

Iranian Judicial Independence with comparative perspective

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The guarantee of judicial independence is undoubtedly one of the most important elements of rules of law in a fair and impartial tribunal. The Judicial independence subject is one of the fundamental leaves of public law as public confidence to governments, commitment of rules of law, fair trial, are highly depend on the judicial independence and democratic governments. During the last centuries there is no proper definition of judicial independence. However, constitutions of many countries, without elaborating about this topic, supported this phenomenon to make the judiciary independent. On the other hand, the Montesquieu theory which is based on the separation of powers and judicial independence is one of the elements of this theory as well. Therefore, it can be also considered one of the elements of separation of power. In this regard, every country has its own definition for judicial independence. Within the constitution and theory of judicial independence, the judiciary has to be independent of other arms of states by acting the rule of law. Due to lack of a proper definition of Judicial independence in Iranian Legal system, I am going to analyze the Iranian Judicial independence in accordance to comparative studies and international legal aspect of the judicial independence to improve the Iranian legal system and provide some suggestion in order to import novel ideas to the Iranian legal system by comparative analysis.