

Regulating the Relationship Between Democracy and Political Authority in the Constitutions of Iran and Malaysia: A Comparative Study of the Formation, Distribution, and Control of Power

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A constitution regulates the relationship between democracy and political authority by determining the manner in which supreme state institutions are constituted, powers are distributed, and oversight mechanisms are established. This article comparatively examines this relationship in the constitutions of the Islamic Republic of Iran and Malaysia. The study was conducted using a qualitative, comparative, and documentary approach, and the relevant provisions of the two constitutions were analyzed through structured and focused comparison along three dimensions: the formation, distribution, and control of authority. The findings indicate that, in Iran, popular participation is connected through multiple electoral channels to a structure characterized by the multi-institutional distribution of authority. The President and members of the Islamic Consultative Assembly are directly elected, the Leader is selected through the Assembly of Experts, and institutional accountability is distributed among parliamentary, judicial, electoral, and supervisory authorities. In Malaysia, the effect of direct voting is concentrated primarily on determining the composition of the House of Representatives; the Prime Minister and Cabinet are formed on the basis of a parliamentary majority, and the continuation of the government depends on maintaining the confidence of Parliament. Political authority is also subject to control through parliamentary, judicial, monarchical, federal, and specialized mechanisms. Accordingly, the Iranian model may be characterized as one of “multi-channel electoral participation, multi-institutional distribution of authority, and formal capacity for multi-authority accountability,” whereas the Malaysian model may be described as one of “parliament-centered representation, cabinet-centered executive authority, and formal capacity for multilevel control.” By introducing the concept of the “institutional chain of power,” the article demonstrates that examining the relationship between democracy and political authority requires consideration of the interconnections among the manner in which holders of power are selected, the scope of their powers, and the mechanisms governing their control and the termination of their tenure

Keywords: *democracy; political authority; comparative constitutional law; separation and balance of powers; horizontal accountability; Islamic Republic of Iran; Malaysia*

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1. Introduction

Political authority is necessary for making and implementing public decisions. No political system can administer collective affairs without institutions capable of making binding decisions, allocating public resources, and enforcing common rules. Nevertheless, the concentration of authority, in the absence of public participation, legal constraints, and accountability mechanisms, may widen the distance between power holders and citizens. Accordingly, the central issue is not the elimination or reduction of authority, but rather the regulation of the relationship between governmental decision-making capacity and the possibility of participation, oversight, and replacement of those who exercise power.

The constitution is one of the most important instruments through which this relationship is formally regulated. It determines how supreme institutions are constituted, what powers they possess, how relations among them are organized, and how the tenure or responsibility of public officials comes to an end. Constitutional rules also indicate the channels through which popular votes contribute to the formation of institutions of power, the institutions in which decision-making authority is vested, and the bodies capable of preventing power holders from exceeding the limits of their legal competences. Therefore, the examination of democracy at the constitutional level should not be confined to the mere existence of elections; as Dahl emphasizes, participation must be examined alongside contestation and the possibility of public opposition (Dahl, 1971).

On this basis, the relationship between democracy and authority can be examined through three interconnected stages. The first concerns the formation of authority and the direct or indirect role of the people in determining senior officials and institutions. The second encompasses the distribution of legislative, executive, appointive, supervisory, and dispute-resolution powers among institutions. The third examines control, accountability, removal, and termination of the responsibilities of power holders. Examining each stage separately illuminates part of the institutional structure, but understanding the overall design requires attention to the relationships among them, because an institution may be constituted through an electoral process while its

scope of authority or accountability mechanisms differ from those applicable to other elected institutions.

The constitutions of the Islamic Republic of Iran and Malaysia present two different arrangements for combining these elements. In Iran, elected institutions such as the Islamic Consultative Assembly, the presidency, and the Assembly of Experts coexist with the Leader, the Guardian Council, the Expediency Discernment Council, and other appointed or hybrid institutions. Schirazi examines the structure of the Iranian Constitution by focusing on the relationship among republican, religious, and institutional components and emphasizes the tensions and connections between elected components and indirectly constituted forms of authority (Schirazi, 1997). Shirvani has likewise examined the Guardian Council from the perspective of its role in legislative review (Shirvani, 2012).

By contrast, Malaysia has a federal parliamentary system based on constitutional monarchy. At the federal level, direct popular voting primarily determines the composition of the House of Representatives; the Prime Minister and Cabinet emerge from the parliamentary majority. The King, the Conference of Rulers, the Senate, and the courts also play roles within this structure. Harding regards the Malaysian Constitution as the product of an interrelationship among monarchy, parliamentary government, federalism, and the judiciary (Harding & Kumarasingham, 2022).

The selection of Iran and Malaysia does not imply that the two systems are identical. Both constitutions incorporate religious, electoral, indirect, and appointive elements, but they connect these elements in different ways. In Iran, authority is distributed across several electoral channels and multiple institutions; in Malaysia, the effect of direct voting is concentrated more heavily in the House of Representatives. Accordingly, the comparison is based not on the nominal similarity of institutions, but on their functions, asking which institutions in each structure perform functions such as selecting the highest officeholder, directing the executive branch, legislating, conducting constitutional review, and resolving institutional disputes.

The existing literature has clarified important dimensions of this issue. Some studies have addressed the relationship between religion and constitutionalism in Muslim countries, while others have focused on the

separation of powers, constitutional review, or the structure of particular institutions. In studies concerning Iran, the position of the Leader, the Guardian Council, elected institutions, and interbranch relations has been examined extensively. In the literature on Malaysia, constitutional monarchy, the Cabinet, federalism, and the evolution of judicial review have likewise received considerable attention. Comparative studies of constitutionalism in Muslim countries have also demonstrated that institutions designed to control power, even when inspired by common institutional models, are transformed in accordance with the legal and political contexts of individual countries (Grote & Röder, 2012).

Despite these contributions, the reviewed literature has paid comparatively limited attention to a simultaneous comparison of the three stages of the formation, distribution, and control of authority in Iran and Malaysia. Most studies either examine only one country or concentrate on a particular institution or function. Consequently, the question remains as to how the channel through which popular votes enter the structure of power is connected to the scope of institutional authority and the mechanisms through which institutions are held accountable. Focusing on this relationship makes it possible to move beyond a simple comparison of the number of elections, the number of institutions, or the mere existence of supervisory bodies. The purpose of the present article is to comparatively examine how the relationship between democracy and political authority is regulated in the constitutions of Iran and Malaysia according to the three dimensions of the formation, distribution, and control of power. The principal question is how the constitutions of the two countries regulate this relationship and what their most important similarities and differences in institutional design are. The study employs a qualitative, comparative, and documentary approach, and the relevant constitutional provisions of the two countries are examined using a common set of questions. The contribution of the article lies in linking the three aforementioned stages through the concept of an "institutional chain of power," formulating two models limited to the level of formal institutional design, and deriving implications regarding the clarity of competences and the proportionality between authority and accountability. The article does not evaluate the

actual performance of institutions or the practical quality of democracy, and its conclusions are limited to the formal and legal designs of the two countries.

2. Literature Review

Relevant studies can be classified into four clusters: studies of constitutional design in Muslim societies, research on the structure of power in Iran, studies of Malaysia's constitutional system, and comparative works concerning the control of authority. This classification demonstrates that the existing literature has examined the principal components of the issue, although the simultaneous relationship among the formation, distribution, and control of authority has received comparatively less systematic comparative attention in the cases of Iran and Malaysia.

A part of the literature emphasizes that the relationship among religion, democracy, and authority depends not merely on the inclusion of Islamic or electoral principles in a constitution, but also on the institutional design of the bodies responsible for interpreting and implementing those principles. Lombardi demonstrates that the effects of constitutional requirements concerning conformity with Sharia depend on which institution possesses interpretive authority, how its members are selected, and through what procedure legislation is reviewed (Lombardi, 2013). Grote and Röder likewise examine different models of constitutional review in Islamic countries and show that institutions borrowed from foreign models are adapted to the conditions of each country (Grote & Röder, 2012). These works clarify the importance of institutional design, but they generally do not compare the three stages of the formation of power, distribution of competences, and accountability in two specific cases within a single analytical chain.

Studies concerning Iran can be divided into two broad categories. The first examines the general structure of the Constitution and the relationship among electoral, religious, and institutional elements. Focusing on internal constitutional tensions, Schirazi analyzes the relationship between republican and religious components, the position of the Leader, the role of the people, and the distribution of power (Schirazi, 1997). This work provides a broad picture of the system's structure, but combines analysis of formal constitutional design with consideration of post-revolutionary political

developments and practices. It is therefore useful for understanding the institutional context but does not provide a three-dimensional framework for legal comparison.

The second category focuses on particular institutions or institutional relationships. Shirvani examines the Guardian Council as a distinctive model of constitutional review and explains its religious foundations, composition, and role in reviewing legislation (Shirvani, 2012). Beigzadeh likewise demonstrates how the idea of jurists' supervision was transformed, during the constitution-making process, into constitutional provisions concerning the Guardian Council (Beigzadeh, 2022). In the field of separation of powers, Imani Turanposhti has compared interbranch relations in Iran and the United States (Imani Turanposhti, 2021). These studies clarify important dimensions of legislative review and the distribution of competence, but they generally focus on a single institution or dimension and do not fully trace its relationship with the formation of power and the termination of the responsibilities of authority holders.

The literature on Malaysia is extensive in its examination of historical context and institutional structure. In a comprehensive study, Harding analyzes the Malaysian Constitution in its historical and social context and discusses the King, Cabinet, Parliament, federalism, and the courts (Harding & Kumarasingham, 2022). At a more specific level, Harding and Kumarasingham demonstrate that the Malay monarchies should not be understood as purely ceremonial institutions; their historical and social roles have enabled them, in certain circumstances, to extend beyond a simple Westminster model of constitutional monarchy (Harding, 2022).

Another strand of research focuses on the judiciary and constitutional review. Lee examines the evolution of the judiciary's position and its relationship with political power (Lee, 2012). Tew analyzes the role of Malaysian courts in reconstructing the separation of powers and protecting fundamental constitutional principles (Tew, 2020). Neo, through an examination of the basic structure doctrine, emphasizes that judicial review must be understood in light of Malaysia's particular constitutional context and institutional developments (Neo, 2020). These works clarify the positions of the Cabinet, the King, and the courts, but each primarily examines only part of the system, and their principal

objective has not been to connect popular voting, the center of executive authority, and accountability mechanisms in comparison with Iran.

The comparative literature demonstrates that institutions for controlling power cannot be compared solely on the basis of their names or origins; the manner in which their members are selected, the point at which they enter the decision-making process, the scope of their competence, and the enforceability of their decisions are also important. Nevertheless, the reviewed literature contains relatively little direct comparison of Iran and Malaysia based on identical questions concerning the formation, distribution, and control of authority. The present study compares institutions in the two countries according to their functions in order to clarify how popular voting is connected to the formation of power, where principal powers are located, and what mechanisms exist for accountability and termination of responsibility. The article's contribution lies not in reintroducing the institutions of the two countries, but in integrating dispersed findings in the literature through the concept of the "institutional chain of power."

3. Theoretical and Analytical Framework

The theoretical framework of this study is not employed to rank Iran and Malaysia or to make an overall judgment regarding how democratic the two systems are. Its purpose is to provide an identical set of questions for examining their constitutions. The framework consists of three related foundations: Dahl's conception of democracy for analyzing the formation of authority and the role of the people; separation and balance of powers for examining the distribution of competences; and O'Donnell's concept of horizontal accountability for analyzing the control of power holders. Together, these three foundations clarify the processes through which political authority is constituted, exercised, and constrained.

Dahl does not reduce democracy in large-scale societies to the holding of elections. In the polyarchal model, two principal dimensions are significant: the extent of inclusive citizen participation and the possibility of public contestation or opposition (Dahl, 1971). Therefore, the mere existence of elections or an increase in the number of elected officials is insufficient to explain the position of the people; it is necessary to examine which institutions are constituted through citizens'

votes, through which channels those votes determine power holders, and to what extent they make possible the replacement of officials.

The present study employs only those components that can be observed in constitutional texts: election or appointment, the direct or indirect role of the people, the process through which votes are translated into government formation, the duration of tenure, and the possibility of replacing an officeholder. The first question, therefore, is through what channels the people in each country participate in the formation of authority. The second foundation concerns the distribution of authority among supreme institutions. Montesquieu regarded the concentration of legislative, executive, and judicial functions in a single center as a threat to political liberty (Montesquieu, 1989). Nevertheless, the mere division of government into several branches is insufficient to constrain power. It is necessary to determine which institutions possess the principal competences and how relations among those institutions are regulated.

Madison likewise emphasizes that the components of government must, through reciprocal institutional relations, keep one another within legal limits (Madison, 1788). Accordingly, the balance of power depends on mechanisms of mutual influence rather than merely on the existence of multiple institutions.

In the present study, the distribution of authority is analyzed by examining functions such as legislation, execution, appointment, removal, approval or prevention of decision-making, dissolution, judicial review, and dispute resolution. The principal question under this dimension is which institution possesses each function, which other institutions can influence its exercise, and where the final point of decision-making or dispute resolution lies. This approach makes it possible to compare Iranian and Malaysian institutions according to their functions without presuming from the outset that they are direct counterparts.

The third foundation is O'Donnell's concept of horizontal accountability. Horizontal accountability refers to relationships among public institutions in which one institution possesses lawful authority to investigate and respond to an act or omission of another institution that is potentially unlawful. Such responses can range from supervision and formal objection to annulment of a

decision, application of legal sanctions, impeachment, or removal (O'Donnell, 1998).

Accordingly, merely bearing the title of a "supervisory" body is insufficient; the scope of competence, the manner in which review is initiated, and the enforceability of the resulting decision must also be clarified. The instruments available to different authorities may also differ in terms of their binding force and their capacity to terminate an official's tenure.

The present study examines only the legal capacity for accountability, including questioning, impeachment, votes of no confidence, removal, judicial review, and early termination of responsibility, and makes no judgment regarding the practical use of these instruments.

The three theoretical foundations are not applied separately; rather, they constitute a single analytical pathway. First, the study examines how power holders are selected and the degree of direct or indirect popular involvement in their selection. It then analyzes the scope of their powers and their relationships with other institutions. In the third stage, it determines which authorities, through which procedures and enforcement mechanisms, can control those powers.

This pathway is referred to in the present study as the "institutional chain of power":

Formation of authority ← Distribution of competences ← Control and termination of responsibility

Within this framework, the number of elections alone does not indicate the position of the people; the multiplicity of institutions does not necessarily produce balance; and the existence of several supervisory bodies does not necessarily produce greater accountability. Analyzing the relationship between democracy and authority requires examining the connection among the process through which power holders are selected, the scope of their powers, and the legal capacity of institutions charged with controlling them. This chain provides the basis for categorizing constitutional provisions and comparing the findings concerning Iran and Malaysia.

4. Research Method

The present study is qualitative, comparative, and documentary, and the data were examined using qualitative content analysis. In document analysis,

official texts are not merely sources of information but constitute data that must be systematically selected, read, and interpreted (Bowen, 2009). The purpose of this analysis is to identify the meaning of rules, the position of institutions, and the legal relationships among them. Qualitative content analysis also makes it possible to classify and compare documents within an explicit analytical framework (Schreier, 2012).

The two cases examined are the Islamic Republic of Iran and Malaysia. These countries were selected not because of complete similarity, but because they confront a common problem while providing two different institutional responses. Both constitutions contain electoral, indirect, or appointive elements as well as institutions associated with religion, but these elements are combined differently. The comparison was conducted using the “structured and focused” method; that is, identical questions were posed with respect to both cases, and only information relevant to the formation, distribution, and control of authority was collected (George & Bennett, 2005). The objective is not statistical generalization to all political systems, but the systematic comparison of two constitutional designs.

The principal data consist of the Constitution of the Islamic Republic of Iran, adopted in 1979 and revised in 1989, and the Federal Constitution of Malaysia. Interpretive opinions of the Guardian Council and relevant judgments of Malaysian courts were used only as supplementary data where necessary to clarify the meaning or scope of a constitutional provision. Books and scholarly articles were used to develop the literature review, define concepts, and interpret the findings, but were not included in the primary coding corpus.

The level of analysis is formal, legal, and institutional. The unit of analysis is any constitutional provision or set of provisions directly related to the formation, powers, relationships, accountability, or termination of responsibility of a supreme institution or officeholder. Institutions were not assumed to be equivalent merely on the basis of their names; rather, functions such as selecting the highest officeholder, directing the executive branch, legislating, appointing, removing, conducting constitutional review, and resolving disputes formed the basis of comparison.

The analytical process was conducted in several stages. First, provisions relevant to the research problem were extracted from the two constitutions. Each provision was

then classified according to country, institution, principal dimension, and operational subject. The three dimensions of analysis were the formation of authority and the role of the people; the distribution of powers among supreme institutions; and control, accountability, and termination of responsibility. Each country was first analyzed separately, after which the findings were compared across the three dimensions. The principal codes were derived from the theoretical framework, although a limited number of subcodes could be added where an important and relevant issue emerged. No institutional model or policy conclusion was predetermined before completion of the analysis.

To enhance the traceability of the analysis, official sources were given priority over secondary materials, and each legal claim was grounded in a specific constitutional provision, official interpretation, or judicial decision. Ambiguities were recorded separately, and preliminary interpretations were reviewed against relevant official documents. Each constitutional provision was also interpreted in relation to connected rules and its position within the overall constitutional structure. The findings concern only formal design and the legal capacity of institutions and are not generalized to the actual performance of governments, the quality of elections, party behavior, the practical independence of institutions, or the extent to which decisions are implemented.

5. Findings

The findings are organized around three dimensions: the formation of authority, the distribution of competences, and the control of power. Under each dimension, the legal arrangements of the two countries are first examined separately and then compared on the basis of common functions. The analytical terms used in this section describe only the formal institutional design and do not imply any judgment regarding actual performance.

5.1. Formation of Authority and the Role of the People

In Iran, members of the Islamic Consultative Assembly and the President are directly elected by the people (Constitution of the Islamic Republic of Iran, 1979/1989, arts. 62 and 114). Members of the Assembly of Experts are also elected by the people and are responsible for

selecting the Leader; accordingly, citizens indirectly participate in the determination of the Leader through an intermediary elected institution (arts. 107 and 108). These three channels lead to institutions performing different functions: legislation, executive administration, and selection of the office of Leadership.

Alongside these institutions, some supreme bodies are constituted through appointment or through a combination of appointment and election. The jurist members of the Guardian Council, the Head of the Judiciary, and the members of the Expediency Discernment Council are appointed by the Leader; the jurist members of the Guardian Council are elected by the Assembly following nomination by the Head of the Judiciary (arts. 91, 112, and 157). Thus, not all major centers of authority are constituted through a single channel of popular voting.

Elections are also subject to the supervision of the Guardian Council. The official interpretation of Article 99 characterizes this supervision as approbatory and as extending to the stages of administration as well as the approval or rejection of candidates' qualifications (Shirvani, 2012). This rule forms part of the formal design governing entry into electoral competition; however, the data used in the article do not permit an assessment of its practical effects on candidate diversity or voter behavior.

In Malaysia, the principal channel of direct voting at the federal level is the election of the House of Representatives (Malaysia, 1957/2022, art. 46). The Prime Minister is not directly elected; the King appoints as Prime Minister a member of the House who is likely to command the confidence of the majority, while the other members of the Cabinet are appointed on the Prime Minister's advice (arts. 40(2)(a) and 43(2)). Popular voting first determines the composition of the House, and the parliamentary majority then provides the basis for forming the government.

The Conference of Rulers elects the King for a five-year term, while the Senate consists of members elected by state legislatures and appointed members (arts. 32(3), 38, and 45). Accordingly, not all supreme institutions derive directly from nationwide popular voting. The principal difference from Iran is that, in Malaysia, the effect of direct voting is concentrated in Parliament and transmitted from there to the Cabinet.

Both systems employ direct election, indirect election, and appointment. In Iran, voting operates through several independent channels leading to Parliament, the presidency, and the Assembly of Experts; this arrangement is referred to as "multi-channel electoral participation." In Malaysia, the principal effect of direct voting is concentrated in the House of Representatives and transmitted through its majority to the formation and continuation of the government; this arrangement is termed "parliament-centered representation." The principal difference between the two countries therefore lies in the institutional pathway through which votes are translated into authority.

5.2. Distribution of Competences and Relations Among Institutions

The Iranian Constitution identifies three branches as independent and assigns legislative, executive, and judicial functions respectively to the Islamic Consultative Assembly, the President and ministers, and the courts (arts. 57–61). Alongside these branches, the Guardian Council, the Expediency Discernment Council, and the Supreme National Security Council perform functions relating to legislative review, resolution of certain disputes, and security affairs (arts. 91–99, 112, and 176). The Leader also possesses authority in relation to general policies, certain senior appointments, command of the armed forces, regulation of relations among the branches, and resolution of major state problems (art. 110). Except in matters directly related to the Leadership, the President heads the executive branch; nevertheless, the official interpretation of Article 113 does not regard the President's responsibility for implementing the Constitution as conferring general supervisory authority over the exclusive competences of other institutions (Beigizadeh, 2022). Thus, although the government is responsible for the day-to-day administration of the country, some strategic functions and dispute-resolution mechanisms converge in other institutions.

The expression "multi-institutional distribution of authority" describes this functional dispersion. It does not imply equality among institutions or the absence of hierarchy in particular areas; rather, it indicates that no single institution possesses all executive, legislative, appointive, judicial, and supervisory functions.

In Malaysia, executive authority is formally vested in the King but is ordinarily exercised through the Cabinet; where the King is constitutionally required to act on advice, he must act in accordance with that advice (Malaysia, 1957/2022, arts. 39, 40(1), and 40(1A)). The Prime Minister provides the political leadership of the Cabinet, and the Cabinet is collectively responsible to Parliament (art. 43). Accordingly, the Prime Minister and Cabinet constitute the center of the country's day-to-day administration.

The expression "cabinet-centered executive authority" does not mean that all authority is monopolized by the Cabinet. The King possesses limited discretion in appointing the Prime Minister and withholding consent to a request for the dissolution of Parliament (art. 40(2)); the distribution of powers between the Federation and the states (arts. 73–80; Ninth Schedule) and the role of the Conference of Rulers in relation to certain constitutional amendments (arts. 38 and 159(5)) establish additional constraints. Thus, the Cabinet operates within a network of monarchical, parliamentary, federal, and judicial limitations.

In Iran, regulation of relations among the three branches and the resolution of certain major problems are assigned, within constitutionally prescribed limits, to the Leader; the Expediency Discernment Council also plays a role in disputes between the Islamic Consultative Assembly and the Guardian Council and in matters referred to it (arts. 110 and 112). In Malaysia, political disputes involving the government are managed through parliamentary confidence, resignation of the Cabinet, dissolution of Parliament, or appointment of a new Prime Minister, while legal disputes fall within the jurisdiction of the courts (arts. 40, 43, 55, and 128).

In both systems, authority is distributed among several constitutional centers. In Iran, strategic points of connection and specialized mechanisms for resolving disputes exist; in Malaysia, the Cabinet constitutes the executive center, while dispute resolution is distributed among political, monarchical, and judicial mechanisms. The multi-institutional nature of the Iranian structure does not imply equality among centers of authority, just as Malaysia's cabinet-centered structure does not imply a governmental monopoly of power.

5.3. *Control, Accountability, and Termination of Responsibility*

In Iran, ministers require a vote of confidence from the Islamic Consultative Assembly before assuming office and are subject to questioning, impeachment, and votes of no confidence. The Assembly may also question the President and, by a two-thirds vote of its members, declare his political incompetence; formal removal, following the prescribed procedure, falls within the authority of the Leader (arts. 87–89 and art. 110(10)). Governmental accountability therefore rests on a set of instruments with different legal consequences.

In Malaysia, the Cabinet is collectively responsible to Parliament, and the Prime Minister must retain the confidence of the majority of the House of Representatives. If the Prime Minister loses that confidence, he must tender the resignation of the Cabinet unless the King agrees to dissolve Parliament (art. 43(3)–(4)). Accordingly, governmental accountability in Iran may be characterized as "multi-instrumental," whereas in Malaysia it is predominantly "confidence-based."

In Iran, the Leader does not have a fixed term of office, and continuation in office depends on continued possession of the constitutionally required qualifications; determination that these qualifications have ceased to exist or that the Leader is incapable of performing his duties rests with the Assembly of Experts (arts. 107–111). In Malaysia, the King is elected for a five-year term, and his tenure may end upon expiration of the term, resignation, or removal by the Conference of Rulers; the constitutional requirement to act on Cabinet advice also limits the scope of his independent authority (arts. 32(3) and 40; Third Schedule). This comparison concerns only duration of tenure, the body authorized to terminate responsibility, and legal limits on the exercise of authority, and does not imply complete equivalence between the two offices.

In Iran, all legislation passed by the Islamic Consultative Assembly is reviewed prior to implementation for conformity with Islamic law and the Constitution by the Guardian Council, and any remaining disagreement may, within the scope of Article 112, be referred to the Expediency Discernment Council (arts. 94–96 and 112). Accordingly, the dominant mechanism for reviewing parliamentary legislation is general, mandatory, and *ex ante*.

Executive regulations are controlled through other channels. The Speaker of the Islamic Consultative Assembly may declare government regulations inconsistent with statutory law; judges must refrain from applying regulations that conflict with law or exceed delegated authority, and the Administrative Justice Court possesses authority to annul unlawful regulations (arts. 138, 170, and 173). Accordingly, parliamentary legislation and government regulations are not reviewed through identical institutions or procedures.

In Malaysia, the King, Senate, and House of Representatives participate in the legislative process (arts. 44, 66, and 68). The Federal Court may review the validity of laws in relation to constitutionally defined limits of legislative competence (art. 128). The 2018 decision in *Indira Gandhi Mutho* also emphasized the applicability of judicial review to the legality of public action. Consequently, constitutional review operates predominantly after enactment and in the context of judicial proceedings.

This distinction is not absolute: Iran provides judicial and administrative review of executive regulations, while Malaysian legislation must pass through parliamentary and royal stages before final enactment. Nevertheless, the dominant mode of reviewing parliamentary legislation in Iran is mandatory and *ex ante*, whereas in Malaysia it is predominantly judicial and *ex post*.

In Iran, the Supreme Audit Court supervises the expenditure of public resources and submits the budget settlement report to the Islamic Consultative Assembly (arts. 54 and 55). In Malaysia, the Auditor General, the Election Commission, and special procedures for the removal of judges respectively support financial oversight, electoral administration, and the institutional independence of the judiciary (arts. 105–107, 113–114, and 125). These arrangements are not identical in nature, but alongside political and judicial controls they establish institutional limitations and safeguards.

Both countries employ political, legal, financial, and institutional mechanisms to control authority. In Iran, supervisory competences are distributed among authorities with different subjects, procedures, and enforcement consequences; this model is therefore termed “formal capacity for multi-authority accountability.” In Malaysia, the relationship between Parliament and the Cabinet constitutes the central mechanism of the government’s political accountability, while judicial, monarchical, federal, and specialized forms of control operate at other levels; this model is therefore termed “formal capacity for multilevel control.”

5.4. Comparative Synthesis of the Findings

The fundamental similarity between the two countries is their simultaneous use of election, appointment, and multiple forms of institutional control; however, these elements are linked through two different institutional chains. In Iran, votes reach supreme institutions through multiple channels, competences are distributed among several centers, and oversight is divided among different authorities according to subject matter. In Malaysia, the effect of direct voting is concentrated in the House of Representatives, the parliamentary majority provides the basis for forming the Cabinet and exercising executive government, and parliamentary responsibility is supplemented by judicial, monarchical, federal, and specialized controls.

Accordingly, Iran’s formal model may be described as “multi-channel electoral participation, multi-institutional distribution of authority, and formal capacity for multi-authority accountability,” whereas Malaysia’s may be described as “parliament-centered representation, cabinet-centered executive authority, and formal capacity for multilevel control.” These formulations summarize only the legal design and do not, by themselves, indicate the practical superiority of either structure.

Table 1
Comparison of the Formation, Distribution, and Control of Authority in Iran and Malaysia

Dimension of Comparison	Islamic Republic of Iran	Malaysia	Comparative Result
Channel through which voting affects power	Parliament, President, and the indirect role of the people through the Assembly of Experts (arts. 62, 107, and 114)	House of Representatives and transmission of the effect of voting from Parliament to government formation (arts. 43 and 46)	Multi-channel / Parliament-centered
Formation and continuation of government	President with a fixed term and multi-instrumental accountability	Cabinet dependent on continuing parliamentary confidence (art. 43)	Fixed term / Confidence-based
Distribution of competences	Three branches, the Leadership, and complementary institutions	Cabinet, King, Parliament, federalism, and courts	Multi-institutional / Cabinet-centered executive authority
Dispute resolution	Leadership and Expediency Discernment Council in constitutionally prescribed cases	Political, monarchical, and judicial channels	Specialized authorities / Distributed channels
Review of legislation	General, mandatory, and ex ante review of parliamentary legislation	Parliamentary stages and judicial review after enactment	Predominantly ex ante / Judicial ex post review
Control of executive regulations	Speaker of Parliament, judges, and Administrative Justice Court	Judicial review of public action	Multiple administrative and judicial channels / Judicial review
Termination of responsibility of the highest officeholder	Loss of qualifications and determination by the Assembly of Experts	Limited term, resignation, or removal by the Conference of Rulers	Qualification-based / Temporal and institutional
Overall model	Multi-channel electoral participation, multi-institutional distribution of authority, and formal capacity for multi-authority accountability	Parliament-centered representation, cabinet-centered executive authority, and formal capacity for multilevel control	Two different institutional chains

6. Discussion and Interpretation of the Findings

The findings demonstrate that the differences between Iran and Malaysia cannot be explained merely by counting elected or supervisory institutions. The central issue concerns the manner in which the three stages are connected: how popular votes lead to the formation of institutions of power, how competences are distributed, and through which channels each power is controlled. The following discussion interprets four principal differences using the theoretical framework and in dialogue with previous studies.

6.1. Different Chains in the Formation of Authority

Iran and Malaysia employ different pathways for translating votes into authority. In Iran, the popular vote proceeds through several institutionally distinct channels to the Islamic Consultative Assembly, the presidency, and the Assembly of Experts; in Malaysia, the principal effect of direct voting is concentrated in the House of Representatives, and the composition of that House forms the basis for the creation and continuation of the Cabinet. The difference therefore concerns not merely whether the head of government is directly or indirectly selected, but also the institutional destination

of the vote and the scope of authority attached to that destination.

Dahl's framework clarifies this distinction. In polyarchy, participation must be examined alongside contestation and the effective influence of voting (Dahl, 1971). On this basis, the multi-channel character of the Iranian model does not merely mean that several elections are held; each channel connects citizens to an institution possessing a different set of competences. At the same time, the Guardian Council's ex ante supervision over entry into electoral competition indicates that participation and contestation operate through two different institutional logics within Iran's formal design. The present article does not evaluate the practical consequences of this mechanism.

Schirazi identifies the coexistence of republican, electoral, and religious elements as a fundamental characteristic of the Iranian Constitution (Schirazi, 1997). The findings of the present study extend this argument by demonstrating that the issue is not merely the simultaneous presence of elected and appointed elements, but also the manner in which each channel is linked to a particular form of authority. In Malaysia, Harding similarly examines parliamentary structures, monarchy, and the Cabinet as components of an interconnected constitutional order (Harding &

Kumarasingham, 2022). The present comparison demonstrates that popular voting first establishes parliamentary representation and is subsequently transformed into executive authority through the parliamentary majority. These two arrangements therefore represent two formal logics of representation rather than two definitive rankings of democracy.

6.2. *Distribution of Authority and the Institutional Center of Gravity*

In both constitutions, competences are distributed among several institutions, but the institutional center of gravity differs. In Iran, the three branches operate alongside the Leadership and complementary institutions. In Malaysia, day-to-day executive administration is concentrated in the Prime Minister and Cabinet, although that center operates within the framework of the King, Parliament, federalism, and the courts.

This finding demonstrates that separation of powers should not be reduced to the existence of three organizational labels. Montesquieu regarded the concentration of legislative, executive, and judicial functions in one center as the principal problem, while Madison emphasized the mechanisms through which each component of government could resist encroachment by the others (Madison, 1788; Montesquieu, 1989). Accordingly, powers of appointment, suspension or review of decisions, and dispute resolution must also be incorporated into the analysis of the distribution of authority.

According to this criterion, Iran exhibits a “multi-institutional distribution of authority with strategic points of connection”: the branches possess independent functions, but parts of general policymaking, senior appointments, and dispute resolution converge in the Leadership. In Malaysia, a distinction must likewise be drawn between the formal location of authority and the locus of its ordinary exercise. Harding explains the executive, monarchical, federal, and judicial structures in relation to one another (Harding & Kumarasingham, 2022). Harding and Kumarasingham likewise maintain that the Malay monarchy should not be regarded as a wholly ceremonial institution (Harding, 2022). The contribution of the present comparison is to distinguish between an institutional “center of gravity” and a “monopoly of power”; the study’s data do not support a

judgment regarding the degree of practical concentration of power.

6.3. *Formal Accountability Capacity: Authority, Procedure, and Enforcement*

The difference between the two countries in the organization of accountability also cannot be explained merely by counting supervisory institutions. In Iran, control of the government, regulations, legislation, and the continuing qualifications of the Leader is distributed among different authorities. In Malaysia, the relationship between Parliament and the Cabinet forms the principal mechanism of political accountability for the government, while judicial, monarchical, and specialized controls supplement it.

O'Donnell regards horizontal accountability as requiring institutions possessing lawful authority to investigate and respond to potentially unlawful conduct by another public institution (O'Donnell, 1998). The present article measures only the legal capacity for this type of accountability. According to this criterion, the multi-authority character of the Iranian model concerns differences in the subjects, procedures, and enforcement consequences of the powers exercised by Parliament, the Guardian Council, administrative and judicial bodies, and the Assembly of Experts, rather than the mere number of institutions.

Shirvani characterizes the Guardian Council as a distinctive model of constitutional review that combines review for conformity with Islamic law and constitutional review within a specialized institution (Shirvani, 2012). The present article treats this institution as part of a broader network of formal control in Iran rather than as the direct counterpart of Malaysian courts. In Malaysia, parliamentary confidence provides a clearer channel of political responsibility for the government, while the courts, the King, and specialized institutions establish supplementary levels of control. Studies by Lee and Tew likewise explain the evolution of judicial power within this broader institutional structure (Lee, 2012; Tew, 2020). From the formal institutional design, it may be inferred that dispersion of supervisory authorities can broaden the scope of control while simultaneously making the chain of responsibility more complex. Concentrating governmental accountability around Parliament may conversely make political

responsibility clearer, although its practical effectiveness depends on party relationships.

6.4. *Ex Ante Review and Ex Post Judicial Review*

The fourth difference concerns the timing and manner in which the reviewing authority enters the decision-making process. In Iran, all legislation passed by the Islamic Consultative Assembly is generally and mandatorily reviewed by the Guardian Council before becoming enforceable; in Malaysia, constitutional review primarily takes place after enactment within the context of a judicial dispute or referral. This distinction is not absolute, because Iran also provides judicial review of executive regulations, while Malaysian legislation passes through parliamentary and royal stages before final enactment.

Shirvani explains the distinctive logic of Guardian Council review; the present study highlights the temporal and procedural dimension of that control: all parliamentary enactments are reviewed without requiring the initiation of litigation (Shirvani, 2012). In Malaysia, judicial involvement depends on the emergence of a dispute and the availability of an appropriate procedural route. Tew interprets more recent developments in judicial doctrine as a revival of judicial power, while Neo cautions that these developments must be understood within Malaysia's particular historical context (Neo, 2020; Tew, 2020).

This comparison reveals four dimensions: the timing of intervention by the reviewing authority, the method by which review is initiated, the standard of review, and the effect of the decision. *Ex ante* review may prevent an inconsistent enactment from producing legal effects, although it concentrates interpretive authority in a specialized institution. *Ex post* judicial review makes it possible to consider a concrete dispute but depends on access to the courts and completion of judicial proceedings. The contribution of the article in this respect is to replace the simple dichotomy of "religious institution versus court" with a functional comparison.

6.5. *Conceptual Contribution, Policy Implications, and Limitations*

The conceptual contribution of the article is the formulation of the "institutional chain of power" for examining the relationship among the formation,

distribution, and control of authority. The term "chain" does not imply that actual institutional relations are linear; rather, it indicates the analytical sequence: how power holders are determined, what powers they acquire, and which authorities, through what procedures and enforcement mechanisms, can control them.

This model rests on three propositions. First, the significance of voting depends on the scope of authority possessed by the institution constituted through that vote. Second, dispersion of competences creates a capacity for constraint only when accompanied by mechanisms of approval, suspension, review, and dispute resolution. Third, formal accountability capacity depends on the completeness of the supervisory pathway, from identification of the competent authority and initiation of proceedings to the result and its enforcement. On this basis, Iran is characterized by "multi-channel electoral participation, multi-institutional distribution of authority, and formal capacity for multi-authority accountability," whereas Malaysia is characterized by "parliament-centered representation, cabinet-centered executive authority, and formal capacity for multilevel control." This formulation is an analytical model of limited scope rather than a general theory.

Every institutional design may be subject to more than one interpretation. Multi-institutional distribution in Iran may increase functional differentiation and the coverage of oversight, but may also make it more difficult in some areas to identify the ultimate locus of responsibility. Cabinet centrality in Malaysia may clarify the political responsibility of government, but the fact that the government emerges from the parliamentary majority may reduce the institutional distance between the supervising body and the institution subject to supervision. Similarly, multiplicity of authorities may broaden the coverage of control or may disperse responsibility. Constitutional provisions reveal the capacity for these consequences to arise, but judging their actual occurrence and effects requires performance-based data.

The findings have three limited implications for Iran. First, the boundaries of competence among supreme institutions should be clear and accessible. The interpretation of Article 113 distinguishes the President's responsibility for implementing the Constitution from general supervision over the exclusive

competences of other institutions. More systematic compilation and publication of relevant interpretations and practices could facilitate identification of the responsibility of each institution and the appropriate point at which dispute resolution should begin, without creating any new competence.

Second, the relationship among the multiple mechanisms for reviewing executive regulations requires clearer explanation. Review by the Speaker of Parliament, refusal by judges to apply a regulation, and review by the Administrative Justice Court do not concern identical matters or produce identical effects. Ordinary legislation or administrative procedures could more precisely specify the temporal sequence, scope of competence, and effects of decisions across these channels.

Third, a dispute-resolution mechanism is not complete merely because the competent authority is named. Articles 110 and 112 designate particular authorities, but greater clarity regarding the criteria for referral, the authority entitled to initiate the process, procedural stages, and the legal effects of resulting decisions could make the relationship between authority and accountability more transparent. These implications do not prescribe the transfer of Malaysian institutional structures to Iran or immediate constitutional amendment; rather, they primarily concern official interpretation, procedural reform, ordinary legislation, and improved access to institutional decisions.

The findings of this study are limited to formal institutional design and the legal capacity of institutions. The existence of a legal power alone does not demonstrate the extent to which the relevant institution is independent, how frequently it exercises that power, or how effectively its decisions are implemented. Ordinary laws, judicial decisions, and political conventions may also supplement details not expressly stated in constitutional texts. Accordingly, the article does not assess the actual quality of elections, the practical balance of power, party relations, or the effectiveness of control mechanisms. Furthermore, comparison of two countries is insufficient to provide a general typology, and the “institutional chain of power” model should be tested in future research using additional cases and performance-based data.

7. Conclusion

This article demonstrated that the constitutions of the Islamic Republic of Iran and Malaysia regulate the relationship between democracy and political authority differently across the three dimensions of the formation, distribution, and control of power. Both systems employ a combination of direct election, indirect election, and appointment, but the channels through which these methods are connected to the structure of power differ. The principal difference between the two countries therefore cannot be explained solely by whether public officials are elected or appointed; rather, it concerns the relationship among popular voting, the scope of institutional competences, and the mechanisms through which institutions are held accountable.

In Iran, the people directly elect the President and members of the Islamic Consultative Assembly and indirectly participate in determining the Leader through the Assembly of Experts. Authority is distributed among the three branches, the Leadership, and complementary institutions; the government is responsible for day-to-day executive administration, while certain strategic, appointive, and dispute-resolution powers converge in the Leadership. Accountability is also multi-authority in nature and consists of parliamentary, administrative, and judicial instruments together with the supervisory role of the Assembly of Experts.

In Malaysia, direct voting determines the composition of the House of Representatives, and the Cabinet is formed on the basis of its majority; consequently, the continuation of the Prime Minister in office depends on maintaining parliamentary confidence. Executive authority is formally vested in the King but is exercised predominantly through the Cabinet. The centrality of the Cabinet is simultaneously constrained and supplemented by the role of the King, the federal structure, judicial review, and specialized institutions.

The conceptual contribution of the article is the formulation of the “institutional chain of power.” This model does not treat the formation, distribution, and control of authority as three separate subjects. The effect of voting depends on the powers of the institution constituted through that vote; dispersion of competences creates a capacity for constraint only when accompanied by mechanisms of mutual institutional influence; and formal accountability depends on the

continuity of the supervisory process from initiation of review to enforcement. On this basis, Iran is characterized by “multi-channel electoral participation, multi-institutional distribution of authority, and formal capacity for multi-authority accountability,” whereas Malaysia is characterized by “parliament-centered representation, cabinet-centered executive authority, and formal capacity for multilevel control.”

At the practical level, the findings highlight three specific areas: clarifying the boundaries between responsibility for implementing the Constitution and the competences of supreme institutions; more precisely defining the relationship among the different channels for reviewing government regulations and their legal effects; and increasing transparency regarding referral criteria, review procedures, and the consequences of dispute-resolution mechanisms. These implications do not prescribe transplantation of Malaysia’s institutional structure or constitutional amendment and may, depending on the issue, be pursued through official interpretation, procedural reform, ordinary legislation, or regulation.

The findings of the article are limited to formal institutional design and the legal capacities of institutions. The study did not examine the actual quality of elections, party behavior, the practical independence of supervisory bodies, the frequency with which accountability mechanisms are used, or the extent to which resulting decisions are implemented. Likewise, constitutional silence on a particular matter does not necessarily indicate the absence of supplementary rules in ordinary legislation, judicial decisions, or political practices. The identified models should therefore not be generalized into an overall assessment of democracy or institutional effectiveness in the two countries. Future studies may examine the gap between formal design and actual institutional performance or test the generalizability of the “institutional chain of power” framework by incorporating additional cases.

Authors’ Contributions

Authors contributed equally to this article.

Declaration

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

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

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