



THE ECONOMIC RIGHTS OF THE CITIZEN IN THE IRAQI AND IRANIAN CONSTITUTIONS

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| Article history: | Abstract: |
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| <p>Received: December 20th 2021 Accepted: January 20th 2022 Published: February 24th 2022</p> | <p>Citizen's rights are the moral principles or social norms that describe a model of human behavior that is generally understood as a set of fundamental and inviolable rights that cannot be touched and they are due and inherent to every individual simply because of being a citizen. This right is adherent to them regardless of their religion, ethnicity, or other status. Within the context of local and international legislation, their protection is structured as legal rights. The issue of citizen's rights continues to be front and center in the fields of legal, international, and constitutional studies. This concern was not limited to those working in the field of competence, but also included those interested in the citizen and his rights in general, as well as the fundamental problem and its ostensible solution. Hence, the problem of the article that we will include in the following question arises: What are the economic rights of the citizen in the Iraqi constitution and Iranian constitution?</p> <p>The major goal is to examine citizens' economic rights in the Iranian and Iraqi constitutions, with sub-goals including clarifying the concept of citizen rights and citizenship in the Iranian and Iraqi constitutions, examining laws related to civil rights in the Iranian and Iraqi constitutions, and examining laws that respect citizens' legitimate freedoms in these two constitutions.</p> <p>One of the research results is that the in-real implementation of the citizen's economic rights can be achieved in the Iraqi and Iranian constitutions without a proactive participation of governments at the local and national levels. All power must be placed in the hands of local governments to take a human rights-sensitive approach to issues of local governance and administrative subordination. It instead necessitates acknowledging the importance of local governments in the relationship between rights holders and multi-element and tiered governance systems.</p> |

Keywords: citizen's rights, economic rights, Iraq, Iran.

INTRODUCTION

Civil rights are moral principles or social norms that describe patterns of human behavior. They are commonly understood as a set of fundamental and inviolable rights that are due and inherent to all citizens, regardless of their religion, race, or other status. Within local and international legal systems, their protection is organized as legal rights. Human rights issues have long been and continue to be a central topic in legal, international, and constitutional studies. This interest is not confined to those with expertise in this field, but also includes people with an interest in human rights and their rights in general.

Economic human rights have risen to the top of the hierarchy of human rights and freedoms. Those rights that address the human spirit, touch his moral entity, and relate to his mental and intellectual reality to an extent that reaches the height of the economic and social identity of the collective entity of man, as a part of individuals, connected to by the association of religion, race, nationality or caste. What increases the significance of economic and social rights and freedoms is that they involve three basic dimensions: the cognitive or scientific dimension, the moral or disciplinary dimension, and the behavioral dimension. All are basic and essential dimensions for building and integrating the human personality as directing them



(economic and social rights) in the right direction and the right way returns to the person himself and the society in which he lives with both public and private benefits of progress, advancement, and material and moral wealth. We will use a comprehensive definition of human rights in our research by describing economic and social human rights as a sort of human rights in general, as the general quest for human rights is directly tied to economic and social human rights.

Major Question: What are the citizen's economic and social rights in the Iraqi and Iranian constitution?

Sub-questions: (1) What are the economic rights of the citizen in the Iraqi and Iranian constitutions? (2) What are the citizen's social rights in the Iraqi and Iranian constitutions?

RESEARCH OBJECTIVES:

1. Studying the citizen's economic rights in the Iranian and Iraqi constitutions.
2. Studying the concept of citizen's rights and citizenship in the Iranian and Iraqi constitutions.
3. Examining the laws of civil rights in the Iranian and Iraqi constitutions.

Research Methodology

This study is one of the first of its kind, aiming to broaden the scope of economic and social rights research by comparing rights to the two countries' constitutions. However, it is a comparative research. As for the method, the researcher follows the descriptive and analytical method, with the possibility of collecting data and data from electronic libraries with translating what can be obtained from Persian sources to come up with a work worthy of the title for which it is intended.

Economic Human Rights in the Iraqi Constitution

Economic rights are one of society most pressing requirements, as its principle defines a unique connection between the state and individuals. The notion of economic rights is tied to a group of persons who have a political and legal connection to that state, known as citizens who have state citizenship, and who have rights that set them apart from others. They have responsibilities to the state to which they belong. Although the concept of "human rights" is a new concept and phenomenon in the contemporary world, the ancient philosophical teachings as well as the religious teachings of monotheistic religions such as Christianity and Islam testify to its validity. The position of the teachings derived from religious teachings, particularly in the field of natural law, cannot be denied by the formation of a new form of

that concept in the West. In the Iraqi constitution, as one of the rights preserved in constitutions and the last, smaller and more complete forces that also confirmed the legitimacy of the ancestors, there are important and motivating guidelines for thinking in the field of human rights such as economic, social and cultural rights. What we will deal with of these rights is the economic rights in Iraqi constitution. We will divide the research into: the right to housing in the Iraqi constitution, and the right to work in the Iraqi constitution. The great Messenger, his guardian and successor Ali (peace be upon him), was an orator and watcher of the Islamic community at that time. Just as the Holy Qur'an considered that the method of spreading monotheism and religious teachings is based on peaceful foundations according to reason, logic and good advice. The biography of the Noble Messenger "peace and blessings be upon him", clearly shows the respect for rights of individuals in society and even honor and tolerance in confronting enemies and even prisoners of war, the non-Muslim warriors who were the ones who initiated the revolution against spreading the divine message (He issued a public amnesty for anyone and enemies who were the cause of violence and persecution against Muslims for many years. Imam Ali (peace be upon him) himself was a comprehensive model respecting the rights of all citizens, Muslims and non-Muslims.

The Right to Housing in the Iraqi Constitution

If we want to talk about rights, and by virtue of international charters and laws, they are always original rights, including the right to housing, which was mentioned at the forefront of those rights, and the state must, among its priorities, provide this right to its citizens in the best and appropriate way for a decent life (Al-Khafaji, 2006).

Special housing laws are incorporated as part of the right to an adequate standard of life, and the right to non-discrimination is defined in the annual report of the UN General Assembly. The basic aspects of housing and programs have been defined, where the Iraqi legislator has used the word (house or apartment) in the provisions of Law No. (77) of 1983 regarding the right to divorce, housing. Personal Status Law No. 188 adopted in 1338 included the words (house, legitimate home) in Articles (25) and (26) of it. As for the term that is commonly used in the Iraqi legislation legally and judicially, it is the term (legal home), which expresses the place of residence of the spouses



The Emergence of the Right to Housing in the Iraqi Constitution

This law was enacted in response to unique socioeconomic circumstances. As a result, it is regarded as one of the unique laws whose texts cannot be increased, as it was established by a Federal Court of Cassation ruling, because the right to housing is protected by Law No. (2) of the Federal Constitution (1994). It was as an exception to the general rules and is dictated by special circumstances, and it is not permissible to expand the interpretation of laws or exceptional decisions. We can make a recall as a quick review of the constitutions from the beginning of the modern Iraqi state to the current constitution regarding the right to housing and the legal security of housing tenure. The Constitution of the Royal Covenant referred to in the legal Article (7) which stipulates that "their personal freedom is safeguarded for all residents of Iraq from exposure and interference, and no one may be arrested, prisoned, punished, or forced to change the residence...." (Al-Shafi'I, 2005).

Then the Constitution of the Republic of Iraq for the year 1958, which is the first constitution of the republican era, guaranteed the right to housing with a set of rights and liberties, where Article (13) of it stipulated that "Ownership is inviolable and the law regulates the performance of its social function and that it is taken only for the public interest in return for fair compensation". The same applies to the 1970 constitution, in which Article (24) of it referred to, "It is impermissible to prevent a citizen from traveling outside the country or return to it, nor restrict his movement and residence within the country" i.e. guaranteeing the human right to obtain residence and the freedom to choose his place of residence (Shanan,n.d).

Finally, the current constitution of 2005 stipulates in Article (30) of it that "the state guarantees social and health security for Iraqis... and secures housing and special means for their rehabilitation and care." Through what was mentioned in the aforementioned legislation, it refers in its entirety to an important matter: housing as private property, a protected right that may not be infringed or misused in any way (Al-Hiti, 2011).

The Right to Work in the Iraqi Constitution

The equality principle in human life is one of the noblest principles that have existed since long time ago. These principles are inculcated in the man conscience, a principle which is considered an inseparable right of human existence in the collective relations between human beings in general and among

the members of a group or the blocks that were unintentionally organized but circumstances created them according to the Committee on economic, social and cultural rights, General Comment No.(9) of 1998 on the domestic application of the Covenant, Article (9).

The principle of equality as a general principle, which is stipulated by modern constitutions, is one of the important principles, indicating that individuals in general and workers in particular are equal before the law and without discrimination between them by acquiring rights and providing guarantees for, which are stipulated in the Constitution and ordinary laws and their exercise and the performance of duties and obligations. As for equal opportunities, in its traditional sense, it means that there are general, abstract conditions for occupying job positions or degrees of work that apply to all without discrimination between one individual and another on an equal footing. It is necessary to carry out this concept in the event that the legislator decides or stipulates that one of the public degrees, the private sector, or the cooperative sector be filled or in the cooperative or mixed sector. For example, if the candidate for the job has a certain qualification, scientific or practical, then that condition must be applied against all without exception. Accordingly, all international and internal legislations considered it a human right, as well as in particular what is related to equality with the right to work, equality with other rights and what is related to the compensation for work (wage) and what is related to its annexes and vacations as stated in Labor Law No. (37) of 2015 (Al-Jaber, 2016).

This chapter is entitled "Basic Principles Based upon the Absolute Equality" in Article (4), which stipulates that "work is a right for every citizen who is capable of it, and the state works to provide it on the basis of equal opportunities, without any kind of discrimination." as noted in the text of legal Article (4) of Labor Law No. 37 of (2015).

The legal article began with equality of workers who are able to work, which is called absolute equality. Then, it went to the relative equality of those with equal opportunities. It is governed by the principle of non-discrimination. This is what was stipulated in the Iraqi Constitution for the year (2005) consistent and coordinated with the law that came in the legal Article (22/First), which stipulated that ("work is a right for all Iraqis in a way that guarantees them a dignified life"). Therefore the constitution requires absolute equality before the law for the Iraqis. Likewise, the Labor Law has endorsed and at times maintained equality in general and absolute (i.e.



equality before the law among all Iraqis) in line with the (2005) Constitution. At other times, it maintained and acknowledged relative equality with equal opportunity, where the principle of equal opportunity is a product of the principle of equality and it was designated and came in general, and that is what was stated in the legal Article (8/First) of the Labor Law, which stipulates that "This law prohibits any violation or transgression of the principle of equal opportunities and equal treatment, whatever the reason, and in particular discrimination among workers, whether direct or indirect discrimination with everything related to vocational training or employment or the terms or conditions of work", what all it brought was working on absolute equality or relative or realistic equality, which we presented in the body of the research which was proportionate and consistent with the provisions of the Iraqi Constitution for the year 2005. In order to clarify the guarantees of the Iraqi worker's right, we dealt with two cases in our research: the first, we put it forward to constitutional guarantees, and the second explained the legal guarantees for the worker, as follows:

Constitutional Guarantees for the Iraqi Worker

It must be regulated by legal norms characterized by the nature of stability and constancy, notably the guarantees upholding the concept of equality among members of society in general, and the category of employees in particular, during the working time and at the conclusion of the service period. In general, all constitutions ensured that individuals have the rights, freedoms, and equality that they deserve. Particularly, they guaranteed to the worker through a number of procedures, included in the texts and provisions of international constitutions in general and Iraqi constitutions in particular. They all were with the same meaning, even if they were not in the same text on the same subject, but rather were similar, which were discussed successively. First: the texts confirming the principle of equality and equal opportunities. Second: texts that guarantee rights through the principle of non-discrimination.

Constitutional Texts maintaining the Principle of Equality and Equal Opportunities.

Constitutional provisions play the most important and effective function in ensuring public freedoms and rights in general, and equality in particular. The texts confirming the principle of equality have a high level of value, as they are related to the human person, and this makes their natural place in the heart of the constitution. The lofty position of that principle has made the most general of the democratic countries to put most of their attention to

it, and the issuance of these texts in the form of constitutional declarations (Muhammad, 2009).

The constitution has reinforced the principle of equality between all individuals before the law ("Iraqis are equal without discrimination because of sex, race, nationality, origin, color, religion, sect, belief, opinion, economic or social status)." (Al-Azmi, 2009). Likewise, the Constitution stipulated and maintained the principle of equality with equal opportunities for all Iraqis, as follows: "Equal opportunity is a right guaranteed to all Iraqis, and the state guarantees to take the necessary measures to achieve this". The text of the Constitution with its articles, which maintained the right of all individuals to life, freedom and security, as follows: "Everyone has the right to life, security and freedom. These rights may not be deprived or restricted except in accordance with the law, and based on a decision issued by a specialized judicial authority." (Hassan, 1975). Moreover, the legal Article (17) maintained the right of any individual to personal privacy, as legal Article (20) highlighted the right of all individuals, men and women to participate in public affairs and political rights. Legal Article (46) deals with the inadmissibility of infringing on any of the freedoms and rights stipulated in the Constitution (Al-Baz, 2004).

Constitutional Texts that Guarantee Rights through the Principle of Non-Discrimination.

It is impermissible to issue ordinary legislation that restricts the principle of equality or the principle of non-discrimination as long as the constitution has regulated it. The principle of non-discrimination does not need ordinary legislation to regulate it since constitutional texts enjoy supremacy over the rest of the legislation according to the legislative hierarchy. The principle of equality or non-discrimination was mentioned at the successive Iraqi constitutions, including the canceled ones, as well as the constitution in force, as legal Article (6) of the Basic Law stipulated that "There is no difference among Iraqis in rights before the law, even if they differ in nationality, religion and language" (Al-Azmi, 2009). It was in line with Constitution (1958) in terms of meaning whose goals were to guarantee the right of equality and non-discrimination among the Iraqi people. It was stated that "Citizens are equal before the law with public rights and duties. It is not permissible to discriminate between them because of gender, origin, language, religion or creed." (Muhammad, 2009). As for the repealed constitution of 1964, which recognized the rights of Kurdish nationalism and its guarantee of national and climatic unity with Arab nationalism within the one Iraqi state (Shadi, 2006). This was confirmed by Constitution 1970 through legal Article (19) which



says: "Citizens are equal before the law without escaping due to gender, race, language, social origin, or religion" as noted in legal Article (19) of the Iraqi Labor Law of 2015.

The Legal Guarantees of the Right of the Iraqi Worker

Allah has created man, and has granted him rights that are closely related to him, such as the right to life and the right to equality. Every individual in society has a right, regardless of his wealth or position, and he may not be deprived of them, because they achieve reassurance for him. The adoption and protection of these rights guarantees the preservation of the individual's entity and self, and the stability of his mental and physical powers, and contributes to the regulation of individual and social relations and the provision of individual and societal stability (Mansour, 2009).

The legal guarantees are nothing but subsidiaries of the constitutional rules, compatible with them, which the executive authority responds to and its instructions after approval by the legislative authority and provides them with adequate protection after their enactment (Kira, 1971).

Workers' rights are one of the topics of interest to the researchers of human rights, whose protection is effectively ensured by international law, although international law is at a stage of development. The objective of international law is to pave the way for international laws to follow suit to set an example for those laws issued by the states with their own legislation on the principle of equality and workers' rights, which is the responsibility of the employer.

The work contract is one of the binding contracts for the two parties to the contract, which are the worker and the employer. This contract creates corresponding obligations among the guarantees that the labor law obligates the employer, the direction of the worker, which we will present successively. The Iraqi legislator obligated the employer based on the provisions of the Labor Law to pay wages for the worker. The wage represents the basic element of the work contract (Abu Al-Souf, n. d.). The Iraqi legislator defined the wage according to Article (1/24) as "everything that a worker is entitled to from the employer, in cash or in kind, in return for work of any kind, which is attached to it considered as complementary to it, i.e. what is granted from allocations of any kind, and the wages due as noted in Article (41/Second) the in force Labor Law No. (37) of 2015. It appears from the definition of the wage and its complement that the reason for this is the desire

and the inclusion of any of those benefits with the protection established for the wage and what is attached to it. Thus, the Labor Law has subjected it to the rules established for it. However, the legislator has done well because the wage occupies a great and vital importance in the life of the worker or the employee and his family, and the fact that the wage is distinguished by several characteristics, and has a random character. That is, it is not affected by the loss and profit, which the employer obtains, and this is what made him worthy of protection and guarantee. It is characterized by a nutritional nature, and has the cyclical quality of spending it. It is the only main source on which the worker or employee depends and his family with his livelihood.

The basic wage according to the law is the wage stipulated in the work contracts during their validity between the two parties to the agreement. This wage does not include allowances of any kind. In order to guarantee the worker's right to wages, the legislator established several rules regulating guarantees.

The Economic Rights of the Citizen in the Iranian Constitution

The history of human social life is full of partial and total economic, political, social and legal fluctuations. Developments, whether intentionally or unintentionally, planned or spontaneous, have led to radical changes in various aspects of human social life. Revolution is one of the most difficult ways to change the course of the social, economic, legal and political life of human beings, it was fundamentally different from its current meaning in society. In the past, social revolutions were viewed with a kind of pessimism because it disrupted order, security, chaos and anarchy. Instead of being evaluated by evolutionary movements, the historian was seen as a "rebellion" and a threat to public interests and social security (Muhajiri, n. d.).

The study of Aristotle's teachings in his famous book "The Politics" on revolution and the ways of its prevention clearly shows how to evaluate the traditional concept of revolution.

The occurrence of constitutional and historical revolutions in the past few centuries, all of which led to the restriction of political power and the consolidation of the rights and privileges of citizens, gradually changed that traditional perception. The French Revolution of the 18th century, although it faced unbridled violence in the short term and its goals were challenged by thinkers such as Edmund Burke, brought about a major change by questioning the new



concept and position of revolution. The constitutional revolutions in Europe, particularly in the 19th century, which led to the emergence of new constitutions, the constitutionalization of political power and the gradual consolidation of the rights and privileges of citizens, were useful in changing attitudes towards the concept of revolution. Leftist literature, which constantly beat the drums of the proletarian revolution in the second half of the nineteenth and twentieth centuries, and promised a better future in the light of socialist revolution with capitalist systems, was also useful in changing the negative mentality of the concept of revolution (Bahrami, n. d.).

Undoubtedly, it should be noted that the regulation and legislation of the components of citizenship rights in the constitution to ensure respect for citizenship rights (especially in cases of exception) will be sufficient in light of ordinary laws and collective control through the implementation of civil rights (Majzoub, 1986).

The right to citizenship is based on a legal basis (nationality) in the beginning. The relationship of the individual with the state deepens in accordance with the legislative system that distinguishes between the national and the foreigner, which leads to translating the depth of the ties established on the ground into a tangible appearance, and accordingly, this requirement must be stated in the following form:

The Right to Housing in the Iranian Constitution

The right to housing is one of the inalienable rights of individuals in human societies, and this right may not be restricted except in the cases provided for by law (Al-Hussaini, 2014). When interpreting the right to housing, care should be taken that it is not interpreted in a narrow and limited sense. The right to adequate housing should be seen as the right to live in a safe, peaceful and honorable place, and should be provided to all individuals. Regardless of income or access to economic resources, it is up to governments to take appropriate actions to eliminate the housing problem and reduce homelessness. In this article, there are attempts to study this right in international sources and documents and the constitution after providing a comprehensive definition of housing and the right to freedom of housing and avoid being infringed. What meant by "sakan "housing" in language: the plural is "masakin "housings" and the base verb is "house", it refers to stability. It is said 'thing is stable means that it is without movement (Ibn Manzoor, 1967). In terms of Legislation, each word has a different meaning in terms of determining the size and specifications of the dwelling. For the jurists, the house means the room, and the apartment

means half of the house with independent facilities. The house is a group of rooms or apartments independent of other houses with its own fence. As for the house and housing, they are general terms applied to the room, the apartment, and the house, and it shows the importance of the use of these terms by Muslim jurists when determining the size of the legal housing that the husband is responsible for preparing for his wife. Having a house is the minimum right for poor, and having an apartment is the middle class whereas the independent house are for the rich. Obtaining adequate housing is the right of every Iranian individual and family (Yadala and Rahmani d. Timur. 2007). "It is the responsibility of the government to make this a priority for those who need it most, especially villagers and workers, by prioritizing it."

The Right to Choose a Job in the Iranian Constitution

Principle 27 of the Constitution states that "everyone has the right to choose the profession he desires and which does not conflict with Islam, the public interest, or the rights of others." The government is obligated to take into account the society's need for different jobs for all people to create equal job opportunities and conditions for finding jobs (Mahmoudi, n. d.).

No one may deprive a person of that divine right or place it at the service of the interests of an individual or certain individuals. The Iranian nation has exercised that right through the principles of the constitution. Pursuant to Articles (113) and (121), the President of the Republic is responsible for implementing and protecting the Constitution. In the presence of the Noble Qur'an and before the Iranian nation, the President of the Republic swore to God to support the truth, establish justice, and protect the freedom and human dignity of individuals and the rights of the nation in the Constitution "the Charter." Citizenship Rights" proclaims the respect and promotion of the fundamental rights of the Iranian nation. That charter is designed to enforce and promote citizenship rights and formulate a "governmental program and policy," The subject of Article (134) of the Constitution includes a set of citizenship rights that are either identified by the sources of Iran's legal system or their realization and implementation by reforming and developing the legal system and formulating and following up the adoption of bills or any necessary legal procedures that will have the usual serious and comprehensive effort. To achieve that goal, the cooperation of other powers and institutions and the participation of people,



organizations, unions, NGOs and the private sector is necessary.

Legal Article (1): Citizens have the right to life. This right is not taken away from them except by law.

Legal Article (2): Citizens have the right to have a decent life and its supplies, for example, healthy water, adequate food, health promotion, environmental health, proper treatment, and access to medicines, equipment, goods and medical, curative and health services in accordance with modern knowledge. National standards enjoy healthy and favorable environmental conditions for the continuation of life.

Legal Article (3): Women have the right to receive appropriate health and medical programs and facilities, education and appropriate counseling to ensure physical and mental health in individual, family and social life at all stages of life, as well as during pregnancy, childbirth and the puerperium. conditions of illness, poverty or disability.

Legal Article (7): The right to have dignity and equality, where citizens enjoy equality with human dignity and all the benefits stipulated by laws and regulations.

Legal Article (8): It is prohibited to practice any unjustified discrimination, especially with regard to citizens' access to public services, such as health services, job opportunities, and education. The government must refrain from any decisions and actions that lead to class separation, unjustified discrimination and denial of citizenship rights.

Legal Article (9): The dignity and credibility of citizens is preserved. No individual, authority or media, especially those that use public funds and facilities, may harm the reputation of others through degrading behavior or expression such as ridicule and slander, even through quotes.

Legal Article (10): It is prohibited to insult, humiliate, or incite hatred towards different races, religions, sects, and social and political groups.

Legal Article (11): Women have the right to actively and effectively participate in policy-making, legislation, administration, implementation and supervision, and to enjoy equal social opportunities in accordance with Islamic standards.

As for the right to work and decent work, the legal articles were as explained in the following:

Legal Article (77): Citizens have the right to choose the job they desire and work in it freely and without discrimination and in accordance with the law. No one shall be arbitrarily deprived of his nationality or denied the right to change it.

Legal Article (78): Citizens have the right to equal access to jobs and to freely choose the profession of their choice in accordance with the law so that they can earn their living in a just and dignified manner. The government guarantees and monitors appropriate conditions for the realization of this right.

Legal Article (79): Citizens have the right to receive the necessary job training.

Legal Article (80): Citizens have the right to enjoy environmental health, healthy and safe work, and measures necessary to prevent physical and mental injuries in the workplace.

Legal Article (81): Citizens have the right to sue legal authorities for violating labor laws and regulations.

Legal Article (82): Recruitment, promotion and granting privileges to employees must be based on professionalism, competence and competencies appropriate to the job. It is prohibited to use tasteful, partisan and discriminatory methods, and to use methods that violate privacy in the selection process.

Legal Article (83): The woman's right to enjoy adequate work opportunities and equal rights and benefits, the same applies to men for equal work.

Legal Article (84): It is forbidden to force children to work. Exceptions in their best interest are permitted by law only. The right to welfare and social security.

Legal Article (85): Peace, freshness and hope for a better future, spiritual self-improvement and social empowerment, enjoyment of a safe and peaceful life, the opportunity to spend more time with family, leisure, sports and tourism. any citizen.

Legal Article (86): Every citizen has the right to benefit from public interests, social security and relief services.

Legal Article (87): Citizens have the right to enjoy unemployment insurance rights in accordance with the law in the event of unwanted unemployment.

Legal Article (88): It is the right of rural citizens and nomads to enjoy, as the case may be, rights such as rural development, insurance, social security and safety of the living environment.

Other Civil Rights Recognized by the Iranian Constitution

The so-called civil rights are intended to protect and give privileges to the authority of the person to all citizens by law. Civil rights are distinguished from "human rights" or "natural rights" as civil rights are rights granted by the state to all citizens within territorial borders, while human rights are what many scholars claim, individuals have natural rights or human rights by nature to those who are born



The Principle of Equal Rights

Article (19) of the Constitution of the Islamic Republic states that "The people of Iran, regardless of race and tribe, have equal rights, and color, race, language, etc. will not lead to privilege". This principle denies any class, racial or ethnic privileges. Equality refers to the ninth principle basically to equality before the law and the enjoyment of legal protection by all members of society, regardless of racial, class or ethnic status. The law must protect the followers of monotheistic religions (People of the Book) stipulated in the constitution, like the majority of Muslims, enjoying the rights of citizenship. Islam has the right to enjoy them for Muslims themselves in such cases such as inheritance and blood money on the basis of sex, as well as for minorities according to personal status laws, these rights sometimes differ. Accordingly, the principle of "the people of Iran" is used regardless of race, ethnicity, language and religion in this principle, which is an important principle in civil rights, especially in defending the rights of minorities in the world (Al-Faqih, 1986).

Principle (20) stipulates that: "All members of the nation, men and women, are protected by law and enjoy all human, political, economic, social and cultural rights in accordance with the principles of Islam."

The Principle of Individual Security

The right to life, security and liberty is enshrined in Article (3) of the Universal Declaration of Human Rights. Article (32) of the Constitution of the Islamic Republic of Iran confirms stipulates that: "No one may be arrested except in accordance with the law." In case of the accused being arrested, he must be informed in writing immediately with a statement of the reasons, and within twenty-four hours. A preliminary file must be sent to the competent judicial authorities and preparations for trial submitted as soon as possible. Those who violate this principle shall be punished according to the law. The principle of personal security as one of the important pillars of civil rights has been supplemented by a set of other provisions to guarantee this principle. For example, the principle of legality of crime and punishment, the principle of non-retroactivity of the law, the principle of public trials, and the presence of a lawyer in the process of interrogation and trial of major and important crimes by the jury, all of which are stipulated in the Constitution of the Islamic Republic (Khadamati, 1379).

The Principle of Housing Immunity and Freedom to Choose the Place of Residence

The right to free choice of place of residence is the right of citizenship and choice of place.

Residence and transportation are carried out according to the will of the people in principle. Of course, this principle also has exceptions. For example, the housing of a married woman is chosen by the husband and the housing of persons who have not reached the legal age of majority is chosen by their parents or legal guardians. Also, some government employees have to stay in a certain place for a certain period of time. Individuals who have been condemned by law to exile from their place of residence, or who have only been exiled to a particular city or place, may not choose to reside in other cities. People's housing is also protected in the part (22) of the Constitution. It states "the dignity of individuals, their lives, their property, their rights, their residence and their professions are inviolable, except in the cases stipulated by law (Bakhtiarzadeh, 2007).

Nationality Law

Article (34) of the Constitution states that litigation is an individual right and citizenship rights are for all members of the nation. The principle stipulates that "Litigation is an inalienable right of every person and anyone can refer to the competent courts for litigation. All members of the nation have the right to access such courts, and no person shall be prevented from attending the court to which he is entitled by law". As stipulated in Article (35) of the Constitution provides for the right to choose a lawyer for litigants before all courts. This right is also important and complementary to the judicial rights of citizens.

The principle of innocence, which is legislated in Article (37) of the Constitution and is fully in line with Islam, is another right of citizenship related to the judiciary. Article (37) of the Constitution states: "The principle is innocence and no person may be convicted of any offense for an act or omission that did not constitute an offense under national or international law at the time." The prohibition of any form of torture in order to obtain a confession or information under Article (38) and the prohibition of insulting or humiliating any person who has been arrested, detained or imprisoned by law are among the important and progressive principles enshrined in the constitution and in defense of individual human rights. In principle, unconstitutional protection for violators of respect for the said principle is considered a crime and their actions are punishable. Nor should ordinary laws complementing civil rights in the judiciary be drafted in a way that contradicts the spirit and content of these principles (Baziar, 2002).



CONCLUSION

Thankfully, we praise Allah, the Mighty, the Generous, and we pray and bless our master and beloved Muhammad, his family and his companions. The conclusions that can be inferred from this research can be as follows:

1. Effective enforcement of the right to adequate housing cannot be achieved without the proactive participation of local and subnational governments. Just as there are major responsibilities that have been assigned or delegated to governments at the local and sub-national levels, i.e. in their local area of competence, there are also binding obligations for them under international human rights law in relation to the right to adequate housing.
2. Although the trend towards decentralization may be consistent with many of the core values associated with the right to adequate housing, including empowerment on the local side, meaningful participation, and enhancing accountability and transparency. Decentralization is not always in the interest of realizing the right to adequate housing. Proximity to stakeholders is a positive advantage only if governments at the local and other subnational levels have the necessary resources and administrative capacity to perform the tasks assigned to them. It was human rights conscious, accountable and responsive to stakeholder needs in the case of feasible participatory mechanisms. The failure of local elite circles to undermine the foundations of democratic accountability. and addressing the problem of corruption.
3. Taking a human rights-sensitive approach to issues of local governance and administrative subordination does not require that all power be concentrated in the hands of local governments, but rather requires the realization that local governments are critical to the relationship between holders and multi-element and tiered systems of governance. This makes them essential actors in the realization of the right to adequate housing within the framework of the various local systems. Local governments are able to highlight the experiences of marginalized groups and other groups whose rights are not guaranteed, and to find solutions as well. It forms a major point of contact with community initiatives for the production and upgrading of housing, and links those community initiatives with financing, development and human rights initiatives at the broader regional, national or international levels

RECOMMENDATIONS

By tracing the concept of citizenship, its components and reflections on the legislative system, and in order to build a more effective relationship between the individual and the state in light of the international, regional and internal changes in different aspects of life, the researcher recommends the following:-

1. The necessity of completing the political reform process in countries and focusing on the reform in the constitutional system where legislative reform is achieved by making amendments to the constitution.
2. The constitution must include the text of the term "citizenship", because itself confers a moral and value dimension to the citizen with loyalty to the state.
3. Public authorities or any other party abstain from torture, when it was found, and establish the right to compensation for torture.

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