative-political oversight and judicial review through the Administrative Justice Court (Kadkhodaei & Darvishvand, 2012; Mehrpour & Alamolhoda, 2017). The findings of the study indicate that the effectiveness of this supervisory system depends upon a precise substantive criterion for identifying excess of authority. The Administrative Justice Court can genuinely safeguard the boundary between legislation and regulation only where it does not confine its review to the superficial existence of some statutory connection but instead examines whether the regulation actually facilitates implementation or alters statutory content (Mehrpour & Alamolhoda, 2017). Judicial practice is therefore of particular significance because annulment decisions not only resolve individual disputes but also progressively clarify the criteria distinguishing supplementation from modification.

Another significant finding of the study is that legislative quality directly affects the possibility of administrative modification. The clearer legislation is in conceptual terms, the more precisely it defines the limits of governmental authority, and the more explicitly it states the essential elements of rights and obligations, the less opportunity exists for the executive to alter legislation under the guise of implementation. Conversely, vague, general, and indeterminate statutes that fail to define the scope of administrative authority provide more favorable conditions for expansive governmental rulemaking. Preservation of the boundary between supplementation and modification is therefore not solely the responsibility of the executive and supervisory

institutions; the legislature itself bears a fundamental responsibility. Precise, clear, and carefully designed legislation constitutes the first barrier against unjustified expansion of governmental regulatory power. In other words, although the present article emphasizes legal limitations on governmental rulemaking, it simultaneously demonstrates that part of the problem originates in legislative quality itself (Katouzian, 2013). The present study further emphasized that, in an era characterized by the expansion of the regulatory state, the traditional binary distinction between “legislation” and “execution” is no longer sufficient to resolve every issue. Yet this transformation does not imply the collapse of legal boundaries between legislation and administration. On the contrary, the more expansive governmental regulatory functions become, the greater the need for precise criteria limiting administrative intervention. The regulatory state must necessarily formulate numerous standards, criteria, and arrangements, but this reality must not produce the mistaken assumption that the government may gradually replace the legislature. The central task of public law is to maintain equilibrium between administrative effectiveness and fidelity to the rule of law. The analysis presented here demonstrates that this equilibrium is achieved through correct identification of supplementation and firm rejection of impermissible modification.

In summary, the principal hypothesis of the article is confirmed: within the Iranian legal system, the boundary between supplementation and modification must be drawn according to the substantive criterion of whether a governmental regulation interferes with the statutory rule. Every regulation that merely provides executive conditions, administrative arrangements, and technical mechanisms for realizing legislation remains within the legitimate domain of supplementation. Every regulation that directly or indirectly interferes with the substance of a right, obligation, prohibition, exception, statutory scope, or fundamental legal concept falls within the prohibited domain of modification. This conclusion is consistent with the constitutional allocation of legislative and executive authority, the judicial control of administrative regulations, and general public-law principles including legality, separation of powers, and the hierarchy of norms (Hashemi, 2019).

Accordingly, the final conclusion of the article may be formulated as follows: governmental rulemaking competence in Iranian public law is a competence for the “implementation of legislation,” not the “amendment of legislation”; for “supplementing the instruments through which legislation is realized,” not for “altering legislative content”; and for “administration under law,” not “administration in place of law.” Wherever this relationship is reversed, public law faces the danger that executive will may substitute for legislative will. In such circumstances, not only has an administrative rule exceeded the limits of competence, but one of the fundamental pillars of government under law has been impaired. Safeguarding the boundary between supplementation and modification must therefore be regarded as part of the broader project of preserving the rule of law within the Iranian legal system.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

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

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

- Fadaei Jouybari, M., Taghizadeh, J., & Nejabatkhah, M. (2017). A Strategic Analysis of the Term 'Laws' in Article 138 of the Constitution of the Islamic Republic of Iran. *Rahbord*(82), 29-48.
- Hadavand, M., & Jam, F. (2022). Redefining the Concept of Regulation: From a Centralized Approach to Decentralization. *Administrative Law Quarterly*, 10(33), 245-269.
- Hashemi, S. M. (2019). *Constitutional Law of the Islamic Republic of Iran* (Vol. 2). Mizan Publishing.
- Kadkhodaei, A., & Darvishvand, A. (2012). Oversight of Government Regulations: Articles 85 and 138 of the Constitution. *Public Law Knowledge*, 1(1), 93-111.
- Katouzian, N. (2013). *Introduction to the Science of Law and Study of the Iranian Legal System*. Mizan Publishing.
- Malakouti Hashjin, S. H. (2014). A Reflection on the Interpretation of the Principle of 'Exceeding the Limits of Legal Authority' in English and Iranian Administrative Law Doctrine. *Islamic Law*, 11(40).
- Mazhari, H. (2018). Legal Effects Arising from the Distinction between Types of Competence in Public and Administrative Law. *Payame Noor University Law Journal*, 7(1), 99-111.
- Mehrpour, H., & Alamolhoda, S. H. (2017). Analysis of the Possibility of the Administrative Justice Court Relying on the Constitution. *Rahbord*, 26(2, consecutive 83).
- Mohseni, F., & Ghamami, S. M. M. (2013). Pathology of Inconsistencies in Government Approvals during Review by the Speaker of the Islamic Consultative Assembly: Concerning Articles 85 and 138 of the Constitution. *Public Law Knowledge*, 1(3).
- Nahrini, F. (2021). Principles of Legal Competence in the Iranian Public Law System. *Judiciary Law Quarterly*, 45(3), 11-40.
- Nahrini, F. (2023). Principles of Legal Competence. In *Encyclopedia of Policymaking* (pp. 124-142).
- Nejabatkhah, M., & Faqih Larijani, F. (2020). Reconceptualizing the Meaning of Administrative Regulations and Rules with Emphasis on the Judicial Practice of the General Board of the Administrative Justice Court. *Public Law Knowledge*(27), 89-108.
- Parvin, K., & Patfat, A. (2015). Limits of Legislative Oversight over Cabinet Resolutions with Emphasis on Articles 85 and 138 of the Constitution of the Islamic Republic of Iran. *Public Law Studies*, 45(1), 63-82.
- Vaezi, S. M. (2010). A Comparative Study of the Authority to Enact Regulations with Emphasis on the Legal Systems of France and Iran. *Biannual Journal of Comparative Law*(18), 139-162.
- Vaezi, S. M. (2023). The Concept and Function of Competence in Administrative Law. *Public Law Research Journal*, Allameh Tabataba'i University Campus.
- Vijeh, M. R. (2008). A Reflection on the Hierarchy of Norms in the Legal System of the Islamic Republic of Iran. *Rahbord*, 16(4, consecutive 50).
- Zarei, M. H., & Shams, E. (2013). An Introduction to the Concepts and Theories of Economic Regulation. *Legal Research*(62).