

Comparison of Constitutional Systems in Religious and Secular States (Iran and Turkey as Role Models)

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Abstract : The identity of the state in many Middle East countries today, between secularity and religiousness, is an important and controversial question. Specially after the sweeping repels in number of countries that put Islamic parties in power. In this paper two role model states in this respect, are under examination to answer the question of how their identity that was expressed in their constitutions influenced the allocation of power between different state authorities. In the beginning both the criteria used to define the two concepts of secularity and religiousness, and the reason why these two states are particularly chosen for comparison, are explained. The situation in Turkey is firstly indicated. The constitutional system shows that power is divided between parliament, cabinet and the president. The first two authorities have the most significant powers, and generally, the system in Turkey is similar to many other secular states in the world. But when the research moves to the system in Iran, the importance of comparison starts to appear. In this section, the nature of Islamic Shi'a of Iran Republic is discussed, and also its influence on the main and unique authorities of this religious state, which don't only include the president and council of ministers, but also The Supreme Leader and The Council of Guardians. This paper doesn't aim to favor a one system over another, and doesn't discuss the influences of the two systems on the social or economic situation in the two model states. The aim of this paper is to study the influence of excluding, and applying religion in respect to allocation of power in constitutions.

Keywords : comparative law, constitutional systems, secular states, religious states

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