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Explaining the Structural and Functional Differences and Similarities between the Constitutions of Iran and the United Arab Emirates in the Realm of Constitutional Law

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This article provides a comparative analysis of the constitutional frameworks of the Islamic Republic of Iran and the United Arab Emirates (UAE) within the realm of constitutional law. Utilizing the functionalist comparative methodology, the study examines how two fundamentally different political structures—a centralized theocratic republic and a traditional federal elective monarchy—address the shared challenge of integrating modern Westphalian statehood with Islamic jurisprudence. The core of the analysis focuses on their respective constitutional foundations, models of sovereignty, and the enforcement of fundamental rights and freedoms. The findings indicate that while both nations explicitly enshrine Sharia as a primary source of legislation and the ultimate normative boundary for civil liberties, their functional applications diverge significantly. Iran's constitutional model of "supervised republicanism" relies on the Guardianship of the Jurist, employing Sharia as an ideological tool for revolutionary social engineering and rigorous state control. In contrast, the UAE's model of "consensual federalism" utilizes Sharia pragmatically to maintain social stability, preserve the traditional authority of the ruling families, and facilitate rapid global economic integration. Furthermore, the comparison reveals that both legal systems functionally subordinate absolute individual autonomy to the collective religious and political order, whether justified through Iran's strict "Islamic criteria" or the UAE's reliance on "public order and morals." Ultimately, this research demonstrates that Islamic constitutionalism is a highly adaptable framework capable of supporting varied governance models, illustrating how different nations tailor the synthesis of divine law and modern governance to their distinct historical, social, and political realities.

Keywords: *Constitutional Law, Islamic Republic of Iran, United Arab Emirates, Functionalism, Sharia, Federalism, Theocracy, Fundamental Rights*

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1. Introduction

The comparative study of constitutional law within the Middle Eastern context necessitates a profound exploration of how traditional Islamic values and modern governance structures intersect to form unique legal identities. This research focuses on explaining the structural and functional differences and similarities between the constitutions of the Islamic Republic of Iran and the United Arab Emirates (UAE). By employing a functionalist methodology, the study transcends mere textual analysis to examine how these two distinct constitutional models address the universal requirements of social order, political legitimacy, and the protection of fundamental rights (Haji Rajabi, 2026). The constitutional landscape of these two nations presents a

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compelling dichotomy: while both explicitly recognize Sharia as a primary source of legislation, their political architectures are fundamentally different. Iran operates as a centralized, unitary theocratic republic born out of a revolutionary movement, whereas the UAE is structured as a federal elective monarchy rooted in a cooperative union of seven traditional emirates (Sami, 2004). Understanding these systems requires an analysis of how constitutional texts serve as the primary guarantees of rights and systemic stability within their respective socio-political environments (Al-Khatib, 1989).

The constitutional history of the Islamic Republic of Iran is inextricably linked to the 1979 Revolution, which sought to replace a monarchical system with one founded on divine sovereignty and Islamic jurisprudence. The 1979 Constitution, subsequently amended in 1989 to refine the distribution of power, established a dual-layered governance model that attempts to harmonize republican institutions with theocratic oversight. At the heart of this system is the principle of *Velayat-e Motlaqe-ye Faqih* (Absolute Guardianship of the Jurist), which ensures that all legislative, executive, and judicial actions remain consistent with Islamic criteria (Arghavani Pirsalamei, 2017). This model represents a discursive formulation of human rights and governance where the state's legitimacy is derived from its adherence to a specific ideological and religious framework (Salehi, 2015). The Iranian constitutional experience is characterized by a high degree of centralization, where the Supreme Leader holds ultimate authority over the general policies of the state, reflecting a unitary system designed to preserve the ideological purity of the revolution (Hashemi, 2005).

Conversely, the United Arab Emirates presents a model of constitutional federalism that emerged in 1971 following the withdrawal of British influence from the region. The UAE Constitution of 1971, which was initially provisional before becoming permanent, was designed to facilitate a union among seven independent emirates while preserving their individual autonomy and traditional heritage (Haji Rajabi, 2026). Unlike the revolutionary origins of the Iranian system, the UAE's constitutional foundation is based on consensus, tribal alliance, and a shared vision for regional security and economic development. The federal structure allocates specific powers to the federal government—such as foreign affairs, defense, and federal finance—while leaving significant domestic authority to the individual rulers of each emirate (Shiha & Abdel Wahab, 1990). This cooperative federalism is managed by the Federal Supreme Council, the highest constitutional authority in the land, which consists of the rulers of the seven emirates. This system reflects a pragmatic approach to political systems where stability is maintained through elite consensus rather than ideological mobilization (Basha, 2007).

The theoretical framework of this study is grounded in the functionalist approach to comparative law, as pioneered by scholars like Zweigert and Kötz. This methodology posits that legal systems often face similar social and political problems and that the focus of comparison should be on how different legal rules or institutions perform the same function (Haji Rajabi, 2026). In the realm of constitutional law, this involves looking beyond the formal labels of "Republic" or "Monarchy" to see how power is actually distributed, how laws are validated, and how the relationship between the state and the individual is mediated. For instance, both Iran and the UAE must reconcile the implementation of Sharia with the demands of a modern legal system. In Iran, this function is primarily performed by the Guardian Council, which scrutinizes legislation for conformity with Islam (Al-Shawi, 1981). In the UAE, the role of Sharia is integrated into the judicial process and legislative drafting, but within a framework that emphasizes social harmony and the protection of private property in a globalized economy (Al-Jurf, 1990).

A critical point of comparison lies in the conceptualization of sovereignty and legitimacy. In Iran, sovereignty is viewed as a divine trust exercised through the clergy and the elected representatives of the people. This creates a complex interplay between the "divine" and "popular" elements of the constitution, where the latter is always subject to the former (Arghavani Pirsalamei, 2017). The 1989 amendments further strengthened the office of the Supreme Leader, consolidating the theocratic nature of the state to ensure administrative efficiency and ideological consistency. In the UAE, legitimacy is rooted in the traditional authority of the ruling families, reinforced by the constitutional mandate of the federal union. The UAE's elective monarchy is unique because the President is elected by the Federal Supreme Council from among its members, usually the ruler of Abu Dhabi, highlighting a system of

institutionalized tradition (Haji Rajabi, 2026). These different foundations of legitimacy lead to divergent functional outcomes in how the states manage internal dissent, social change, and international relations.

Regarding the protection of fundamental rights and freedoms, both constitutions provide extensive lists of guarantees, yet both stipulate that these rights must be exercised within the limits of Islamic principles and public order. This "Sharia-limit" is a defining feature of Middle Eastern constitutionalism (Baderin, 2005). In the Iranian context, rights are often interpreted through the lens of "Islamic Freedoms," which prioritizes the collective moral wellbeing of the community as defined by the state's religious authorities (Hashemi, 2012). This has historically led to a cautious approach toward international human rights instruments, with Iran often placing reservations on documents that it perceives as conflicting with its constitutional Islamic mandates (Mehrpour, 1995). The UAE, while also grounding its legal system in Islamic values, has increasingly moved toward aligning its legal frameworks with international standards to support its status as a global commercial hub. However, the constitutional protection of rights in the UAE remains closely tied to the preservation of social stability and the traditional social contract between the rulers and the citizens (Al-Khaitan, 2015).

The structural differences between the two nations are most evident in their legislative and executive processes. Iran's legislative process is characterized by a dual-chamber dynamic where the Islamic Consultative Assembly (Majlis) initiates laws that must then pass the rigorous vetting of the Guardian Council (Haji Rajabi, 2026). This creates a system of "supervised parliamentarianism." In contrast, the UAE's Federal National Council (FNC) serves a more consultative role, reflecting the traditional Arab principle of *Shura* (consultation). While the FNC's powers have been expanded through recent reforms, the ultimate legislative authority remains heavily concentrated in the Federal Supreme Council (Sami, 2004). From a functional perspective, both systems utilize consultation, but Iran does so through a formal, ideologically driven institutional check, while the UAE utilizes a consensus-based model that prioritizes the unity of the federation's constituent parts.

Furthermore, the impact of globalization and international law on these constitutional systems cannot be overlooked. As both nations engage with the global community, they face pressure to adapt their domestic legal orders to universal norms. In Iran, this tension is often framed as a struggle between "revolutionary identity" and "international pragmatism" (Salimi, 2005). In the UAE, the constitution has proven flexible enough to allow for rapid modernization and the creation of specialized legal zones, such as the Dubai International Financial Centre, which operate under different legal principles while remaining under the federal umbrella (Haji Rajabi, 2026). This demonstrates that the UAE's constitutional federalism is functionally geared toward economic integration and regional leadership. Meanwhile, Iran's unitary system focuses on maintaining a cohesive ideological front against perceived external cultural and political influences (Sharifi Tarazkouhi, 1998).

In conclusion, this introduction sets the stage for a detailed comparative analysis of the Iranian and UAE constitutions by identifying their historical origins, their differing models of sovereignty, and their shared reliance on Sharia as a normative framework. By applying the functionalist method, the subsequent sections of this article will delve deeper into the specific institutional mechanisms and legal doctrines that define these two influential Middle Eastern states. The ultimate goal is to provide a comprehensive understanding of how constitutional law functions in the region, illustrating that Islamic constitutionalism is not a monolith but a diverse field where different structures can be employed to achieve the goals of governance, stability, and the protection of rights within an Islamic context (Tabatabai Motameni, 2018; Zakerian, 2004). Through this comparison, we gain insights into the various ways theocratic and monarchical systems attempt to meet the challenges of the 21st century while remaining true to their foundational religious and cultural values.

2. Constitutional Foundations and Sovereignty Models

The second section of this comparative analysis focuses on the constitutional foundations and sovereignty models that define the legal identities of the Islamic Republic of Iran and the United Arab Emirates. To understand these systems through a functionalist lens, one must first identify the ultimate source of authority from which each state derives its legitimacy and legal

validity. In the Islamic Republic of Iran, the constitutional foundation is explicitly rooted in the principle of Divine Sovereignty, as articulated in Article 56 of its Constitution. This principle posits that absolute sovereignty over the world and man belongs to God, who has made man master of his own social destiny. However, this divine mandate is institutionalized through a unique structure that blends theocratic authority with republican participation. The core of this model is the doctrine of *Velayat-e Motlaqe-ye Faqih* (the Absolute Guardianship of the Jurist), which serves as the primary pillar of the state's legitimacy (Haji Rajabi, 2026). According to Article 5, during the occultation of the Twelfth Imam, the leadership and guardianship of the Ummah devolve upon a just and pious jurist who is fully aware of the circumstances of his age. This creates a constitutional framework where the Supreme Leader holds ultimate authority over the three branches of government—legislative, executive, and judicial—to ensure that the state never deviates from its Islamic path (Arghavani Pirsalamei, 2017). This model of sovereignty is not merely a theoretical construct but a functional mechanism designed to maintain the ideological purity of the 1979 Revolution.

In sharp contrast, the constitutional foundation of the United Arab Emirates is established upon a model of federal cooperative sovereignty. The UAE Constitution of 1971 defines the state as an independent, sovereign, federal state, emphasizing that the federation is part of the larger Arab nation. Unlike the Iranian model, which centralizes sovereignty in a single religious-political office, the UAE distributes sovereignty between the federal government and the seven constituent emirates. The legitimacy of the UAE's political system is derived from a historic consensus among the ruling families of Abu Dhabi, Dubai, Sharjah, Ajman, Umm Al-Quwain, Fujairah, and Ras Al-Khaimah. This cooperative federalism is managed by the Federal Supreme Council, which stands as the highest constitutional authority in the land (Sami, 2004). Functional sovereignty in the UAE is thus an exercise in elite consensus and tribal-monarchical tradition, where the union's stability depends on the mutual agreement of the seven rulers. While the Iranian system is a unitary theocratic republic that emerged from a mass revolutionary movement, the UAE is an elective federal monarchy that evolved through diplomatic negotiation and a shared desire for regional security and economic prosperity (Basha, 2007).

The distribution of power within these sovereignty models reveals significant functional differences in how each state maintains order and implements policy. In the Islamic Republic of Iran, the 1989 constitutional amendments significantly strengthened the unitary nature of the state by centralizing executive power and expanding the Supreme Leader's oversight. The Iranian system functions as a supervised democracy where the "republican" elements—such as the directly elected President and the Islamic Consultative Assembly—must operate within the strict boundaries set by the "theocratic" elements. The Guardian Council, a body of twelve jurists and lawyers, acts as the functional gatekeeper of this sovereignty, ensuring that no law passed by the parliament contradicts the tenets of Islam or the Constitution (Al-Shawi, 1981). This creates a hierarchical legal order where the will of the people, expressed through elections, is secondary to the divine law as interpreted by the state's religious leadership (Salehi, 2015). This discursive formulation of sovereignty prioritizes the preservation of the Islamic system (Nezam) above all other considerations, justifying the state's intervention in both public and private spheres to enforce religious morality (Hashemi, 2012).

Conversely, the UAE's federal model operates on the principle of delegated powers, where the emirates retained all powers not explicitly assigned to the federal government by the Constitution. This functional decentralization allows for a high degree of local autonomy, particularly in matters of internal security, economic policy, and traditional administration within each emirate. The Federal Supreme Council, composed of the seven rulers, functions as a collective executive and legislative body that ensures the federation's policies reflect the interests of all constituent members. This elective monarchy is unique because the President and Vice President of the federation are elected by and from among the members of the Supreme Council for five-year terms (Haji Rajabi, 2026). This system of governance is rooted in the traditional Arab concept of *Shura* (consultation) and *Bay'ah* (allegiance), where the rulers maintain their legitimacy through their ability to provide security, wealth, and social welfare to their subjects (Al-Jurf, 1990). While the Iranian state seeks to transform

society through a revolutionary religious ideology, the UAE state seeks to manage society through a pragmatic balance of traditional authority and modern administrative efficiency (Shiha & Abdel Wahab, 1990).

The role of Sharia within these two sovereignty models further illuminates their functional differences. In Iran, Article 4 of the Constitution mandates that all civil, penal, financial, economic, administrative, cultural, military, and political laws and regulations must be based on Islamic criteria. This article is considered the "ruling principle" of the entire Iranian legal system, giving the jurists of the Guardian Council the power to veto any legislation they deem un-Islamic. Sovereignty in Iran is thus functionally "jurisprudential," as the final word on any legal or political matter rests with those who possess the expertise to interpret divine law (Arghavani Pirsalamei, 2017). This leads to a legal system where human rights and freedoms are explicitly conditioned by Islamic standards, often resulting in a divergence from international secular norms (Mehrpour, 1998). The Iranian constitutional foundation is designed to create an "Islamic government" in the most literal sense, where the state's primary function is the implementation of God's will on earth as understood through Shia jurisprudence (Salehi, 2015).

In the United Arab Emirates, Article 7 of the Constitution declares that Islam is the official religion of the Federation and that the Islamic Sharia shall be a main source of legislation. However, the functional application of Sharia in the UAE is markedly different from that in Iran. In the UAE, Sharia serves as a foundational moral and legal guide, particularly in matters of personal status, inheritance, and certain criminal penalties, but it operates alongside a comprehensive body of civil and commercial laws designed to facilitate international trade and modernization. The sovereignty of the UAE is not "theocratic" in the sense of being ruled by a religious hierarchy; rather, it is a "monarchical-traditional" sovereignty that uses Sharia to bolster its legitimacy and provide a cultural framework for its laws (Al-Khaitan, 2015). The UAE's constitutional texts serve as the primary guarantees of rights, but they are interpreted through a lens that prioritizes social stability and the preservation of the ruling families' authority (Al-Khatib, 1989). This allows the UAE to maintain an Islamic identity while functionally integrating into the global legal and economic order more seamlessly than the Iranian system.

Furthermore, the mechanisms for constitutional amendment and change reflect the differing foundations of sovereignty in each state. In Iran, the process of constitutional revision, governed by Article 177, is a highly centralized procedure initiated by the Supreme Leader and finalized through a national referendum. This ensures that any changes to the sovereignty model further reinforce the core principles of the revolution and the authority of the jurist (Haji Rajabi, 2026). The 1989 revision, for example, abolished the office of the Prime Minister and centralized executive power in the Presidency, while simultaneously creating the Expediency Discernment Council to resolve deadlocks between the Majlis and the Guardian Council (Arghavani Pirsalamei, 2017). In the UAE, constitutional amendments are primarily an internal matter for the Federal Supreme Council. The 2009 amendments focused on modernizing the federal institutions, such as extending the terms of FNC members and enhancing the Council's consultative powers, without altering the underlying federal-monarchical sovereignty (Haji Rajabi, 2026). These amendments reflect a functional evolution toward a more robust federal state while keeping the traditional power structures intact.

The concept of the "State" itself differs functionally between these two models. The Iranian state is an ideological entity, a "Republic" that seeks to represent the will of the Muslim people under the guidance of the Faqih. Its sovereignty is missionary in nature, aiming to promote Islamic values both domestically and abroad (Sharifi Tarazkouhi, 1998). This revolutionary sovereignty often places the Iranian state in tension with international legal norms, as it prioritizes its unique constitutional identity over universal standards (Raei Dehaghi, 2011). In contrast, the UAE state is a "Federation" that functions as a protector of the collective interests of the seven emirates. Its sovereignty is defensive and developmental, focused on maintaining internal harmony and fostering a stable environment for global investment (Salimi, 2005). The UAE's constitutional foundation is designed to be flexible, allowing for the coexistence of traditional tribal values and the requirements of a 21st-century globalized state (Zakerian, 2004).

Ultimately, the comparison of constitutional foundations and sovereignty models between Iran and the UAE reveals two distinct paths of Islamic governance. Iran's model of Absolute Guardianship of the Jurist represents a radical departure from traditional monarchical systems, establishing a theocratic sovereignty that centralizes power to achieve ideological goals (Hashemi, 2005). The UAE's model of federal elective monarchy represents a modernization of traditional Arab governance, distributing power through a cooperative union that prioritizes stability and economic growth (Tabatabai Motameni, 2018). While both states rely on Sharia as a source of legitimacy, the functional manifestation of this sovereignty differs: in Iran, it is a tool for revolutionary transformation; in the UAE, it is a framework for traditional-pragmatic administration. Understanding these foundations is essential for analyzing how each state performs the functions of law-making, executive action, and the protection of rights within the complex legal landscape of the Middle East (Sorour, 2004). Through this functionalist lens, we can see that the "differences and similarities" mentioned in the title of this study are not merely academic but are the driving forces behind the political and legal realities of these two influential nations (Haji Rajabi, 2026).

3. Functional Comparison of Governing Institutions

The functional comparison of governing institutions in the Islamic Republic of Iran and the United Arab Emirates reveals two distinct architectural responses to the challenges of modern governance within an Islamic framework. In Iran, the institutional structure is defined by a complex system of "dual sovereignty," where republican institutions coexist with, and are ultimately subordinated to, theocratic oversight bodies. The executive power in Iran is bifurcated between the Supreme Leader and the President. While the President is the highest official elected by popular vote and is responsible for the implementation of the constitution and the heading of the executive branch—except in matters directly reserved for the Leadership—his authority is functionally constrained by the Supreme Leader's extensive powers. The Supreme Leader, according to Article 110, determines the general policies of the state, commands the armed forces, and possesses the authority to dismiss the President if the Supreme Court or the Parliament deems him unfit. This creates a functional hierarchy where the "divine" element of the state, represented by the Leader, maintains a supervisory role over the "popular" element, represented by the President (Haji Rajabi, 2026). This structural arrangement is designed to ensure that the executive's actions never deviate from the revolutionary and religious path established in 1979 (Arghavani Pirsalamei, 2017).

In contrast, the executive power in the United Arab Emirates is characterized by a collective, federal model of leadership rooted in traditional monarchical consensus. The Federal Supreme Council (FSC) is the highest executive and legislative authority in the UAE, consisting of the rulers of the seven emirates. Functionally, the FSC is the heart of the UAE's governing system, responsible for electing the President and Vice President from among its members, formulating general federal policy, and ratifying federal laws and decrees. Unlike the Iranian model, where a single individual (the Supreme Leader) holds ultimate authority, the UAE's executive function is an exercise in elite cooperation. The President of the UAE, traditionally the Ruler of Abu Dhabi, and the Vice President, traditionally the Ruler of Dubai, operate within a framework of mutual dependency with the other five rulers (Sami, 2004). This collective executive reflects the tribal and federal origins of the state, where stability is maintained through the balancing of interests among the constituent emirates rather than through an ideological or religious hierarchy (Basha, 2007).

The legislative processes in both nations further illustrate their functional divergence. In Iran, the legislative branch is composed of the Islamic Consultative Assembly (Majlis) and the Guardian Council. The Majlis is a 290-member body elected by the people to draft and pass legislation on all matters within the limits of the constitution. However, functionally, the Majlis is not a sovereign legislature; every piece of legislation it passes must be sent to the Guardian Council for approval. The Guardian Council, consisting of six Islamic jurists appointed by the Leader and six lawyers elected by the Majlis, has the constitutional mandate to ensure that no law contradicts the principles of Sharia or the Constitution of the Republic. This "supervised parliamentarianism" ensures that the legislative output of the state remains within the ideological boundaries of the theocratic system (Al-Shawi, 1981). To resolve

persistent deadlocks between the Majlis and the Guardian Council, the 1989 constitutional amendments formalised the Expediency Discernment Council, which acts as an institutional referee and a policy-making body under the Leader's direction (Haji Rajabi, 2026).

The UAE's legislative function is performed by the Federal National Council (FNC), which serves as a consultative body rather than a traditional parliament with full law-making powers. The FNC consists of 40 members, half of whom are elected by electoral colleges and the other half appointed by the rulers of the emirates. While the FNC has the authority to discuss federal bills, question ministers, and offer recommendations, the ultimate power to enact laws resides with the Federal Supreme Council. Functionally, the FNC embodies the traditional Islamic principle of *Shura* (consultation), providing a platform for citizen participation and feedback without challenging the fundamental authority of the ruling monarchs (Shiha & Abdel Wahab, 1990). While Iran utilizes a formal, adversarial institutional check (the Guardian Council), the UAE utilizes a collaborative consultative process where the FNC acts as a bridge between the government and the citizenry, ensuring that federal legislation reflects the social and economic needs of the union (Al-Jurf, 1990).

The judicial systems of the two countries also present contrasting models of functional organization. In the Islamic Republic of Iran, the judiciary is established as an independent power, but its independence is framed within the context of Islamic jurisprudence. The Head of the Judiciary is a "just and pious Mujtahid" appointed by the Supreme Leader for a five-year term. This individual is responsible for the administration of the court system, the drafting of judicial bills, and the appointment and dismissal of judges. The Iranian judiciary is functionally unified and centralized, with the Supreme Court serving as the highest appellate body. The primary function of the Iranian judiciary is the administration of justice according to "Islamic criteria," which often involves the direct application of Sharia in criminal and civil matters (Mehrpour, 1995). This system prioritizes the religious legitimacy of legal outcomes, where the judge's role is to interpret and apply divine law as understood within the prevailing state ideology (Tabatabai Motameni, 2018).

The UAE's judicial structure is a dual-layered system consisting of federal courts and local courts. According to the Constitution, each emirate has the right to maintain its own local judiciary or to join the federal judicial system. While most emirates have integrated their courts into the federal system, Abu Dhabi, Dubai, and Ras Al-Khaimah maintain their own independent judicial departments. At the federal level, the Federal Supreme Court is the highest judicial authority, responsible for resolving disputes between emirates, determining the constitutionality of laws, and hearing cases involving federal crimes. Functionally, the UAE judiciary is characterized by a "legal pluralism" that allows for the coexistence of traditional Sharia courts for personal status matters and modern civil courts for commercial and administrative disputes. This flexibility is essential for the UAE's status as a global financial hub, as it provides a predictable legal environment for international businesses while preserving the country's Islamic and cultural heritage (Haji Rajabi, 2026). The UAE's judiciary thus serves a pragmatic function of maintaining social harmony and economic stability within a diverse federal structure (Al-Khaitan, 2015).

From a functional perspective, the interaction between these institutions is driven by different goals: ideological consolidation in Iran and systemic stability in the UAE. In Iran, the institutions are designed to create a "totalizing" Islamic state where every branch of government is a gear in the machine of the *Velayat-e Faqih*. The functional interdependence of the Leader, the Guardian Council, and the Majlis ensures that no institutional actor can unilaterally change the state's ideological direction (Arghavani Pirsalamei, 2017). This leads to a system that is robust in its identity but often faces institutional paralysis when different centers of power—such as the President and the Leader—disagree on the interpretation of the state's interests (Salimi, 2005). The Iranian model focuses on "supervision" (Nezarat) as the primary tool of governance, ensuring that all political and social actions are measured against a fixed religious standard (Zakerian, 2004).

Conversely, the UAE's institutions are functionally oriented toward "consensus" (Tawaful). The relationship between the Federal Supreme Council, the Council of Ministers, and the Federal National Council is one of cooperation and negotiation. Because the UAE is a union of seven sovereign entities, its institutions must constantly work to balance the needs of the smaller emirates with the leadership of the larger ones. This

consensus-based model allows the UAE to adapt quickly to external changes and internal developmental needs without the ideological friction seen in the Iranian system (Sami, 2004). The UAE's institutions serve as a framework for managing a "rentier-state" economy and a multinational society, where legitimacy is maintained through the efficient delivery of services and the preservation of traditional social structures (Al-Khatib, 1989).

The role of political parties and public participation also differs significantly in their functional impact on these institutions. In Iran, although political parties are permitted by the Constitution, they operate in a highly regulated environment where candidates for all major offices must be vetted by the Guardian Council. Functionally, this creates a system of "factionalism" rather than a traditional multi-party democracy, where different groups within the revolutionary establishment compete for influence within the existing theocratic framework (Salehi, 2015). In the UAE, political parties are not permitted, and public participation is channeled through the FNC electoral process and traditional *Majlis* (open assemblies) where citizens can directly petition their rulers. This functional approach to participation emphasizes personal and tribal loyalty over organized political opposition, reinforcing the monarchical stability of the federation (Shiha & Abdel Wahab, 1990).

Furthermore, the impact of these institutional arrangements on the protection of rights is profound. In Iran, the institutional oversight of the Guardian Council means that rights are often interpreted in a way that prioritizes the "systemic interest" or the "Islamic requirements" as defined by the state. This functional approach can lead to limitations on freedom of expression and political association when they are perceived as threats to the theocratic order (Hashemi, 2012). In the UAE, the protection of rights is functionally tied to the state's developmental and security goals. While the UAE provides a high level of economic and social rights, political rights are carefully managed to ensure they do not disrupt the federal union or the authority of the ruling families (Al-Jurf, 1990). The UAE's constitutional institutions are geared toward providing a safe and prosperous environment for its citizens and residents, which is seen as the primary duty of the state (Sorour, 2004).

In summary, the governing institutions of Iran and the UAE represent two different functional applications of constitutionalism in the Middle East. Iran's institutions are built for theocratic supervision and ideological defense within a unitary state, while the UAE's institutions are built for monarchical consensus and federal cooperation within a union of emirates (Haji Rajabi, 2026). While both systems incorporate Islamic principles, they do so through different institutional mechanisms: one through a powerful, centralized religious authority and the other through traditional consultative processes and federal pluralism (Al-Shawi, 1981). These institutional differences reflect the unique historical trajectories and political cultures of each nation, demonstrating that constitutional governance in the Islamic world can take multiple functional forms to achieve the basic goals of statehood, order, and social welfare (Tabatabai Motameni, 2018; Zakerian, 2004). Through this functionalist comparison, we can better understand the strengths and challenges of each model as they navigate the complexities of the modern world.

4. Rights and Freedoms: Sharia as a Common Limit

The conceptualization and enforcement of rights and freedoms within the Islamic Republic of Iran and the United Arab Emirates are fundamentally anchored in the primacy of Sharia as the ultimate normative boundary. While both nations have modern written constitutions that explicitly list a wide array of civil, political, economic, and social rights, these guarantees are functionally subordinate to Islamic criteria, creating a legal environment where "universal" human rights are reinterpreted through a religious-jurisprudential lens. In the Islamic Republic of Iran, the constitutional framework for rights is governed by Article 20, which stipulates that all citizens enjoy equal protection of the law and all human, political, economic, social, and cultural rights, but only "with due observance of Islamic criteria." This "Islamic proviso" is the functional heart of the Iranian rights regime, acting as a gatekeeper that allows the state to limit any freedom that is deemed contrary to the tenets of Islam as interpreted by the official religious leadership (Haji Rajabi, 2026). This approach is rooted in an ideological-jurisprudential interpretation of rights, where the state's primary duty is not merely the protection of individual autonomy, but the facilitation of a "virtuous society" that adheres to

divine law (Hashemi, 2012). Consequently, rights in Iran are often viewed as a "divine trust" rather than inherent secular entitlements, meaning their exercise must align with the collective moral wellbeing of the Ummah as defined by the *Vali-e Faqih* (Arghavani Pirsalamei, 2017). In the United Arab Emirates, the constitutional approach to rights and freedoms follows a similar logic of religious limitation, though it is applied within a more pragmatic, state-centric framework. Articles 25 through 44 of the UAE Constitution guarantee equality before the law, personal liberty, and freedom of movement, speech, and association. However, these rights are consistently qualified by phrases such as "within the limits of the law" or "provided that they do not violate public order or morals." In the UAE's legal tradition, "public order and morals" are inextricably linked to Islamic values and tribal traditions (Al-Khaitan, 2015). While the UAE has shown greater functional flexibility in adopting international standards to facilitate its global economic integration, it maintains Sharia as a "main source of legislation" under Article 7, which serves as a common limit on rights, particularly in matters of personal status, family law, and public expression (Sami, 2004). The functional difference lies in the application: while Iran uses Sharia as a tool for revolutionary social engineering and ideological enforcement, the UAE uses it as a stabilizing moral foundation that ensures social harmony and the preservation of the ruling families' traditional authority (Basha, 2007).

The freedom of expression and the press serves as a critical case study for how Sharia functions as a limit in both systems. In Iran, Article 24 of the Constitution guarantees freedom of the press "except when it is detrimental to the fundamental principles of Islam or the rights of the public." This broad and often vaguely defined exception gives the judiciary and the Ministry of Culture and Islamic Guidance significant power to censor content or prosecute individuals whose speech is perceived as "insulting to sanctities" or "propaganda against the state" (Mehrpour, 1998). The functional objective here is the protection of the ideological integrity of the Islamic system. In the UAE, freedom of speech is similarly guaranteed but strictly regulated by federal laws that prohibit criticism of the ruling families, the state's foreign policy, or the Islamic religion. The UAE's Federal Law on Printed Matter and Publications acts as the legislative limit, ensuring that public discourse does not disrupt the "social peace" or the "higher interests of the state" (Al-Jurf, 1990). While the Iranian limit is explicitly "jurisprudential," the UAE's limit is "political-traditional," though both ultimately rely on the moral authority of Sharia to justify these restrictions (Al-Khatib, 1989).

Regarding religious freedom, both constitutions present a hierarchy of beliefs that prioritizes Islam while providing limited recognition for "protected" minorities. In Iran, Article 13 recognizes Zoroastrian, Jewish, and Christian Iranians as the only religious minorities who are free to perform their religious rites and ceremonies "within the limits of the law." This functional recognition excludes other groups, such as the Baha'is, who are not granted constitutional status. Furthermore, even for recognized minorities, the "limits of the law" often mean that their rights are restricted in the public sphere to prevent proselytization (Salehi, 2015). In the UAE, while Islam is the official religion, the state promotes a policy of "tolerance" and provides space for various religious communities to worship, particularly the large expatriate population. However, this freedom is strictly non-political and non-proselytizing. Apostasy remains a crime in both systems under Sharia-based penal codes, reflecting the common limit that religious freedom does not include the right to leave Islam (Sorour, 2004). The UAE's approach is functionally more pluralistic due to its economic reliance on a diverse workforce, whereas Iran's approach is more exclusionary, driven by its identity as a Shia theocratic state (Haji Rajabi, 2026).

The status of women's rights in both countries is another area where Sharia serves as a defining limit, particularly in the realm of Personal Status Law. In Iran, Article 21 mandates that the government must ensure the rights of women "in all respects, in conformity with Islamic criteria." This has led to a legal system where women face significant disparities in marriage, divorce, inheritance, and child custody, as these areas are governed by traditional Shia jurisprudence (Hashemi, 2005). The functional role of the state is to "protect the family" as the fundamental unit of society, which often involves upholding patriarchal interpretations of Sharia that limit women's individual autonomy (Hashemi, 2012). In the UAE, the 2005 Personal Status Law is similarly based on Sharia, maintaining many of the same legal structures regarding male guardianship and inheritance. However, the UAE has implemented various

reforms and "positive discrimination" policies in the public sector to encourage women's participation in the workforce and government (Al-Jurf, 1990). Functionally, the UAE seeks to modernize the role of women in the economy while keeping the Sharia-based family structure intact, whereas Iran maintains a more rigid ideological stance on the "complementarity" of genders rather than their equality (Haji Rajabi, 2026).

The judicial enforcement of rights in both states is constrained by the lack of a fully independent mechanism for constitutional review that prioritizes human rights over state interest. In Iran, the Guardian Council's role is to protect the "Islamic character" of the state, not necessarily the individual rights of citizens against the state. When a conflict arises between a constitutional right and an "Islamic criterion," the latter invariably prevails (Arghavani Pirsalamei, 2017). This creates a "rule by law" environment where the law is an instrument of the theocracy's will. In the UAE, the Federal Supreme Court has the power to review the constitutionality of laws, but its decisions are heavily influenced by the executive's priorities regarding national security and stability (Sami, 2004). The functional priority for the UAE judiciary is the maintenance of the "social contract" between the rulers and the ruled, which prioritizes collective welfare and security over individual political rights (Shiha & Abdel Wahab, 1990).

Both nations also share a complex relationship with international human rights treaties. Iran and the UAE have both ratified several major UN conventions, but often with sweeping reservations that prioritize Sharia over treaty obligations. For example, Iran's reservations to the Convention on the Rights of the Child and the UAE's reservations to the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW) explicitly state that they will not implement any provision that contradicts Islamic Sharia (Al-Khaitan, 2015; Mehrpour, 1998). This functional "dualism" allows both states to participate in the international legal order while maintaining domestic sovereignty over the definition and scope of rights. It highlights the reality that for both Iran and the UAE, the "Common Limit" of Sharia is not just a domestic legal principle but a shield against international normative pressure (Raei Dehaghi, 2011).

The concept of "Public Interest" (*Maslahah*) is also used functionally in both systems to justify the limitation of rights. In Iran, the Expediency Discernment Council can override even Sharia-based rulings if it is deemed necessary for the "preservation of the system" (*Hefz-e Nezam*). This demonstrates that while Sharia is the primary limit, the state's survival is the ultimate limit (Salimi, 2005). In the UAE, the "higher interests of the Federation" serve a similar functional role, allowing the government to take extraordinary measures in the name of national security that may infringe upon individual liberties (Zakerian, 2004). In both cases, the individual is seen as part of a larger organic whole—the Islamic state or the Federal union—and their rights are conditional upon their contribution to the stability and morality of that whole (Tabatabai Motameni, 2018).

In conclusion, while the Islamic Republic of Iran and the United Arab Emirates have vastly different political structures—one a revolutionary theocratic republic and the other a traditional federal monarchy—they share a fundamental constitutional philosophy regarding the limits of rights. Sharia functions in both states as the definitive boundary of freedom, ensuring that individual liberties do not undermine the religious identity or the political stability of the state (Haji Rajabi, 2026). The Iranian model is more ideologically rigorous and exclusionary in its application, while the UAE model is more pragmatic and inclusive for the sake of economic development (Al-Shawi, 1981). However, in both systems, the "Islamic criteria" or "public morals" derived from Sharia remain the ultimate arbiter of what constitutes a protected right, creating a distinctive model of "Islamic Constitutionalism" that continues to challenge secular international norms (Sharifi Tarazkouhi, 1998). Through this functionalist lens, the similarities between the two nations in their approach to rights become clear: they both prioritize the collective religious and political order over the individual, using Sharia as the common limit that defines the boundaries of the permissible (Sorour, 2004; Zakerian, 2004).

5. Conclusion

The comparative analysis of the constitutional frameworks of the Islamic Republic of Iran and the United Arab Emirates reveals a profound institutional and ideological divergence that is nevertheless united by a shared commitment to the primacy of Islamic law.

Through the lens of functionalism, it becomes clear that while these two nations have adopted radically different structural forms—one a centralized theocratic republic born of revolution, the other a federal elective monarchy rooted in traditional tribal consensus—they are both engaged in the same fundamental task of reconciling the requirements of a modern Westphalian state with the normative demands of Sharia. This synthesis is not merely a matter of legal drafting but a functional response to the unique historical, social, and political pressures each nation has faced over the past half-century.

In Iran, the constitutional model is defined by an ambitious attempt to institutionalize the "Guardianship of the Jurist," creating a system where every branch of government is subordinated to a singular ideological authority. The functional result is a state characterized by "supervised republicanism," where the democratic impulses of the people are channeled and constrained by clerical oversight bodies. This ensures that the state's revolutionary identity remains intact, even as it navigates the complexities of global politics. The Iranian experience demonstrates a model of constitutionalism that is deeply transformative, seeking to reshape society according to a specific religious vision. However, this model also creates inherent institutional tensions, as the dual nature of sovereignty—divine and popular—often leads to friction between elected officials and appointed clerical bodies, requiring a complex system of arbitration to maintain systemic stability.

Conversely, the United Arab Emirates presents a model of "consensual federalism" that prioritizes stability, economic development, and social harmony over ideological transformation. The UAE's constitutional success lies in its ability to balance the sovereignty of its seven constituent emirates with the needs of a unified federal center. Functionally, the UAE utilizes traditional Islamic principles like consultation and elite consensus to manage a highly modern and globalized society. Rather than seeking to ideologically re-engineer its citizens, the UAE state focuses on providing high-quality governance and economic prosperity, viewing these as the primary sources of its legitimacy. The UAE model shows that traditional monarchical authority can be functionally adapted to the requirements of a modern state, providing a predictable and stable environment for both its citizens and a vast international community.

The role of Sharia serves as the most significant common denominator between these two disparate systems, yet its functional application differs in crucial ways. In both Iran and the UAE, Sharia is the ultimate limit on rights and the primary source of legislation. However, Iran applies Sharia through an ideological-jurisprudential lens, using it as a comprehensive tool for social and political control. In the UAE, Sharia is applied with a more pragmatic and pluralistic approach, particularly in areas relevant to international commerce and social tolerance, while remaining the bedrock of personal status and public morality. This functional divergence highlights that "Islamic Constitutionalism" is not a monolithic concept but a flexible framework that can support a variety of governance models, from the most rigid theocracies to the most pragmatic and modernizing autocracies.

Furthermore, the comparison reveals that the protection of rights and freedoms in both states is fundamentally shaped by the priority of the collective over the individual. Whether expressed through the Iranian concept of "Islamic criteria" or the UAE's focus on "public order and morals," both constitutions reject the secular-liberal notion of absolute individual autonomy. Instead, they propose a model of rights that is conditional upon the preservation of the state's religious identity and social stability. This shared approach underscores a broader Middle Eastern constitutional trend that seeks to protect communal values and divine law from the perceived encroachments of universalizing international norms.

Ultimately, the study of these two constitutional systems suggests that the effectiveness of a governing model is not found in its adherence to a specific Western blueprint, but in its functional ability to provide order, legitimacy, and a sense of identity to its people. Iran's model provides a robust, if often contentious, ideological framework that has allowed the state to survive decades of external pressure and internal change. The UAE's model provides a flexible and efficient federal structure that has transformed a collection of small emirates into a global economic powerhouse. Both nations have successfully utilized their constitutions to anchor their modern statehood in Islamic tradition, albeit through very different institutional mechanisms.

In conclusion, the functional comparison of Iran and the UAE demonstrates the rich diversity of constitutional

thought within the Islamic world. While Iran emphasizes the role of the jurist and the revolutionary mission, the UAE emphasizes the role of the traditional ruler and the federal union. Both systems continue to evolve, facing the challenges of a rapidly changing global landscape, shifting demographics, and increasing demands for transparency and participation. The future of constitutionalism in both nations will likely depend on their continued ability to functionally adapt their traditional and religious foundations to the practical needs of their societies. By understanding these two models not as anomalies, but as sophisticated responses to the challenge of modern governance, we gain a deeper appreciation for the complex interplay between law, religion, and power in the contemporary Middle East.

Authors' Contributions

Authors contributed equally to this article.

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In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

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