



A Comparative Study of the Economic Rights of Nations in the Constitutions of the Islamic Republic of Iran and Pakistan

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Abstract

Ensuring the economic rights of nations has always been one of the crucial and significant duties of governments and is among the highly important issues of governance. A country that fails to secure the economic rights of its people gradually experiences governance instability and faces public dissent. The constitutions of both Iran and Pakistan, as countries with Islamic Republic political systems, have paid attention to mentioning economic rights in their constitutions while considering the interests and welfare of the nation. However, some principles of these two constitutions, which exemplify the economic rights of the nation, have strengths and weaknesses. Achieving the economic rights of the people as stipulated in these two constitutions necessitates the review and correction of the weaknesses. This study, written using a descriptive-analytical method, explains the logic governing economic rights and distinguishes this right from other rights of the nation. It also examines and analyzes the strengths and weaknesses of the instances of economic rights stated in the constitutions of Iran and Pakistan.

Keywords: Economic Rights, Constitution, National Rights, Iran, Pakistan.

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1. Introduction

Undoubtedly, the significance of economic issues in individuals' daily lives is immensely impactful, highlighting the special attention needed to elucidate and enumerate the economic rights of the nation. Thus, a proper understanding of their economic rights by individuals serves as a prelude to, and indeed a catalyst for, growth and prosperity in various aspects of life. In other words, the economy is one of the foundational pillars of human life, without which life becomes not only difficult but unbearable, due to the strong dependence of people's basic needs on a dynamic and flourishing economy. Perhaps this is why the Prophet Muhammad (peace be upon him) stated, "Poverty may well lead to disbelief." In this context, in some contemporary societies, most people are deprived of their economic rights due to reasons such as lack of proper knowledge and awareness, and inability to demand their rights. Therefore, the elucidation, determination, and enumeration of instances of economic rights are deemed important and necessary issues, prompting the present study.

Nations always hold certain rights over the government, and governments, in turn, have certain rights over the nation. However, the present writing addresses the rights of the nation over the government, while the rights of the government over the nation will be examined in another article. The main concern of the authors in discussing this topic is to elucidate the economic rights of the nation in order to identify the strengths and weaknesses of the Constitution of Pakistan and subsequently offer constructive suggestions for the completion and revision of the aforementioned constitution in the realm of economic rights.

The main questions of this research are as follows: A) What are the strengths and weaknesses of the constitutions of Iran and Pakistan in expressing the economic rights of the nation? B) What is the governing logic and distinguishing feature of economic rights from other public rights of the nation?

Sub-question: C) What are the instances of the economic rights of the nation?

The research hypotheses are as follows: A) The constitutions of Iran and Pakistan in expressing the economic rights of the nation are not free from errors and have certain weaknesses. B) It seems that meeting the material needs of individuals is the most prominent characteristic of economic rights. C) Any right that aligns with the governing logic of economic rights, including the right to property, will be an instance of the aforementioned right.

2. Conceptual Analysis

In the present writing, it is necessary to examine and scrutinize some concepts. These concepts form the main structure of the writing and contribute to the elucidation of the economic rights of the nation.

Economic Rights: These refer to the rules, principles, laws, regulations, and

guidelines through which the government intervenes in economic, commercial, and financial activities to achieve specific economic and social objectives. (Shiroei, 2021, p. 20).

Nation: The nation refers to a group of citizens who, with shared nationality and common affiliations, live permanently and continuously in a specific territory (Hashmi, 2022, p. 85). In a political and legal definition, a nation can be described as a human group whose members feel connected by material and spiritual bonds and consider themselves distinct from other human groups and individuals forming them. Therefore, those individuals who see themselves as belonging to a whole society or a distinct political community and perceive their destiny as intertwined with the destiny of other members of that society can constitute a nation (Jalali and Yavari, 2021, p. 64).

Constitution: Substantively, a constitution is a set of rules governing the state, discussing the moderation of the relationship between the government and the people, comprehensive public oversight of government affairs, and the regulation of important matters of the political community (Hashmi, 2022, p. 50). In another definition, it is a set of legal rules defining and determining the organization and functioning of public authorities (Jalali and Yavari, 2021, p. 84). Generally, a constitution refers to all established or customary, written or dispersed rules and regulations related to power and its transfer and execution (Qazi Shariat Panahi, 2022, p. 39).

3. The Governing Logic of Economic Rights

Economic rights of nations are always an inseparable part of people's lives and the foundation of their needs. Therefore, given this importance, the value and status of economic rights are very high, to the extent that if these rights are not respected, other rights cannot follow (Rasouli, 2022, p. 88).

In Islam, attention to the most important human rights is also emphasized. Imam Ali (peace be upon him) said, "The greatest of the rights God has made obligatory is the right of the ruler over the people and the right of the people over the ruler" (Sayyid Razi, undated, Sermon 261).

To establish a governing logic over the economic rights of the nation, two elements must be considered: 1) Benefit for the individual and addressing their material needs; 2) Economic value.

Regarding the first element, the benefit for the individual, it should be stated that the main goal of economic rights is to create benefit and income for the individual in such a way that they can utilize this benefit. Benefit can be defined as something derived from tangible items that exists at the time of contract (Shahid Awwal, 1991, p. 272). In another definition, benefit means the outcome gradually obtained from tangible assets without significantly diminishing the

principal (Katouzian, 2019, p. 41).

In terms of addressing the material needs of humans, it should be noted that humans are inherently beings with numerous material needs that they continuously seek to fulfill, such as housing and appropriate amenities. The economic systems of governments are always structured around guidelines and policies aimed at assisting the government to reach its goals as completely and effectively as possible. These policies are also derived from Islamic texts. For instance, the Prophet Muhammad (peace be upon him) said, "He who has no means of livelihood, has no future" (Amid Zanjani, 1989, p. 254). Given that the word "livelihood" refers to the totality of human material needs in life, this principle can be interpreted to mean: The economic system ensures the provision of basic needs such as housing, clothing, and food for everyone.

The second element is economic value. At first glance, value is the result of the desire people feel to obtain something. The desires and needs of people living in a society are similar, which is why it is said that value has a general and universal aspect (Katouzian, 2019, p. 10). Some define economic value as something people are willing to pay for, meaning they are ready to examine and evaluate that thing (Dehkordi, Mirsaedi, 2017, p. 116).

The author's opinion regarding economic value is that anything that can be valued in money or exchanged has economic value. However, it must be noted that the possibility of exchange revolves around the benefit or lack of benefit. Sheikh Ansari states: "If there is specific evidence of the permissibility of benefiting from something impure in a purposeful way, then there is no obstacle to the validity of its sale; because what prohibits the sale of impurity, according to the text and consensus, is clearly the prohibition of benefiting from it" (Sheikh Ansari, 1994, vol. 4, p. 35). On the contrary, Allama Hilli in his book *Tadhkirah* mentions not only the conditions of benefit and permissibility but also the condition of purity (Yes, in *Tadhkirah*, the condition of benefit and permissibility is mentioned along with the condition of purity, and the proof for purity is based on the evidence that indicates the necessity of avoiding impurities), which conflicts with Sheikh Ansari's criterion, who bases his criterion on the greatest benefit. For instance, blood is impure, but buying and selling blood is valid when someone urgently needs it. Here, although blood is impure, due to its significant benefit, it has economic value. Accepting Sheikh Ansari's criterion in this regard, it must be stated that Allama Hilli's criterion is rejected, as the permissibility or non-permissibility hinges on whether it can be beneficial or not, rather than on impurity or purity.

In addition to the benefit or lack of benefit, the asset must also be valuable. Sheikh Ansari states regarding the element of value: "Anything that has no benefit in Sharia has no value" (Ansari, 1994, vol. 4, p. 9). Allama Mozaffar has

a slightly different view on value, stating that value depends on the nation's need for that thing and the extent of its availability. If the extent of need equals or exceeds the available amount, that thing has value (Mozaffar, undated, vol. 1, p. 158).

Therefore, by scrutinizing the aforementioned arguments, the governing logic over economic rights can be stated as: "Any right that, by meeting material needs, has rational and legitimate benefits and can be valued in money, with a relative desire among society members to acquire it for addressing their needs, is considered an economic right."

4. Economic Rights of the Nation

Before examining the instances of economic rights based on the governing logic, it is essential to note that any rule not included in the text of the constitution, even if accepted in constitutional law and legal doctrine, lacks validity. Silence on a matter in the constitution is interpreted as a denial, not as unrestricted or unobstructed (Shayanfar, 2015, p. 69).

The economic rights of the nation include the right to work, the right to property, the right to housing and a decent living standard, and the right to social security. Article 38 of the Constitution of Pakistan states, "On the basis of the available resources of the country, adequate facilities for work and livelihood, rest, and reasonable recreation will be provided for all citizens." After explaining and stating the governing logic of economic rights, it is necessary to note that the mentioned instances are not exhaustive, and it is possible that the nature of some rights may even change. Now, let's examine the economic rights of the nation based on the constitutions of Iran and Pakistan.

4-1. The Right to Work

The first of the economic rights is the right to work. The right to work precedes other economic rights, and this right is not merely achieved by passing labor laws but by creating employment opportunities in the country. Individuals can choose their jobs based on their talents, interests, and the benefits each job offers them (Sadeghi Neshat, 2015, p. 113). The right to work is a privilege in which the worker, with the facilities provided by society, can feel secure against the threat of unemployment. The freedom to work alone, when a worker is seeking a job but cannot find the desired work, seems meaningless. A bit of reflection shows that this individual right is closely related to social facilities, considerations, and measures (Hashmi, 2021, pp. 481-482). In the Islamic tradition, the right to work is also emphasized, as Imam Sadiq (peace be upon him) narrates from the Prophet (peace be upon him): "Seeking income is an obligation after the obligatory prayer" (Majlisi, 1983, vol. 10, p. 17).

Ayatollah Javadi Amoli also believes in the right to freely choose a profession, stating that a citizen's job has a direct impact on their behavior and ethics (Asadipour et al., 2023, p. 22).

In the Constitution of Iran, the right to work is emphasized as one of the economic rights of the nation. Clause 12 of Article 3 of the Constitution states: "The establishment of a correct and just economic system according to Islamic criteria to create welfare, eliminate poverty, and remove any form of deprivation in the fields of nutrition, housing, work, and health, and to generalize insurance." Additionally, Article 28 of the Constitution states, "Everyone has the right to choose any occupation they wish, provided it is not contrary to Islam, public interests, and the rights of others."

The constitutional legislator, in Clause 2 of Article 43, has placed the satisfaction of this human right under the title "Provision of conditions and facilities for work for all to achieve full employment" within the framework of economic principles. As observed, the aforementioned principle obligates the government to formulate and implement necessary policies to provide suitable work under fair and satisfactory conditions (Hashmi, 2021, p. 484). In the Constitution of Pakistan, this right is also mentioned. Clause (e) of Article 37 of the Constitution of Pakistan states, "Measures shall be taken to ensure humane and just employment opportunities and to ensure the employment of women and children in suitable jobs according to their gender and age, as well as to guarantee maternity benefits for working women." Additionally, Clause (b) of Article 38 of the Constitution of Pakistan states, "On the basis of the available resources of the country, adequate facilities for work and livelihood, rest, and reasonable recreation will be provided for all citizens." It is clear that these two countries have given significant attention and consideration to the right to work as one of the economic rights of the nation in their constitutions.

Regarding the Constitution of Pakistan, there are criticisms of this right that we will discuss.

The author's critique of the right to work in the Constitution of Pakistan is that, unlike the Constitution of Iran, the Constitution of Pakistan includes worker rights in the constitution itself, while the primary characteristic of a constitution is its generality and lack of details; thus, specifics should not be included in the constitution text.

The author's critique of Clause (e) of Article 37 of the Constitution of Pakistan is that all laws and conventions oppose child labor at a young age, but it should not be mentioned in the constitution of a country. Therefore, there is a need to review Clause (e) of Article 37 of the Constitution of Pakistan.

For this economic right to be fully realized for the nation, several elements must be fulfilled:

4-1-1. Prohibition of Exploitation and Forced Labor

Exploitation occurs when individuals or groups unfairly benefit from the efforts and services of other individuals or groups through slavery, forced labor, and arduous work (Hashmi, 2022, pp. 359-360). Preventing exploitation of labor is a principle enshrined in Clause 4 of Article 43 of the Constitution of Iran, aligning it with the freedom of work and the prohibition of forced labor. Clause 3 of the same article can be regarded as a foundational principle for combating exploitation, which states: "The economic program of the country shall be arranged in such a manner that the form, content, and hours of work allow each individual sufficient opportunity and capacity for spiritual, political, and social self-development, active participation in the leadership of the country, and enhancement of skill and initiative."

Attention to the quantitative and qualitative conditions of work in the aforementioned text essentially reflects a special consideration for human dignity and high value, portraying the worker as a reasonable and creative lever in the workplace. This ensures that, firstly, they perform their occupational duties freely and without any imposition, pressure, or exploitation. Secondly, they act as active and dynamic elements in all spiritual, political, and social fields with initiative. Thirdly, they possess sufficient opportunities to enhance skills and creativity, thereby emerging as dynamic, promotable, and constructive individuals in society (Hashmi, 2021, p. 481).

Regarding the prohibition of forced labor, it should be stated that the innate freedom of humans includes freedom of work. This means individuals feel at ease when they strive based on their natural inclinations. Therefore, any form of coercion and imposition in this regard is unacceptable. Despite this strong logic, systems of slavery and class differences have historically compelled individuals to work, compromising human dignity. In Islamic thought, while encouraging individuals to work for their livelihood and justifying labor relations in the form of renting individuals and employment where people serve others, forced labor is also rejected (Hashmi, 2021, pp. 475-476).

The Labor Law of the Islamic Republic of Iran, in accordance with the principles of the Constitution regarding the prohibition of compelling individuals to perform certain work and exploitation of others, and the right to choose a profession, explicitly states in Article 172: "Forced labor, as per Article 6 of this law, is prohibited." Additionally, it prescribes penalties for violators, including the payment of fair wages for the work performed, compensation for damages, imprisonment ranging from 91 days to one year, and a monetary fine equivalent to 50 to 200 times the minimum daily wage.

The Constitution of Pakistan also addresses the prohibition of forced labor. Clause 2 of Article 11 of the Constitution of Pakistan states: "All forms of

forced labor and trafficking of human beings are prohibited."

From examining this principle, it can be concluded that both countries have a special commitment to realizing this element to ensure economic rights.

4-1-2. Elimination of Gender Discrimination

Discrimination, as defined in the Law on Iran's Accession to the International Convention No. 111 of 1964 concerning Discrimination in Employment and Occupation, refers to "any distinction, exclusion, or preference made on the basis of race, color, sex, religion, political opinion, national extraction, or social origin, which has the effect of nullifying or impairing equality of opportunity or treatment in employment or occupation." However, certain jobs, given the specific conditions and characteristics stipulated by the legislator, are exceptions to this rule. For example, Article 115 of the Constitution, in defining the qualifications for the President, states (the President must be elected from among religious and political men who possess the necessary qualifications ...), where the term "men" (in Persian, "rijal") explicitly refers to males. Additionally, female judges can only preside over family courts and are not permitted to adjudicate criminal matters.

The Iranian Constitution, in Clause 9 of Article 3, declares: "The elimination of unjust discrimination and the provision of equitable opportunities for all, in both material and spiritual realms." Similarly, Article 19 of the Constitution states: "The people of Iran, of any tribe or ethnicity, shall enjoy equal rights, and color, race, language, and the like shall not be grounds for privilege." Furthermore, Article 20 stipulates: "All citizens, both men and women, are equally protected by the law and shall enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria." A careful examination of these principles reveals that the constitutional legislator has emphasized the elimination of gender discrimination as an essential element. However, the failure to adhere to these principles can lead to complaints from citizens in judicial forums. This is evidenced by the ruling of the General Board of the Administrative Justice Court concerning gender discrimination.

In Judgment No. 2429 dated November 12, 2019, the plaintiff claimed that during the faculty recruitment call by the Ministry of Health, Treatment, and Medical Education in March 2018, gender discrimination was practiced. The position, which should have been open to both men and women, was only available to men. The ruling of the General Board of the Administrative Justice Court stated: "Pursuant to Clause 9 of Article 3 of the Constitution, the elimination of unjust discrimination and the provision of equitable opportunities for all in all material and spiritual fields are among the duties that the government must fulfill by employing all its resources. According to Article 19 of the Constitution, the people of Iran, of any tribe or ethnicity, shall enjoy equal

rights, and color, race, language, and the like shall not be grounds for privilege. Article 20 of the Constitution stipulates that all citizens, both men and women, are equally protected by the law and shall enjoy all human, political, economic, social, and cultural rights, in conformity with Islamic criteria. Article 28 of the Constitution mandates that the government must create employment opportunities and ensure equal conditions for all individuals to pursue different jobs, considering the needs of society. Furthermore, according to Article 41 of the Civil Service Management Law, one of the governing principles for entering government service is to observe the merits and equal opportunities. Therefore, granting employment advantages and priorities for recruiting male faculty members in the Health and Disaster field, as listed in row 1173 of the faculty recruitment table of the Ministry of Health, Treatment, and Medical Education in March 2018, because it grants specific privileges to one segment of society while imposing restrictions and exclusions on another segment, is contrary to the aforementioned laws and requires explicit legislation. It is, therefore, beyond the scope of the authority of the enacting body and is annulled as of the date of its approval, based on Clause 1 of Article 12 and Articles 88 and 13 of the Administrative Justice Court Procedure Law of 2013."

Clause 2 of Article 25 of the Constitution of Pakistan stipulates: "There shall be no discrimination on the basis of sex." Article 27, Clause 1 of the same Constitution states: "No citizen otherwise qualified for appointment in the service of Pakistan shall be discriminated against in respect of any such appointment on the ground only of race, religion, caste, sex, residence, or place of birth."

However, Pakistan has also struggled to eliminate discrimination in this economic right. For instance, the fixed quota for women's representation in the National Assembly is 17 percent, equivalent to 60 seats. This fixed quota system results in women being disadvantaged in electoral campaigns against men, despite the possibility of having more women in the National Assembly than the fixed quota allows.

4-2. Right to Ownership

The second economic right of the nation is the right to ownership. Ownership can be defined as "a permanent right, whereby an individual can, within the limits of the law, possess a property and benefit from all its advantages" (Katouzian, 2019, p. 110).

The right to ownership is considered one of the most fundamental and essential rights of the nation, as it is under this special right that individuals can meet their material and spiritual needs (Shayanfar, 2015, p. 66). Today, the rights surrounding ownership have undergone numerous restrictions. In the new economic perspective, while the principle of ownership is accepted, state

intervention in political life is deemed necessary to prevent the detriments of a free economy and, particularly, the concentration of capital in the hands of a specific group, thereby ensuring public welfare and enabling every citizen to achieve their economic rights (Ghaazi Shariat Panahi, 2022, p. 154).

In contemporary society, the issue of ownership is pursued as nominal ownership. Nominal ownership is defined as "the nominal control of one entity over another, allowing the entity to either use it or prevent others from using it," akin to the ownership that a person has over their own property (Hashemi, 2021, pp. 367-368). However, as societies expand, this economic right increasingly influences human life. Articles 46 and 47 of the Iranian Constitution address this economic right. Article 46 states: "Everyone is the owner of the fruits of their lawful business, and no one can deprive others of the opportunity to engage in business under the pretext of ownership." Clearly, the above clause states that if ownership is achieved through business, it is legitimate, and it cannot be taken from others. Article 47 states: "Private ownership, obtained through lawful means, is respected. Its regulations are determined by law." From the scrutiny of these two principles, two characteristics—permanence and absoluteness—can be inferred. The permanence of the right to ownership and its absoluteness imply that the dominion of the owner over their property is their right, and this right is absolute, allowing all forms of dispositions over their property unless prohibited by the lawgiver (Moghadam Damad, 2022, Vol. 1, p. 305).

However, Article 44 of the Constitution specifies that private ownership only applies to agriculture, animal husbandry, industry, trade, and services, and only when it complements public and cooperative economic activities. This is supported by the last paragraph of Article 44, which states: "Ownership in these three sectors is protected by the law of the Islamic Republic of Iran as long as it complies with other principles in this chapter, stays within the limits of Islamic laws, contributes to the country's economic growth and development, and does not harm society." A valid critique of this principle is how it covers the acquired rights of individuals with literary or artistic works.

In response to this question, it must be stated that the basis of economic rights in this principle is focused on public ownership. The author does not deny the rights of individuals under other laws, such as the Law on the Protection of Authors, Composers, and Artists; however, when discussing economic rights in constitutional laws, particularly intellectual property rights, which are increasingly important in modern societies, it should be supported and revised in the Constitution. Intellectual property rights should be considered, rather than merely confining private ownership to agriculture, animal husbandry, industry, trade, and services as per Article 44. It can be concluded that the scope of private ownership has been severely limited.

Some argue that the reference to intellectual property in the Iranian Constitution is found in Clause 4 of Article 3. This clause states: "(Strengthening the spirit of inquiry and innovation in all areas of culture and Islam by establishing research centers and encouraging researchers)." At first glance, the final words of this clause might suggest that the right of the researcher and their intellectual property are guaranteed by the Constitution. However, this is not the case, as this clause merely pertains to the advancement of human spiritual character in cultural and Islamic fields, not individual intellectual property rights.

The Constitution of Pakistan also faces these criticisms, as it only defines this economic right without imposing any obligations on the government to ensure the realization of this right for the nation. Article 260 of the Pakistani Constitution, under the definitions section, defines ownership as: "any right, title, or interest in movable or immovable property and any means or instruments of production." As observed, the lack of precise constitutional laws regarding private and intellectual property ownership in the constitutions of both countries has become a weakness in achieving the economic rights of their citizens.

4-3. Right to Housing and Enjoyment of Welfare and Decent Living

One of the economic rights of nations, and indeed one of the most essential economic rights, is the right to housing. The significance of housing is also emphasized in the Holy Quran, as stated in verse 37 of Surah An-Nur: "Do not enter houses other than your own houses until you ascertain welcome and greet their inhabitants. That is best for you; perhaps you will be reminded."

Housing is a necessity, and perhaps in the current society facing housing problems, it can be said that the nation has not yet achieved the economic right to housing. Article Fifteen of the Charter of Citizens' Rights articulates the right to housing as follows: "It is the right of citizens to enjoy safe housing commensurate with their own and their families' needs. The government, based on need and considering priorities and resources, provides the conditions to fulfill this right. The government, by taking necessary measures and establishing regulations, facilitates the provision and improvement of housing suitable to local characteristics and cultural values, implements building financial regulations, and optimization plans for energy consumption."

In the Constitution of the Islamic Republic of Iran, Article Thirty-One refers to this matter: "Having adequate housing commensurate with the needs is the right of every Iranian individual and family." This article implies an obligatory decree that governments must always make every effort to construct housing and make it available to the people until the nation attains its economic right. The Constitution of Pakistan also addresses this issue. Article 38(d) of the Constitution of Pakistan states: "Without distinction of gender, race, social class, or belief, all citizens who are unable to provide for themselves or their

dependents due to incapacity, illness, or unemployment will have their basic needs of life, such as food, clothing, housing, education, and medical care, provided."

Critics argue regarding Article 38(d) of the Constitution of Pakistan that it limits the right to housing only to deserving individuals and those capable of providing for themselves due to incapacity, illness, or unemployment, while the right to housing is an economic right that should encompass all the people of a society, as in the Constitution of Iran, which in Article Thirty-One regards the right to housing as applicable to every Iranian individual and family. Thus, it is imperative to reconsider the domain of the economic right to housing in the Constitution of Pakistan.

A decent life is expected to be achievable through the establishment of social justice (Hashemi, 2021, p. 497). In this regard, the Constitution of the Islamic Republic of Iran, in Article 3, Section 12, lists one of the government's duties as "planning a healthy and fair economy based on Islamic criteria to achieve welfare, poverty alleviation, and eradication of all forms of deprivation in nutrition, housing, employment, health, and widespread insurance."

However, in the economic right to housing, an essential component must be considered, namely, the "inviolability" of individuals' housing. A person's housing should be free from intrusion, and no one can enter a home without permission (Majidi, 2010, Vol. 1, p. 83). International law prohibits unauthorized interference with individuals' residences, and the Islamic Declaration of Human Rights also declares in Article 18(c): "Dwellings are inviolable and shall not be entered without the permission of their occupants, nor shall they be lawfully trespassed upon or demolished or confiscated, or their occupants evicted."

Therefore, it can be stated that everyone has the right to choose their place of residence, and no imposition in this regard is permissible. Thus, the selection of a residence is based on the individual's will. However, there are exceptions to this principle, such as the selection of the wife's residence by the husband, unless the court decides otherwise (Shari'at Panahi, 2022, p. 145).

In the Constitution of Pakistan, this matter has also been considered. The first clause of Article 14 states: "The sanctity of individuals and the inviolability of the homes of individuals shall be inviolable according to the law."

4-4. Right to Social Security

Another economic right of nations is the right to social security. Considering the logic governing economic rights, it must be noted that this right is a subset of economic rights.

Social security, in its contemporary sense, plays a prominent role in solving many societal problems. Given that healthcare, treatment, and meeting the

expenses of life during illness, unemployment, or retirement are among the issues affecting families, providing services related to them through the social security system not only alleviates the economic burden on the government and the people to a considerable extent but also ensures peace of mind (Hashemi, 2021, Vol. 1, p. 341).

The right to social security existed even during the caliphate of Imam Ali (AS). When the Imam saw an elderly blind man seeking help from people, he inquired about his circumstances. Upon learning that the man had worked until he was young but now, being old, he couldn't work anymore, Imam Ali said: "Support him from the public treasury." Then he ordered, "Give him a stipend as long as he lives" (Ameed Zanjani & Ahmadzadeh, 2008, p. 431).

In the Constitution of Iran, Article 29 addresses this issue. This article is titled as follows: "Enjoying social security in terms of retirement, unemployment, old age, incapacity, unemployment, lack of guardianship, disabilities, accidents, and disasters, and the need for health and medical services and medical care is a universal right. The government is obliged to provide services and financial support to individuals according to the laws, from the general revenue sources resulting from people's contributions."

The disabilities arising from unemployment and the lack of a stable income for living cause numerous problems in the lives of nations. The social security support system, by providing stipends, can alleviate this problem to some extent. Stipends such as retirement pensions, old-age and disability pensions, unemployment benefits, accident-related disability pensions, and single-parent benefits are included.

In the Constitution of Pakistan, clause "c" of Article 38 stipulates: "Social security shall be provided through mandatory social insurance and other means for all individuals employed in government departments of Pakistan and elsewhere."

Critics of clause "c" of Article 38 of the Constitution of Pakistan argue that unlike the Constitution of Iran, this right is solely reserved for employed individuals, whereas according to the aforementioned laws, social security is a universal right, so there should be no distinction between employed and unemployed individuals.

Another criticism is that the phrase "other means" is ambiguous, and it is better to include examples such as establishing retirement pensions, old-age and disability pensions, unemployment benefits, and single-parent benefits, as in the Constitution of Iran. It seems that in this economic right, the Constitution of Iran is more comprehensive.

5. Conclusion

Through comparative analysis of the presented content and utilizing

jurisprudential, legal, and fundamental reasoning, it can be argued that the economic right is a right that serves to fulfill material needs, has a legitimate rational benefit, and is quantifiable in terms of money. Therefore, based on this governing logic, examples of economic rights include the right to work, the right to ownership, the right to housing and enjoyment of welfare and decent living, and the right to social security, each of which has strengths and weaknesses in the constitutions of Iran and Pakistan.

Comparison of Strengths and Weaknesses of Economic Rights Examples in the Two Constitutions

Economic Right	Iranian Constitution	Pakistani Constitution
Right to Work	<ul style="list-style-type: none"> - Declaration of acceptance of the right to work for all people - Non-discrimination between women and men - Lack of detail regarding labor rights 	<ul style="list-style-type: none"> - Lack of attention to child labor prohibition based on conventions and laws - Non-discrimination between genders - Attention to details in labor rights
Right to Ownership	<ul style="list-style-type: none"> - Declaration of acceptance of legitimate ownership - Limitation of ownership scope in the private sector - Lack of precise drafting in the field of intellectual property 	<ul style="list-style-type: none"> - Lack of presentation of a precise definition in the field of ownership - Lack of precise drafting in the field of intellectual property
Right to Housing and Enjoyment of Welfare and Decent Living	<ul style="list-style-type: none"> - Legislative affirmation of the right to housing as applicable to all people - Consideration of the component of inviolability of individuals' housing from intrusion 	<ul style="list-style-type: none"> - Allocation of the right to housing only to deserving individuals and the incapacitated - Consideration of the component of inviolability of individuals' housing from intrusion
Right to Social Security	<ul style="list-style-type: none"> - Universality of this right for nations - Mention of examples of this right in the constitution 	<ul style="list-style-type: none"> - Non-universality of this right for all individuals - This right solely belonging to the employed

In conclusion, both the Iranian and Pakistani constitutions have strengths and weaknesses in terms of economic rights provisions. However, a comprehensive approach to economic rights, considering universality, non-discrimination, and detailed legislation, can contribute significantly to the welfare and prosperity of the nations.

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