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**Imam Khomeini and Quality of Emergence of Constituent Power in Delegitimizing the Monarchical Regime in Iran**

Ghodratollah Rahmani<sup>1</sup>

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Research Paper

**Introduction and statement of the problem**

From the point of view of public law doctrines, a revolutionary movement can delegitimize the established political regime if it has at least four characteristics: First, it relies on the public will and the will of a large part of the people, so that the will of the nation can be deduced from it. and conditions, and is specifically aimed at changing the political regime. Thirdly, the desire to change the political regime should continue in a more or less long period of time and in a reassuring way. According to the aforementioned conditions, the emergence of the national will (founding power) in a negative way aimed at delegitimizing the ruling and established regime in a country – contrary to its positive aspect that manifests itself in the objective and practical establishment of the government – is an abstract thing, and its verification is not dependent on the objective and external occurrence of the fall of the regime. .Therefore, it is possible for the revolutionary situation to realize the conditions that destroy the legitimacy of the government, but the government will remain in practice for a long time and continue its political life. The importance of the topic of this research is to provide a more or less reliable criterion to determine the survival or deterioration of the legitimacy of the political regime from a legal point of view. The legitimacy of the Islamic Republic of Iran – as a political system arising from the Islamic Revolution of the Iranian nation and a rare manifestation of the will of the founding power – at least during the last two decades, has always been subject to doubt from its opponents. and the claimants, in the position of argument, have often insisted on generational change. The argument of generational change is being raised as a reason to doubt the legitimacy of the Islamic Republic, that this system, relying on the will of the overwhelming majority of the nation, was replaced by a regime whose legitimacy, in the course of a great revolution, was in some way impossible. The denial was abolished by the same will of the overwhelming majority. Therefore, in case of doubts about the legitimacy of the established government, the will of such a decisive majority is considered to be the survival of legitimacy, and until a decisive majority – unlike the decisive majority of the previous generation – is not expressed and verified, the approval of the will of the predecessors by the next generation – which has gradually emerged – is assumed.

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1. Associate Professor, Department of Public Law, Faculty of Law and Political Science, Allameh Tabataba'i University, Tehran, Iran. Email: gh.rahmani@atu.ac.ir

**Research background**

Reflecting on the works published in the context of this research shows that each of the works of Medgour – which are referred to many times in the current research – more or less discusses one or more elements of the four elements of the revolutionary situation in detail or briefly and realizes They have explained the revolutionary situation in the dependence and connection with the mentioned element or elements, but the uniform explanation of all these elements on the one hand, and the adaptation of each of them to the current situation in the course of the Islamic movement and revolution leading to the overthrow of the imperial regime and the establishment of the Islamic Republic On the other hand, especially the representation of the legal effects resulting from the actualization of these elements in the removal of legitimacy from the political regime ruling Iran – which forms the aspects of differentiation and innovations of the present research – is absent in these publications.

**Research Methodology**

The present article, with a descriptive-analytical method, relying on library study and citing reliable historical sources and referring to actual events, the degree of realization of the four described situations during the course of the Islamic Revolution of the Iranian nation (1979–1357 Shamsii) and the manner of the emergence of the national will and the actions of the founding power in removing the legitimacy of the regime has analyzed the monarchy from the point of view of public rights.

**Research results**

The results of this research show the objective and external realization of the four described situations – in the form of a national uprising aimed at the demand for a change in the political regime, and the continuation and insistence of this demand until the complete fall of the imperial government and the establishment of the Islamic Republic – by determining the new political system through a national referendum, general elections of the parliament and the approval of the constitution of the new system, and finally the national referendum approving the constitution, to the full emergence of all negative and positive levels of the will of the founding power, including the removal of legitimacy and the practical overthrow of the imperial regime (winter 1356 to 1357) and then the establishment of the government of the Islamic Republic (winter 1357 to January 1358) under a determined and uncontested leadership Imam Khomeini (RA) is done. Since the framework of this research is limited to the negative aspect of the will of the founding power (that is, the loss of legitimacy from the imperial regime), the findings of the research indicate that during the events of 20 months between the beginning of 1356 and the end of 1357, the four characteristics of a revolutionary movement that destroys the legitimacy of the established political regime, Less than two months before the definitive victory of the Islamic revolution and the complete fall of the Pahlavi regime on 22 Bahman 1357, it has been fully realized. Therefore, in the last stage of the revolutionary situation in Iran (January and February 1357), a dual authority has emerged in the field of political power, one side of which

is the official government that lacks legitimacy, and the other side is the unofficial government appointed by the leadership of the revolution

**Keywords:** revolutionary situation, Islamic Revolution, legitimacy of monarchical regime, constituent power, Imam Khomeini.

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