

Instances of Violations of Fair Trial in Municipal Administrative Courts

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Received: 2024-10-14

Revised: 2024-12-08

Accepted: 2024-12-17

Published: 2025-04-01

The existence of clear and specific procedural rules and adherence to the related formalities is considered one of the fundamental principles of trial, and any failure to comply with these rules contradicts the rights of the parties and is contrary to the principles of a fair trial. Municipal administrative courts are among the most important quasi-judicial or specialized bodies, and examining their procedural rules is highly significant due to their direct connection with the public's rights. Therefore, the aim of this article is to investigate instances of violations of fair trial in municipal administrative courts. This article is descriptive-analytical and uses a library-based method. The findings suggest that uniformity of the members issuing the initial and appellate judgments, the substantiation and reasoning of the ruling, the financial dependency of the members with voting rights on the municipality, failure to provide adequate time and resources for defense preparation, the lack of public hearings, and the lack of independence and impartiality are among the most significant instances of violations of fair trial in municipal administrative courts. Given the similarities between specialized administrative bodies and general courts, it seems that certain principles should be applied in municipal administrative trials, such as public hearings, independence and impartiality of administrative bodies, accessibility of administrative courts, the right to adequate time for defense, substantiation and reasoning of issued rulings, and the right to appeal.

Keywords: *Civil liability, government, environmental pollution, administrative justice tribunal.*

How to cite this article:

Rezaei, A. A., Ebrahimian, H., & Kafaefar, M. A. (2025). Instances of Violations of Fair Trial in Municipal Administrative Courts. *Interdisciplinary Studies in Society, Law, and Politics*, 4(2), 1-9. <https://doi.org/10.61838/kman.isslp.4.2.1>

1. Introduction

Nowadays, building violations in cities are numerous and widespread, causing problems in the social environment of the system. Urban building density affects various aspects, such as the economic system, accessibility, urban form, and landscape. Some of the most detrimental violations include the degradation of urban environmental quality, instability in terms of

safety, health, and citizen welfare, and the reduction of environmental quality. Additionally, among these violations is the issuance of temporary orders by the Administrative Justice Tribunal for the same case on multiple occasions. Quasi-judicial bodies are part of the administrative fair trial process in government agencies and organizations, and defining their procedural processes plays a crucial role in regulating and establishing rules and principles governing fair trials,



thereby addressing the challenges of fair trial procedures in these bodies. The necessity of handling legal cases in light of fair trial principles as one of the most fundamental human rights has been highlighted in the modern discourse of public law. Today, specialized bodies, alongside courts, are engaged in resolving disputes. This becomes significant when we consider that these bodies provide public services and deal with cases where they are often one of the parties involved, while citizens, who require protection and guarantees of their rights, are on the other side, seeking the enforcement of these principles by municipal commissions to recover their lost rights. If their rights are violated, the principle of the rule of law is compromised. Furthermore, the rulings issued by these bodies and commissions often have severe consequences, and failure to comply with them can result in the clear violation of individuals' rights. The goal of adhering to fair trial principles is to organize the trial process in such a way that, regardless of its content or outcome, it can promise justice and legal order; principles such as independence, equality, and public trials have been considered. Municipal administrative courts issue judgments daily regarding building violations by citizens. The importance of these rulings necessitates a discussion about the procedural practices of these bodies and the principles that should be followed. One of the fundamental weaknesses in fair trials in municipal administrative bodies is the lack of expertise among those issuing judgments, as well as their financial and employment dependency on the municipality and the government. This undermines judicial independence. Additionally, proceedings in the primary and appellate committees lack a specific procedural code, which could also lead to the violation of individuals' rights. To prevent the violation of individuals' rights in the proceedings of the Article 100 Committee, it is suggested that the laws and regulations governing these proceedings be amended. New laws should also incorporate independent procedural principles for handling violations in these committees. Moreover, to ensure the specialization and independence of judges, measures should be taken to minimize their financial and employment dependency on municipalities. It is evident that failure to observe each of these fair trial principles in these bodies is unjust and results in the violation of the rights of the parties,

particularly citizens, as the other party has the advantage of public power and more resources and rights compared to the individual. Therefore, due to the importance and decisive role of fair trial principles and their impact on the rights of the parties, it is necessary to examine the principles of fair trial in municipal administrative proceedings. This research aims to examine municipal administrative courts, their procedures, and the extent to which they adhere to fair trial principles, and also to identify issues in the proceedings of the Article 100 Committee that should be emphasized.

2. Municipal Administrative Hearing Authorities

The commission of Articles 100, 77, and 55 of the Municipalities Act are the administrative hearing authorities of the municipality, which have been established based on Article 100 of the Municipalities Act. This article provides legal authorization for municipalities to prevent the continuation of illegal construction.

2.1. Article 100 Municipal Commission

The Article 100 Municipal Commission is formed in the central municipality of each city and consists of two stages: the primary stage and the appellate stage. The composition of the commission, as per the first note of Article 100 of the Municipalities Act, includes:

- a representative from the Ministry of Interior,
- one judge from the judiciary,
- a representative from the City Council,
- a representative from the municipality.

The representative from the municipality in the Article 100 commission has "no voting rights," and their participation is justified for providing explanations on technical and urban planning issues, given their expertise in these matters. A meeting of the commission is considered formal when three members are present.

According to Notes 1 through 8 of Article 100 of the Municipalities Act, issues such as failure to obtain a construction permit, commencement of construction without a permit, violation of the construction permit, lack of parking provision, encroachment on public spaces, added construction, and other building violations fall under the jurisdiction of this commission. If property owners have not obtained a construction permit from

the municipality, the municipality is legally obligated to prevent such unauthorized constructions and refer the case to the Article 100 commission. The jurisdiction of the Article 100 Commission is limited to violations within city limits, and violations occurring outside the city's boundary or urban perimeter fall under the jurisdiction of a commission formed by representatives from the Ministry of Interior, the Judiciary, and the Ministry of Roads and Urban Development, as stipulated in Article 99 of the Municipalities Act. There are two types of jurisdiction for the Article 100 Commission: inherent jurisdiction and local jurisdiction. The inherent jurisdiction includes examining violations related to the construction of buildings without permits, excessive density, lack of parking, changes in land use, and non-compliance with urban planning principles, among others. Regarding local jurisdiction, the Article 100 Commission operates in collaboration with the local municipality and is responsible for violations within the jurisdiction of that particular municipality. Therefore, in areas where there is no municipality, the responsibility for handling these violations lies with the Article 99 Commission of the provincial office (Bahmani Monfared & Kalantari, 2012).

"The specificity of the municipality's role in addressing construction violations indicates that any citizen affected by construction violations must first file a complaint with the municipality. If the municipality deems the violation to be within the scope of Article 100, the case will be referred to the commission, although the prevailing practice in municipalities follows this process. The legislator has also addressed this matter in Notes 1, 2, and 6 of Article 100 and Note 24 of Article 55 of the Municipalities Act, stating that the municipality must either address the violations within the commission or refer the case. Note 2 of Article 100 explicitly states that this is the municipality's duty, while the latter part of the note also permits the commission to handle the requests of affected parties. Therefore, according to the spirit of the law and legal principles, the municipality's exclusive role in submitting construction violations to the Article 100 Commission is not accepted. Generally, the handling of construction violations is a two-stage process: 1) Primary review by the commission, 2) Appeal by the commission" (Zangi-Abadi et al., 2010).

"The procedure for handling violations is as follows: construction violation reports submitted to the

municipality are referred to the commission by the Urban Planning and Technical Department or the responsible official. If the municipality has multiple districts and the commission is held at the central municipality, the case file from the district is first sent to the commission's secretariat, and then forwarded to the commission for review. The Article 100 Commission must first confirm its local jurisdiction before proceeding with the case. If the violation is outside the city's perimeter or in cities with multiple districts, it must be determined whether the violation falls within the jurisdiction of the local municipality or if it should be handled by the Ministry of Interior or Ministry of Roads and Urban Development. If it is outside the local municipality's jurisdiction, the commission must declare its lack of jurisdiction" (Zaheri & Pourmohammadi, 2006).

The Article 100 Commission, based on the spirit of the law, the number of members, and the majority rule ("half plus one" majority), reviews the case at an official meeting, taking oral explanations from the municipality's representative. The defense statement from the concerned party, if received, is read out. If there are no issues, a decision is typically made and signed by the members in the same session. According to Note 1 of Article 100, once the case is received, the concerned party is notified to submit their written explanation within 10 days. However, in practice, the municipality's Article 100 Secretariat notifies the concerned party to submit their written explanation within 10 days before the case is presented to the commission. It should be noted that, according to Article 11, Clause 2 of the Administrative Justice Court Act, the court's jurisdiction is limited to handling complaints related to legal and regulatory violations. Therefore, the court is prohibited from engaging in substantive reviews outside its scope.

2.2. Article 77 Municipal Commission

Based on Article 77 of the Municipalities Act, disputes between taxpayers and the municipality regarding taxes are referred to a commission consisting of representatives from the Ministry of Interior, the judiciary, and the City Council. The decision of this commission is final, and any debts determined by the commission's decision can be enforced by the registration office through executive documents.

The members of the Article 77 Municipal Commission are:

1. A representative from the Ministry of Interior
2. A representative from the judiciary
3. A representative from the City Council (Islamic City Council)

There are two types of jurisdiction for the Article 77 Commission: inherent and local jurisdiction. The inherent jurisdiction of the Article 77 Commission includes addressing disputes between taxpayers and the municipality regarding taxes, and only the legal nature of tax claims falls within the jurisdiction of this commission. Furthermore, the Article 77 Commission has jurisdiction over the installment of tax claims. Article 32 of the 1967 Municipal Financial Regulations stipulates: "The municipality is not authorized to install its tax claims unless, in the opinion of the commission mentioned in Article 77 of the Amended Municipalities Act of 1955, the taxpayer is unable to pay the full debt at once, in which case the debt may be paid in installments for a period not exceeding three years, with interest at the rate of the National Bank of Iran."

"The local jurisdiction of the Article 77 Municipal Commission depends on the geographical area of the municipality. There is no doubt that the legal boundary of the city falls under the jurisdiction of the Article 77 Commission. However, it seems necessary to distinguish between the city's boundary and its perimeter or areas outside of the perimeter. Tax collection from entities within the city's perimeter is justifiable because, under Articles 100 and 101 of the Municipalities Act, the municipality is required to issue construction permits and subdivide land in these areas. In contrast, there is no legal justification for collecting taxes from areas outside the city's boundaries or from industrial towns. Consequently, the Article 77 Commission does not have jurisdiction in these areas" (Abbaszadeh, 1998).

The duties of the Article 77 Commission include:

1. Resolving disputes between taxpayers and the municipality regarding taxes.
2. Dividing complaints from taxpayers for presentation to the commission, organizing invitations for taxpayers to attend commission meetings, reviewing complaints and requests from taxpayers, and rescheduling meetings if new evidence is presented.

3. Issuing a final decision (either in person or in absentia).
4. Notifying the decision to the taxpayer and the relevant organization (revenue collection unit).
5. Granting a 15-day deadline from the notification date for resolution; failure to respond leads to the issuance of an enforcement order by the registration office to seize the taxpayer's property.
6. Seizing the taxpayer's property with the presence of representatives from the municipality, the prosecutor's office, and the registration office, and the imposition of specific charges on the taxpayer for the enforcement action.
7. Ensuring the preservation of seized property until evaluation and auction.
8. If the taxpayer resolves the matter by making a payment or issuing a check, the case is considered finalized, and the file is sent to the registration office for execution. The commission's decisions are final, and the registration office is obligated to enforce them. The decision of the Article 77 Commission can be challenged at the Administrative Justice Court.

2.3. Article 55 Municipal Commission

The commission under Clause 20 is the authority for handling citizens' objections regarding the municipality's decisions about the closure, demolition, and relocation of nuisance industries outside the city. As stated in Note 20 of Article 55 of the Municipalities Act, the municipality is required to notify the owners of such industries within a reasonable period. If the property owner objects, they must submit their objection to a three-member commission selected by the City Council within ten days. The commission's decision is final and enforceable.

The duties of the Article 55, Clause 20 Commission include:

1. Preventing the establishment of any location causing disturbance to residents or violating public health (Clause 20 of Article 55 of the Municipalities Act).

2. Preventing air pollution through any means, including dust, odors, smoke, and burning materials.
3. Preventing other nuisances such as noise, vibrations, and waste accumulation.

3. Instances of Violation of Fair Trial

Although the members of the municipal Article 100 commissions have diagnostic authority and are tasked with determining the violation and its alignment with one of the infractions listed in the law and applying one of the penalties stipulated in the provisions of Article 100 of the Municipalities Law, this discretionary power of the members does not mean that the administration is beyond control. Certainly, in societies based on the rule of law, no matter is exempt from legal oversight. It is evident that the principles of fair trial are not exclusive to judicial authorities; proving a matter does not negate others. Therefore, the Article 100 commissions of municipalities, as part of the administrative judiciary system and quasi-judicial bodies, are obligated to observe fair trial principles in addition to laws and regulations. Otherwise, their rulings will be annulled by higher authorities.

3.1. *Consistency of Members Issuing the First-Instance and Appeal Decisions*

"Acceptance of the right to appeal, as an element of a fair trial, requires by law the existence of a higher authority compared to the first-instance body to reexamine the subject of the case. This higher authority, whose members typically have more experience and expertise than the first-instance members, upon an appeal from one of the parties, will review the decision both formally and substantively, and if any substantive errors are found, the decision will be annulled, and a new ruling will be issued by the appellate body. Thus, to ensure the right to a fair trial, the right to appeal decisions rendered by the first-instance authority must be guaranteed by law, and a higher appeal authority should be established to review the contested decisions. An analysis of the regulations related to the procedures of quasi-judicial administrative bodies shows that the two-stage nature of the proceedings and the principle of the right to appeal decisions of all specialized first-instance administrative

quasi-judicial bodies are recognized" (Visperad, 2007, p. 219).

The review of violations in Article 100 commissions of municipalities is conducted in two stages. The owner or interested party can file an objection to the first-instance decision within ten (10) days after its notification to the appellate commission. Provision 10 of Article 100 of the Municipalities Law states, "In the case of decisions issued by the Article 100 commission, if the municipality or the owner or their representative objects to the decision within ten days of its notification," the appeal authority will be another Article 100 commission whose members are different from those who participated in the previous ruling. This provision stipulates, "The members of the first-instance and appellate commissions must be different, and if one or more members of the above commissions are the same, the decision will be annulled."

Despite the adherence to some principles of fair trial in the proceedings of quasi-judicial administrative bodies, mistakes or deviations from the law may still occur, leading to rulings that contradict the law. The impact of observing other elements of the first-instance and appellate bodies' principles can change over time, as these elements are determined by the relevant authorities responsible for handling construction violations. For example, it is possible that an individual, serving as a representative of the city council in a case, later becomes appointed to the appellate commission and reexamines the same case. Given this situation, it can be argued that the proceedings would lack legal validity, as the individuals in both the first-instance and appellate bodies are the same. The instability of the members of the adjudicating bodies can also be considered a violation of the principles of fair trial.

3.2. *Financial Dependency of Voting Members on the Municipality and Violation of Impartiality*

The principle of impartiality of judges is one of the fundamental principles of any type of trial, including civil trials. "Impartiality refers to refraining from actions that might increase the likelihood of one party winning over the other. Philosophically, this principle has private foundations, such as guaranteeing and securing the natural rights of individuals and ensuring their autonomy, and socially, it guarantees the credibility of the judiciary and the order and security of society"

(Ghamami & Mohseni, 2013). Impartiality in judicial proceedings, rooted in the principle of fairness and respect for the inherent dignity of individuals, means treating both parties equally, without prior bias. "The independence of members of judicial bodies requires that they be appointed by an independent authority, not the relevant executive body, and that they cannot be dismissed except in cases of proven misconduct. Thus, they should be free from administrative pressures when adjudicating disputes. Impartiality also means that the adjudicating authority should not prejudge and should avoid allowing the course of proceedings to be influenced by its own or any other party's interests" (Hashemi, 2006; Hashemi, 2003). "Some provisions of the civil procedural code aim to ensure this principle and protect the impartiality of the judge. Some other provisions, although designed to serve other legislative objectives, also implicitly and indirectly safeguard judicial impartiality. For example, Article 239 of the Civil Procedure Code (1999) states: 'The court cannot encourage a witness to testify, prevent them from doing so, or guide them in the quality of their testimony. It should simply present the subject matter and allow the witness to express their testimony freely.' This provision directly ensures the impartiality of the judge. Similarly, Article 201 of the same code, which states that the date and place of proceedings (and the evidence) should be communicated to the parties, although it primarily guarantees the symmetry of the proceedings, also indirectly ensures the impartiality of the judge" (Yavari, 2014).

"According to Article 100 of the Municipalities Law, the commissions are composed of one member of the city council, selected by the city council, a representative of the Ministry of the Interior, and a judge selected by the Ministry of Justice, to review construction violations within the city or its vicinity. It appears that the members of the commissions are appointed from specific bodies; however, these members do not enjoy professional immunity, and the appointing authorities can easily remove them. The independence of Article 100 commissions is realized when these commissions are not influenced by the opinions of the bodies or organizations that form them. Therefore, the rulings of the Article 100 commissions cannot be considered impartial, as the judges of these commissions are not independent and are dependent on the municipality and the appointing

organizations. Another important point is that the Article 100 commission, which operates under the municipality and issues rulings, is essentially a party to the dispute. This means that the municipality, as one of the parties, also acts as the adjudicator, which contradicts the principles of fair trial" (Mahmoudi, 2006).

"One of the fundamental weaknesses in terms of fairness in the proceedings of municipal administrative bodies is the lack of expertise of the individuals issuing decisions, as well as their financial and employment dependency on the municipality and the state. This leads to a violation of the independence of judges. One issue that may compromise the independence of judges in the Article 100 commissions is the financial dependency of voting members on the municipality. As the municipality is one of the parties in construction violation cases, it also provides the financial resources for the judges of these bodies. Therefore, it can be argued that proceedings in these bodies conflict with the principles of fair trial, including judicial independence" (Tabatabaei Motameni, 2006).

3.3. *Non-public Hearing*

The belief that justice must be seen in order to be delivered is a fundamental principle in legal systems. "Public trials are considered one of the elements of a fair trial" (Mole & Chtharina, 2006, p. 21). "Two meanings can be inferred from the concept of public hearings: first, that everyone should be able to be aware of the trial proceedings and, if necessary, attend the hearings; and second, that the verdict and the documents upon which the decision is based should be accessible to the public. Public hearings involve continuous public oversight of the proceedings and the actions of dispute resolution bodies, ensuring the public is informed of the accuracy of the proceedings and decisions, thereby obligating authorities to perform their duties with precision and to respect individuals' rights to a fair hearing" (Hashemi, 2003).

"Article 136 of the Civil Procedure Code, enacted in 1939, explicitly addressed public hearings. However, the 1979 Law on the Procedure of Public and Revolutionary Courts does not make any reference to this issue. Despite this, the requirement for public hearings is stipulated in Article 165 of the Constitution, making it a fundamental aspect of legal proceedings in our legal system. The Constitution states: 'Trials shall be public, and

individuals are free to attend unless the court determines that public hearings are incompatible with public morality or order, or in private disputes, the parties request that the trial be held in private'. The notion of public hearings can be inferred from the term 'trials' used in this article" (Ghamami & Mohseni, 2013). "The Commission of Article 100 of the Municipal Law, established by the Municipal Law of 1965 with subsequent amendments, does not have specific regulations regarding this issue. In fact, this article merely addresses the establishment of the body and briefly mentions types of building violations, without addressing most elements of a fair trial. Therefore, the regulations concerning the Commission of Article 100 of the Municipal Law are silent regarding both the presence of the public and the parties involved in the hearing" (Mahmoudi, 2006).

3.4. *Failure to Provide Adequate Opportunity and Resources for Defense Preparation*

A fair trial requires the maintenance of equality and fairness between the parties to a dispute. This means that, in the course of a trial, both parties must be placed in such equal conditions that they can fully address the claims of the opposing party and present their evidence. This principle is known as the "principle of parity" in procedural law. In fact, "one of the conditions for a fair trial is that while the verdict is issued within a reasonable time, the principle of parity should also be respected" (Matin Daftari, 2015). The adherence to this principle guarantees impartiality and the correct implementation of justice. This is because a judge will only be able to reach the truth if they hear the claims, defenses, and evidence of both parties on an equal footing and then make a judgment. Based on this principle, each party must not only have the opportunity to challenge the claims, evidence, and arguments of the opposing party but also have the opportunity to present their own claims, evidence, and arguments.

"The Article 100 Municipal Law Commissions are required to notify the interested party of the building violations before issuing a verdict and give them a ten-day period to present their defense. According to Note 1 of Article 100 of the Municipal Law, from the date of notification to the owner or their representative, they have ten days to provide written explanations to the Article 100 Commission, and this notification must be

adhered to. Failure to do so will result in the invalidity of the decision. Additionally, the available defense resources for the parties differ in these hearings, as one of the parties is the municipality, which is itself a party with a vested interest and is also involved in the adjudication process. Thus, equality of arms between the parties is not respected in these commissions" (Mirzaei, 2016).

"According to the principle of parity, the trial period should not be so prolonged that it causes undue delay, nor should it be so brief that it undermines the accuracy and fairness of the proceedings. Furthermore, the necessary conditions and resources must be provided for the parties to defend themselves" (Mohseni, 2014). The principle of parity has not been explicitly mentioned in any of Iran's laws. However, Article 371, Clause 3 of the Civil Procedure Code states: "Failure to comply with the principles of procedure and the rights of the parties to the dispute, if significant enough to invalidate the decision, will lead to the annulment of the decision." Although this article specifically pertains to appeals, it can also be extended to other forms of complaints, including appeals. It seems that this principle also applies to the Article 100 Municipal Law Commission. Regarding the provision of adequate opportunity, one might argue that given the principle of expedited proceedings in specialized administrative forums, the parties are provided with sufficient time for defense. However, in relation to the principle of parity, since the defendant is not present at the hearing, it cannot be said that this principle is observed in the proceedings of the Article 100 Commission, as the foundational requirement for the realization of the parity principle is that both the defendant and the claimant be able to attend the hearing" (Shams, 2002).

3.5. *Failure to Refer to Expert and Lack of Explicit Justification for the Verdict*

Regarding requests for expert consultation by the plaintiff, the commissions often ignore such requests, whereas these requests are approved by the judges of the Court of Administrative Justice, and the matter is referred to an expert. When the plaintiff is the municipality itself, the municipality's expert opinion cannot be used as a basis for action. In line with the principle of impartiality, it is necessary to obtain the opinion of an official judiciary expert. The Article 100

commissions have no obligation to refer matters to an expert, and this is not relevant for the Court of Administrative Justice, although it is procedural.

The regulations related to the Article 100 Municipal Law are silent on the issue of whether the decisions made by the commissions must be reasoned and supported by evidence. However, it is certain that decisions made by the commissions will be annulled by the Court of Administrative Justice if they exceed the legal authority or are otherwise unlawful.

3.6. *Lack of Specific Procedural Rules*

The hearings in the Article 100 Commission do not have a specific procedural framework, which often leads to the application of existing rules from the Civil Procedure Code in these proceedings. This results in conflicts between procedural rules within the commissions. The absence of a clear procedural code for case hearings in the Article 100 Commission is considered a violation of fair trial principles, as the presence of clear and defined procedural rules would prevent judicial arbitrariness and ensure equality of opportunity for the parties involved in the dispute. "For example, the notification procedures in specific regulations, such as the Municipal Law, are not defined, and in such cases, the notification provisions of the Civil Procedure Code are applied. One of the issues arising from this is that since there are no provisions for absent verdicts and subsequent objections in specific forums and quasi-judicial hearings, one can argue that in cases where conditions allow, a right to appeal should be provided based on the general procedural rules and the Civil Procedure Code. Thus, the response to the above question is negative, as in specialized commissions, only the right to object and appeal is foreseen, and there is no distinction between in-person and absent verdicts" (Sharj Sharifi et al., 2022). It is also important to note that generally, adhering to procedural formalities in quasi-judicial bodies is necessary only if it infringes on the fundamental rights of the parties, as such adherence is considered a core principle of fair trials.

4. Conclusion

The results showed that fair trial procedures are not fully adhered to in the administrative processes of municipal committees. The mentioned committees, both at the first

instance and appeal levels, lack a specific procedural framework, which can lead to the violation of individuals' rights. The members of the first-instance and appellate boards in the municipal Article 100 Committee are not fixed, and this may result in the same judge issuing a ruling in both the first instance and appeal stages. The Article 100 Committee, which operates under the municipality and issues rulings, in fact acts as one of the parties to the dispute. This means that the municipality, as a party to the dispute, also sits in judgment, which violates the principles of a fair trial.

Additionally, after the formation of the Article 100 Committee, the technical and justification reports prepared by the municipality, as well as the report compiled by the committee's secretary, have a significant influence on the committee's decision. Specifically, the Article 100 Committee examines and issues its ruling based on the technical opinion and report prepared by the committee's secretary, and if the violator objects, the same municipal officials re-assess the violation. These officials may lack sufficient experience or may hold personal animosities, which is not in line with the principles of impartiality required for expert assessments in courts. In fact, experts should be completely impartial, not issuing opinions based on the municipality's viewpoint. This issue can significantly undermine the fair trial principles and affect the quality of the committee's ruling.

Another issue worth mentioning is the lack of presence of the interested party during the hearings. According to Note 1 of Article 100, the violator is only required to submit a written statement, whereas a representative of the municipality, who may be the same technical officer or the committee secretary, must appear to provide explanations. It is unclear how this type of procedure can be just when the rights of one party are disregarded and given to the other, which contradicts the principles of fair trial. Furthermore, the committee hearings are not held in public, which is another clear violation of the principles of a fair trial. Therefore, it can be concluded that the lack of the interested party's right to attend the trial, coupled with the non-public nature of the hearings in the Article 100 Committee, constitutes a clear breach of the principles of fair trial.

Moreover, since the municipality itself is a party to the dispute, its presence as a party to the proceedings significantly undermines the equality of arms between

the parties. Given the aforementioned points, it can be concluded that the proceedings in the Article 100 Committee of the municipality have significant weaknesses in terms of adhering to the principles of fair trial. This issue highlights the need for amendments to the laws governing these proceedings. Additionally, the municipality's technical and justification reports, along with the report prepared by the committee's secretary, significantly influence the committee's rulings.

Finally, having clear and defined procedural rules is a fundamental principle of justice, and failure to observe these rules conflicts with the rights of the parties involved and contradicts the principles of fair trial. To prevent the violation of individuals' rights in the proceedings of the Article 100 Committee, it is suggested that the laws and regulations governing these proceedings be amended. The new laws should introduce independent procedural rules for dealing with violations in these committees. Moreover, in order to ensure the specialization and independence of judges, strategies should be developed to minimize the financial and employment dependence of judges handling cases involving municipalities. Ultimately, it is recommended that hearings by the committee be held publicly and in-person, allowing parties to have a fair opportunity for defense and preventing the violation of individuals' rights.

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.

Acknowledgments

We would like to express our gratitude to all individuals helped us to do the project.

Declaration of Interest

The authors report no conflict of interest.

Funding

According to the authors, this article has no financial support.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

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