

OPEN PEER REVIEW

# Comparative Analysis of Constitutional Adjudication in Iran, Iraq, and Malaysia

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## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The definition of “constitutional adjudication” draws from Carter (2022) and Grimm (2025), but the discussion shifts between centralized and decentralized models without fully explaining why these typologies are most relevant to the chosen jurisdictions. Clarify why Kelsenian vs. American models are the most appropriate comparative lens and consider including a schematic table contrasting them.

You note “legal sources and official documents, such as constitutions and the regulations of relevant bodies, serve as the primary materials” but the analysis would benefit from explicitly naming key constitutional articles (e.g., Iran Constitution Article 4, Iraq 2005 Constitution Articles 90–93, Malaysia Federal Constitution Part II). This would increase precision.

You state “procedural rigidity characterizes the Council’s review process”. Consider providing concrete examples, such as internal regulations limiting hearing formats or publishing of dissenting opinions, to substantiate this claim.

While the hybrid nature is well-described, it would be helpful to give a concrete example where Federal Court jurisprudence reconciled Sharia and constitutional principles (e.g., Lina Joy case or Indira Gandhi custody case). This will anchor theoretical claims in practical judicial outcomes.

You mention a “generally restrained approach to interpreting fundamental rights.” Consider clarifying whether this restraint is doctrinally justified (e.g., political question doctrine, constitutional avoidance) and how it compares to other common law systems.

Authors revised the manuscript and uploaded the document.

## 1.2. Reviewer 2

Reviewer:

The criteria of “citizen access, institutional independence, efficiency and consistency” are introduced but not sufficiently justified theoretically. You could tie them explicitly to established frameworks (e.g., Böckenförde’s legitimacy criteria or Tripković’s metaethics) to give the evaluation a stronger normative foundation.

The article states “relied on library-based resources for data collection and writing the article”. This is too generic. Specify the databases searched, inclusion criteria for selecting doctrinal works or judicial precedents, and whether you used any systematic comparative method (e.g., functional method, contextualized approach).

While the study mentions analyzing judicial precedents, it is not clear how representative or significant the cases are. For example, were landmark rulings from the Guardian Council, Federal Supreme Court of Iraq, and Malaysian Federal Court intentionally selected? Include criteria such as citation frequency or doctrinal impact.

The discussion on politicization mentions “political orientations and governmental considerations” but does not illustrate with examples of disputed rulings or appointments. Adding one or two high-profile cases where Guardian Council decisions were politically contested would strengthen the argument.

The phrase “tensions between federal rulings and local legislation remain ongoing challenges” is broad. Specify key disputes between the Federal Supreme Court and Kurdish or regional authorities to illustrate this tension.

The text notes “citizens can bring claims indirectly through political parties.” Please discuss why this indirect model persists despite the constitution’s intent to broaden rights protection, and compare with models of constitutional complaint in Europe for depth.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.