

OPEN PEER REVIEW

# The Authority of the Islamic Government in Citizens' Private Sphere Based on the Opinions of Jurists and Jurisprudential Principles and Rules

Fereshteh. Bigdelo<sup>1</sup>, Seyed Hasan. Abediyan Kalkhoran<sup>2\*</sup>, Esmat Sadat. Tabatabayi<sup>2</sup>

<sup>1</sup> PhD Student, Department of Jurisprudence and Fundamentals of Islamic Law, Pardisan Qom branch, Islamic Azad University, Qom, Iran

<sup>2</sup> Assistant Professor, Department of Jurisprudence and Fundamentals of Islamic Law, Pardisan Qom branch, Islamic Azad University, Qom, Iran

\* Corresponding author email address: mhabed4@yahoo.com

Received: 2025-02-03

Revised: 2025-03-02

Accepted: 2025-03-11

Published: 2025-07-01

## EDITOR:

Tahereh Ebrahimifar<sup>id</sup>

Head of Sociology Department, Faculty of Arts, Helwan University, Cairo, Egypt. Email: Tah.Ebrahimifar@iauctb.ac.ir

## REVIEWER 1:

Patrika Handique<sup>id</sup>

Patent Information Centre, Intellectual Property Facilitation Centre, Chhattisgarh Council of Science & Technology, Raipur, Chhattisgarh, India. Email: Patriandique@gmail.com

## REVIEWER 2:

Mehmet Çevik<sup>id</sup>

Department of Social Sciences, Ankara University, Türkiye. Email: mehmetcevik@asbu.edu.tr

## 1. Round 1

### 1.1. Reviewer 1

Reviewer:

The question raised is highly important but could be formulated more precisely. Recommend splitting it into two separate research questions: one on scope and one on limits of governmental intervention.

The explanation of the difference between governance (hakimiyah) and guardianship (wilayah) is insightful but too condensed. Expand it with 2–3 additional sentences illustrating concrete implications of this distinction.

The quote on the Prophet's practice regarding people's property is valuable. Suggest emphasizing the logical link between this historical precedent and the limitation of the Islamic government's modern authority.

The metaphor about "grasping a thorny plant" is vivid. However, for academic rigor, it would be helpful to explain the jurisprudential consequences of such difficulty (e.g., presumption against authority).

While you summarize his position well, Mirza Naini's views on Wilayah Tashri'iyah deserve more elaboration. Recommend a few lines distinguishing between his levels of legislative guardianship.

Excellent explanation, but it would benefit from an example illustrating contemporary dilemmas (e.g., privacy in digital surveillance) to enhance relevance.

The paragraph discussing general deputyship (niyābah 'āmmah) would benefit from citing additional supporting narrations beyond Maqbūlat 'Umar ibn Ḥanzāla, to show stronger textual grounding.

Authors revised the manuscript and uploaded the document.

### 1.2. Reviewer 2

Reviewer:

In defining "private sphere," the text synthesizes various views but does not clearly distinguish between Western secular definitions and Islamic conceptions. A clarification paragraph would strengthen the theoretical foundation.

The discussion on "hukumat" is linguistically rich but lacks direct relevance to the specific research question. Condense this part slightly and shift focus toward its connection with the guardianship of jurists.

This modern definition is well-stated but lacks Islamic jurisprudential grounding. Recommend adding a bridge sentence connecting this concept to traditional Islamic notions of 'ummah' and 'ra'iyah'.

You correctly problematize this principle. However, the example about family expenses seems minor; suggest replacing it with a more serious example (e.g., public health measures during pandemics).

Excellent categorization into three domains. However, recommend a short table summarizing the three domains and the application of *asl 'adam al-wilayah* to each for clarity.

Authors revised the manuscript and uploaded the document.

## 2. Revised

Editor's decision: Accepted.

Editor in Chief's decision: Accepted.