

The Legal Context of Disputes between Government and Parliament in the Iranian Constitutional Era

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Abstract

One of the major issues that have had impact on the collective life of Iran is entrance of modern concept to the politics and society of Iran. One of the fields that we absorb is the appearance of modernism and the transition from autocracy to constitutional government and formation of the National Assembly. But constitutionalism in Iran failed, and was replaced with dictatorship. The key question is why did this happen?

In this paper we try to answer this question. Perhaps one of the most important factors in the failure of constitutionalism was disputes between Parliament and legislative institution. We try to release the context of these disputes.

One of the most important reasons for challenge between two institutions was the legal context. The legal context means: both sides had no clear conception of their duties and each side accused the other to involvement in the field of their authorities because when the rules had wrote, the duty of each other wasn't clear. We classify these problems in seven titles.

- 1- Separation of powers.
- 2- Occupation of Ministers and representatives.
- 3- Removal and installation of Ministers.
- 4- Undefined political responsibility of ministers.
- 5- Law enforcement.
- 6- Dissolution of the National Assembly.
- 7- Contracts and agreements.

In conclusion, it's very clear that the constitution couldn't create a balance between powers and due to the weakness and lack of principles integrity, increased conflicts. Besides these problems, the Government and Parliament with non-compliance of legal principles increased the context of the challenges.

Key Words: Legal context, Constitutional, National Assembly, Government

1. Introduction

One of the most important issues in the analysis of the history of Iran is the arrival of modernism to the arena of policy and society in Iran and the influences it has had in its collective life. Modernism appeared in different fields and aspects. One of these manifestations and expression areas of modernism was the passages of absolutism to constitutionalism, and formation of the legislative assembly. The change was formed in a relatively prolonged process and its manifestation appeared in the constitutional revolution.

In the writings of intellectuals before and after revolution, the foundation of parliament and codification of the constitution were considered as the symbols of a legitimate and constitutional government which guaranteed nation's freedom and development of the country, but the proceedings of the events and happenings showed that if these factors are not properly put into their position, contrary to what is expected, could lead to challenge and dispute, and a government which was supposed to be free and democrat, would lead to tyranny.

If we assume that the principles in the constitution lack necessary efficiency for making political connection between individuals and the government or the relationship of the political organizations to each other, and the duties which is depicted to make an appropriate and stress-free communication between the parties lack clarity and even in some cases, are beyond the needs and culture of a country in which they have been presented, and on the other side, some organizations do not follow some of those written principles of the law, many tensions and challenges among different political organizations of a country which happens in a legal area can be understood.

In the history of Iran, after Nasser Aldin Shah's (the king) approval of foundation of the legislative assembly and its formation, the parliament issued an order in writing the constitution, and the constitution was signed by the king in 30th December 1906, but the written law had some faults which were disclosed as disputes between three powers, specially legislative and executive. In this article there has been an attempt to study the disputes of the government and parliament in a legal area both from the aspect of violation of the constitution and those cases in which disobeying the law paved the way for it, in the period of the first parliament (from 6th October 1906 to 23rd June 1908), The second (from 15th November 1909 to 24th December 1911), and the third (from 4th December 1914 to December 1915).

2. Discussion

The separation of powers

The principle of separation and balancing the triple powers is basically a western thought which was formed as an aim to prevent tyranny and domination of a single power and in order to establish democracy. This principle tries to create a distant among, and specifying duties and authority of legislative, executive, and judicial powers, to make a balance between them so that in cooperation they act within the scope of their own authority and none of them is superior to another.

Before separation and balancing the powers, the relationship between the government and the parliament showed the necessity of this principle and after its legalization in an amendment of

the constitution in the 3rd October 1907, the interaction between the powers indicated lack of proper formation of the principle.

For a parliamentary system with a relative separation of powers, if we consider conditions such as establishing a distinction between tasks and assigning each category to a different system, existing common areas to operation, and conditions in which organs of a power should be able to have impact on each other in some ways and by some tools (Ghazi,1383:319), the study of the constitution of Iran indicates a relative separation of the powers, but this principle was ignored and even in its amendment, determining the responsibilities and authorities of the powers were disregarded, and one of the oldest principle of democracy, mixed ruling of the monarch, house of Lords, and house of Common, which was planned to make a balance and preventing tyranny, did not have a totally successful implementation (Etehadie,1381:27&157). Iranian parliament was two presidential and beside legislative assembly, there had been a senate, but senate did not form till 1949.

On the one hand, some made mistake and thought the aim of the separation of powers and balancing is a total separation (negotiation of the second parliament, 27th March 1911), and on the other hand, disregarding and disobeying of the principle caused disputes between two powers so that the representatives talk about the necessity of obeying the principle several times and in a way that even the separation of executive power from judicial power was known as a base of constitutional (negotiation of the first parliament, 17th January 1908). Moreover it caused that the two powers accused each other to interfere into each other's activities (Hedayt,1363:201/3 and 4). In cases which the subject of discussion was relevant to the responsibilities and functions of the government, the necessity of the separation of the two powers and lack of interference in the sphere of authority was being highlighted (negotiation of the first parliament in 3rd and 4th February 1907). For instance, in the period of the first parliament, after some conflicts which had happened between the monarch and the parliament, and in that complicated situation, the monarch, beside his other demands, proposed the idea of the power separation too, via a letter to the parliament. The monarch's letter was considered as an ill will by the representatives, specially democrats (Malek Zade:1373:3/555).

The disputes of the government and the parliament in this matter didn't resolve completely and the principle was always considered important by the two powers. Its importance can be partly found in the manifesto of the democrat party in the second parliament. Although the power separation was inserted into the constitution, but it also was one of the principles of the manifesto (Etehadie,1361:6).

Disputes like that can be partly considered relevant to some contents of the constitution which paved a way to some interferences out of the sphere of the authority, such as second principle of the constitution which allowed people to send their written complaints to the parliament to get considered. In addition to those principles of the constitution that didn't limit the extent of power's authority and allowed them to interfere beyond, and power's intention to get involved in each other's affairs, vagueness of the sphere of responsibilities and authority of the government and the parliament in the constitution, made the disputes greater and more complicated.

The minister and representatives' job

Among principles which was inserted in the constitution in comply with the power separation are thirty second and sixty eighth of the amendment of the constitution which prohibited the representatives from governmental job and being a lawyer simultaneously, and ministers couldn't do another job except their own job as well. Another job meant being representative, because regarding the eighth article of the election law, the ministers could participate in the election as a candidate in case of resignation.

These principles were proposed legally because of the independence of the representative and avoiding conflicts between their benefits (Abbasi,1388:346). But it seems that the problem is deeper than expected and searching more deeply can show parts of the disputes in this area. In fact the relationship of the representative and the ministers is not always something bad, even it's necessary to be so. It's good to note that having an executive job for the representatives is one thing, and having interactions with executives is something else, but reviewing the changes of the constitutional era shows that maybe in addition to the legal discussion, parliament's distrust to the government was one of the reasons of proposing such a principle; however the principle itself triggered distrust too because of more separation between the government and the representatives. The signs of distrust between the government and the parliament is obvious in the conversations and speeches of the representatives in different periods (negotiations of the first parliament, Tuesday 22nd January 1907 and 9th April 1907). The issue can be found in governmental men's writings too and they were emphasizing on it (Nezam Alsaltane Mafi, 1362:272/3).

The representatives' common belief was that the government is a continuation of the same pre-constitutional structure. Maybe, the connection of the cabinet to the monarch or maybe the historical mentality and the government operation in the past influenced on the belief. Therefore the representatives, as the nation's selected men stood away from the government. They insisted on banning every communication with the ministers even at the level of conversation. They also believed that the representatives shouldn't come and go to the ministries (negotiations of the first parliament, 28th March 1907 and 1st August 1907) and following this principle was necessary for respecting power separation and divestment of two powers' interference in each other's affair (negotiation of the second parliament, 21st and 24th May 1910). Existence of this principle of the constitution never put a challenge between the government and the parliament and if a representative used to be chosen as a minister, he would resign, but radical interpretation of it, regarding its consequences, was not helpful for the communication and cooperation between the government and the parliament. Firstly, this situation was leading to a complete disjunction between the government and the parliament, and also, the ministers' dependence to the monarch's support, although they were legally responsible in front of the parliament; secondly, it was preventing the development and changes of the political parties, which consequently led to a decrease in the solidarity of affairs in the parliament and an increase in the government and the parliament disjunction (Etehadie: 1381:163 and 1375:31). However, the pathology of the subject needs another opportunity. Because lack of formation of powerful parties and a government which could be emerged from those parties, was an important barrier in the interaction of the government and the parliament, and the same problem was somehow a factor in the formation of powerful parties. If the separation and differentiation had not been advertised and emphasized so much, the formation of a party-government could have solved parts of the problem. Because in that condition, the representatives could constantly have communicated with people of their own

parties in the government, and this interaction would have had a good impact on the subtilization of the atmosphere and the development of the affairs. But actually the political area was extended to a direction in which the disjunctions grew more and this interpretation and deduction of the legal principle had effects on both powers deeply and secretly.

The ministers' appointing and dismissing

If we want to consider another aspect of the challenges between the government and the parliament, we must pay attention to the problem of the ministers' appointing and dismissing. The roots of the problem lie in another collection of factors too and it somehow needs a systematic analysis. Lack of the organizations which can minimize the conflicts inside a system, propel the principles to the direction which is challenging. Although the monarch was not omnipotence in the principles of the constitution era, he was assigned some authorities about which lack of consensus would lead to challenge. One of these authorities which was given to the monarch in 46th article of the constitution was the ministers' appointing and dismissing, but as the writer of the Basic Rights or the Constitutional Principles based on 58th article of the amendment of the constitution indicates, there were some conditions such as being Muslim, having Iranian citizenship, and not being from the first rank princess, which the monarch must have paid attention in the selection of the ministers (Adl, 1389:182-183), but the monarch's limitation was not limited to the 58th article, and because of the interaction between the government and the parliament, those who were selected as ministers for the cabinet, must also be accepted by the parliament, and disregarding this matter, as happened in the discussed period, could lead to a challenge between the parliament and the monarch.

About the monarch's inattention to the parliament's opinion in the selection of the government and specially the prime minister, we should keep in mind that the monarch considered this authority as his own right and tried to prevent the parliament's interference. On the contrary, the parliament's interest for involvement in the selection and obtaining the authority in dismissing the cabinet paved the way of disputes between two powers, i.e. legislative and executive, which in some cases, the intensity of the disputes brought about a minister's dismissing or overthrowing the cabinet.

The most disputes about the selection of the prime minister and forming the cabinet is seen in the first parliament. One of the reasons of distrust of a selected person for the prime minister or minister, from the parliament's point of view which considered them as "old-fashioned who doesn't coordinate to the constitutional and national government" (Dolat abadi,1371:2/239), can be relevant to the parliament's distrust to the monarch, as the ruler of the executive power (negotiation of the first parliament, 29th April, 7th September, 15th September 1907). On one side, considering Mohammad Ali Shah's willing (the monarch) for enhancing his power and using the maximum legal potentials to ban the parliament's involvement in the minister's selection, and on the other side, the parliament's interest in interfering and choosing the prime minister and the member of the cabinet, was another reason of disputes. The parliament knew it well that the selection of the cabinet members is the monarch's authority, and for the same reason, used its own authority to question and interpellation of the ministers and caused the minister's resignation or cabinet overthrow. Although, in one case, the parliament directly interfered in the selection of the prime minister in contrast to its authority. As Sharif said in days in which "sometimes the monarch select the ministers, sometimes the parliament" (Sharif Kashani,1362:128), the parliament selected

Nasser Almolk and “now the situation is so that if the parliament select a person, he will be suspected by the monarch, and if the monarch selects a person, he will be suspected by the parliament” (Hedayt,1363:4,3/159). As a result, the government could not form a rational relationship with the parliament and the monarch, and lack of satisfaction and consensus was one of the main reasons of the cabinet overthrow. These challenges were no power’s benefit and led to the weakness of the both. One of the most important results of these disputes was the short life of each cabinet. In the first parliament, in a period of one year and eight months and seventeen days, nine cabinets were formed which all had a short life and the longest one was the second cabinet of Nezam Alsaltane which only lasted five months and several days. Among these nine cabinets, two cabinets (Vazir Afkham and Moshiro Alsaltane) officially got the vote of confidence from the parliament. Nezamo Alsaltane’s first and third cabinet were forced to resign at the request of the parliament, and Naser Almolk’s cabinet terminated because of the monarch’s opposition.

The situation was different in the second and third parliament of the national assembly and there was no significant dispute between the parliament and the monarch. In the second parliament which the prime minister was chosen by Naeb Alsaltane, the parliament did not show any opposition to the selection in general. In the third parliament in which Ahmad Shah’s (the monarch) coronation took place, since the monarch preferred to minimize the tensions between the government and the parliament, and he did not want any disputes happen between the executive and legislative power regarding the issue (negotiation of the third parliament 29th April 1907, 26th April 1915), first and before issuing the command, he informed the parliament about his idea about prime minister selection, and after the parliament approval, the command was issued.

In the third parliament, the representatives’ opinion in the selection of the prime ministers and ministers played more role than the monarch’s decision. However, even in the second and third parliament, the challenges between the government and the parliament was not less than before due to distrust to the government. Because of the foreign countries’ interest in the selection, appointing, and dismissing, most ministers, from the representatives’ point of view, were dependant on foreigners and working toward their goals. So, discontent and interpellation of the government still remained in these periods as well. Generally it can be said that lack of legal and precise standards and ambiguity in the interpretation of the laws beside other systematic gap, paved the way to a challenge between the government and the monarch and these two powers could not cooperate, and the aim of their effort was thwarting each other’s activities and evacuating the energy which could be spent for the improvement of the affair.

The undefined limitations of the ministers’ political responsibilities

Since the parliament can legally terminate the life of the cabinet or the minister’s job, the milestone of the parliament’s power is the ministers’ political responsibilities in front of legislative power. Most jurists believe that the principle of the minister’s responsibility is the biggest weapon by which the parliament can partly get the balance to its own profit against executive power (Ghazi,1383:454). In fact the ministers’ responsibility in front of the legislative power, gives the opportunity of supervising the operations of the government to the parliament and this principle can be considered useful in the matter of balancing the power. The minister’s political responsibility is two kinds: individual and collective. In the first case,

every minister is personally responsible in the parliament and if he can not satisfy the member of the parliament and convince them about his efficiency, must resign personally, and in the second case, all ministers and the whole cabinet are responsible for the issues of the executive power, whether they are related to only one minister or to all of them together (Ghazi,1383:456).

Lack of the ministers' responsibility and accountability in front of the parliament was one of the challenging issues since the first days of the establishment of the parliament. Despite the parliament's criticism of the absence of the ministers, no minister presented in the parliament from 7th October 1906 to 20th October 1906.

Regarding the constitution, the absence of the ministers in the parliament can be seen as an incompetence in constitution in which the ministers' responsibility toward the parliament had not been mentioned. For this reason, the ministers did not feel any responsibility toward the parliament (Kasravi,1383:206). On the other hand, by stating the ministers' responsibility in front of the monarch, 28th article of the constitution made the ministers free of responsibility toward the parliament.

The ministers' execution of being absent and the law incompetency about accountability toward the parliament led to a need in the parliament for individual or collective responsibility of ministers toward the parliament (negotiation of the first parliament, 22nd December 1906 and 6th January 1907). The disputes of this period got worse by the prime minister's letter, Moshir Aldole, when after the parliament's too much emphasis on the ministers presence in the parliament and introducing the cabinet, he, without presenting in the parliament and via a letter rejected these objections and declared that the ministers were only responsible toward the monarch (negotiation of the first parliament, 3rd February 1907 and 30th October 1907). But writing the constitution and signing it by Mohammad Ali Shah (the monarch) was the beginning of new disputes in achieving more privileges.

In order to make it implimentated, after finishing the process of passing the constitution in the parliament, it must be validated by the state supreme's signature by which he confirms both the originality and accuracy, and also the potentiality of its implementation. The act of signing is in fact a permission to the law propagation for public awareness and the announcement of its potential implementation to the executive organizations. This is somehow the participation of the head of the executive power in the legislation (Ghazi,1383:443).

Based on the principles 33, 17, 15, 47 of the constitution, the signing of the passed law was among authorities which was assigned to the monarch. But there was no principle to say what should be done if the monarch rejected confirmation. Although, in the case of not approving a bill, the monarch with the ministers had the right of parliament breakup, the parliament did not have any pressure tool in this regard. So, it was the start of a new conflicts between two powers. This conditions indicated the two side's effort in keeping their authorities. Unfortunately, the government and the monarch tied into each other in the political structure and the parliament stood against them. This problem institutionalized the oppositions between the parliament and the government and despite of appropriate legislation, the competition and challenge remained. The critical situation of the society also helped the process and there was no chance to revise. Below, some other legal areas of disputes will be discussed.

The enforcement of law and legislation

One of the preliminary and most important duties of the government in the position of executive power, is enforcing the laws which have been passed in the parliament in the position of legislative power. However, it is possible that sometimes the government refuses or neglects the task, and this issue can make some challenges, as those which were experienced in the interaction of the government and the parliament.

Lack of the parliament's power for putting pressure on the government in implementation the acts, is partly related to the subject. Although the parliament considered the supervision of the executive power's function as its own authority, practically except of finance, in which it took the authority of finance supervision by forming a court of audit based on a hundred and tenth principle of the amendment of the constitution, other commissions did not have the opportunity of direct supervision of the act implementation (the first court of audit was formed in the second parliament based on the law, and the first parliament did not have a court of audit. In a time between the first and the second parliament, a court of audit was established which its members were the representatives in the parliament's finance commission). But in the representative's side, there was always a need to supervising the implementation of the laws (negotiation of the first parliament, 25th January 1908).

The government was frequently accused of neglecting the implementation of law and acts. Based on a law which was passed in the parliament, if a minister was given warning about an issue three times and the responsible minister paid no attention, the parliament could dismiss him, but despite the fact, there was no change in the ministers' manner toward the parliament. The distrust of the parliament to the government in the implementation of the acts was so that in passing some acts, the representative emphasized that if they were supposed to pass a law, the relevant minister must announce an executive commitment (negotiation of the second parliament, 31st March 1910). In spite of all the representatives' criticism about the government's neglecting of the law enforcement, the parliament was not also immune in this regard (Hedayat, 1385:152). In some cases, the governments did not have the potentiality of fulfilling the parliament's demands due to the internal and external situations of the country.

The legislative assembly breakup

The 48th principle of the constitution which had assigned the authority of the parliament breakup in a particular situation, was one of the challenging area between the two powers. The disputes in this area happened in two fields. One of these fields goes back to the time of writing and enactment of the constitution, and the other one goes back to the last days of the second parliament.

In opposition of the parliament's pressure and replication tool against the government, the parliament's breakdown was among the government's pressure tool against the parliament. Due to this fact, the legislative assembly, which was the founder power too, was so cautious in writing this law.

Based on the 49th principle, in cooperation with the senate, the monarch could break up the legislative assembly in a particular condition. The parliament did not want to accept the release, at first, but due to Mohammad Ali Mirza's insist, accepted the right of discharge providing that the first parliament could be excluded. But the disputes between the government and the parliament did not finish (Adamiyat 1387:390-389). The government did

not like mentioning this condition in the constitution and instead, it wanted that Mohammad Ali Mirza guaranteed the exclusion of the first parliament in a separate document. But the request was rejected by the parliament and the representative told that writing a separate document was not necessary and it led to invalidation of the maxim of the constitution, so the parliament approved that the exclusion of the first parliament release must be in the constitution (first parliament negotiation, 25th December 1906). But in spite of disapproval, finally the parliament was forced to accept the government's proposal for writing the first parliament exclusion in a separate document. Of course, it must be mentioned that the representatives also banned the establishment of the senate to divest the parliament break up from the monarch, and this action again led to one of the barriers of the formation of the powers' balancing in Iran (Ettahadiye,1381:160). The parliament was worry about its existence due to the monarch and the government's authority, and it was trying to find another way to stop the pressure, but the termination form of the first parliament, which was the monarch's coup d'état, and the termination of the second parliament, which was a sign of the law disregard by both the executive power and the legislative power, proved that the parliament was not so successful in this regard, and moreover, by trying to hinder the establishment of the senate, which led to one of the barriers of proper separations and balancing the powers in Iran, intensified the disputes between the government and the parliament.

In a hard situation in which Iran was passing the last days of the second parliament, the relationship of Iran and Russia was one of the important issues of the government and the parliament. In such a situation, the parliament received several telegraphs from some councils of different parts of the country about adding to the period of the national assembly due to the protection of independency and constitution (Majles newspaper, fifth year, no.54). Based on the fifth principle of the constitution which stated that the duration of each period is two years, adding to the period was illegal and because of that, the representatives had different ideas in this regard (Majles newspaper, fifth year, no.52 and 53 and 54).

One of the problems of finishing the parliament's period can be connected to the deficiency of the constitution in which the election for the new period started after finishing the last period and recessional of the parliament, and between these two periods, the parliament was prorogated, and it is not clear that if there was a need to legislation in some conditions, what the government is expected to do.

Finally, and after the representatives negotiation, the continuation of the parliament was approved and it was agreed the parliament period continued until a number including half of the new representatives and a person arrived to Tehran. At first, the government did not show any disagreement to the continuation of the parliament's period. The disagreement started when the Russia's ultimatum was read in the parliament, and in contrast to the government, the parliament opposed to it. Admitting the ultimatum was against the country's independency, but in a case of rejecting, Tehran could be occupied by the Russia's forces and a war was probable. For escaping from the deadlock, the representative proposed different ways such as getting help from America and direct negotiation with Russia and England, but no outcome was gained (Shoster,1385:155-156).

After a fruitless negotiation with the representative for accepting the ultimatum, the government tried to encourage some moderate representatives to abdicate so that the parliament lost its majority and the problem of accepting the ultimatum, solved (The blue book,1365:1421/6), but it did not succeed. Finally, it was decided that a commission

including the parliament's member discussed with the ministers about accepting or rejecting the ultimatum, and at the end, accepting was agreed upon.

The last meeting of the second period of the parliament formed in 21st December 1911, because, as Shooster says, the cabinet formed a coup d'état against the parliament, and closed it. Via a letter to Nayeb Alsaltane (the crown prince), the ministers proposed the parliament break up due to averting the dangers and regarding the fact that the representative voted to their representation after finishing their own period of the parliament, while the constitution did not give them such an authority. In the 23rd December 1911 the government prevented the representatives' arrival to the parliament (Sharif Kashani, 1362:701-702) and the second period of the national assembly finished.

Violation of the constitution from both powers is noticeable in the recessional of the second parliament. Although the representative mentioned several reasons for continuation of the parliament which proved that it was necessary not to break up, it was not legally defensible; On the other hand, under particular conditions which were stated in 49th principle of the constitution, the government also could not break up the parliament, and only in lack of those conditions and by referring to the fifth principle of the constitution about two-year period of the parliament, could break it up.

The contractions and treaties

Beside other factors, dissension about accepting or rejecting the contractions and treaties between the government and the parliament, was among other reasons which made the relationships of the powers challenging. Based on 22nd principle of the constitution, cases in which parts of revenues and assets of the country were sold, or a change happened in the compass of the country, needed the permission of the national assembly. And based on the 24th principle of the constitution, all treaties, protocols, and patent endowment must be approved by the national assembly, the only exception were the treaties which their concealing was for the government and the nation's discretion. Therefore, in the treaties and assignment of every kinds of patent, the government should also get the parliament's permission after negotiation and contraction, otherwise that contraction was illegal and not allowed to operate.

Although the contractions and treaties depended on the parliament's permission, disregard to this law can be found in the disputes between the government and the parliament. For instance, patents of the loom, turquoise mine, and the borax of Kerman in the first parliament can be mentioned for which the representatives objected the government, and presented their warnings about invalidation of the patents due to law disobedience (negotiation of the first parliament, 6 December 1906).

In the discussed period, accepting the Russian ultimatum from the government was one of the issues which made a serious challenge and was pointed in the discussion of the parliament break up. It was important for the parliament that the relationship of Iran with foreign countries and the treaties did not threat the independency of Iran, and this concern was the reasons of many disagreements of the parliament to the government's proposals, but in many cases, regarding the national situation and weak position of Iran in the international upheavals, the government did not have any choice, as in the case of ultimatum, the

government was not in a condition to reject it, because it would lead to the occupation of Iran and war.

3. Result

In this article, it has been tried to study the legal areas of challenge between the government and the parliament in the constitution era. Paying no attention to different social, cultural, and economical evolutions which, along with political reforms, had happened in Europe, brought about a deficient experience for Iran's community and the relationships of the government and the parliament. In this regard, the constitution which could prevent the challenges between the government and the parliament by forming their relationships and properly defining their authorities and positions in a good frame, made the situation worse and increased the disputes due to a weakness in some principles and lack of collectivity. Beside this problem, the government and the parliament disobedience of law, and the disputes which happened during the writing of the constitution mainly due to getting more authorities, formed more challenges.

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