

The Position of Individual and Group Freedoms in the Iranian Criminal Justice System and the Challenges Ahead

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the paragraph beginning “Human beings, due to their inherent dignity...”, the claim that freedom is “the most vital spiritual need” lacks citation and appears overly normative. Consider grounding this in philosophical or sociological literature.

The phrase “freedom is never absolute” is accurate but requires further elaboration, especially when discussing its legal relativism in Islamic jurisprudence versus international law norms.

In the section “The Position of Public Freedoms”, the term “evaluate the position of certain political and civil freedoms” lacks precision. Specify which freedoms are analyzed (e.g., assembly, expression).

The sentence “Islam has granted freedom of thought and expression to all humans...” contradicts the subsequent discussion on apostasy without acknowledging the legal tension. The legal complexity around apostasy should be foregrounded more objectively.

The paper presents Ayatollah Montazeri’s view against the majority jurisprudential stance on apostasy without critically engaging with its implications in statutory or case law. A comparative doctrinal analysis is needed here.

The interpretation of Article 27 could be improved by comparing it with international human rights instruments (e.g., ICCPR Article 21). Currently, the analysis remains descriptive rather than analytical.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The paragraph ending with "...it places certain restrictions on freedoms under specific conditions" is conceptually repeated in the next section. Consider merging or revising to avoid redundancy.

The sentence "No philosopher valued freedom as much as Hegel did..." (Theoretical Foundations) is a strong assertion and oversimplifies complex philosophical discourse. Consider rephrasing or comparing with Locke or Mill.

In the discussion of Berlin's two concepts of freedom, the citation to Berlin, 2007 should be explicitly linked to "Four Essays on Liberty". Please clarify whether this refers to the original 1969 work or a different publication.

While Western thinkers like Locke, Hobbes, and Berlin are discussed in detail, the treatment of Islamic jurisprudential perspectives is not integrated into the theoretical discussion but merely juxtaposed later. Consider weaving these two traditions together more systematically.

The statement "since the Constitution...holds enforceable authority, individual and group rights and freedoms are guaranteed" is overly optimistic. Consider discussing the enforcement gap between constitutional recognition and judicial implementation.

In the paragraph discussing Article 57 of the Iranian Constitution, the sentence "all three branches...are under the oversight of the Supreme Leader" raises concerns about the actual independence of the branches. This contradiction is not adequately addressed.

The discussion of "structural challenges" such as vague laws (e.g., "propaganda against the system") would benefit from citing specific cases or court statistics to substantiate the claim.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.