

From Parliamentary Immunity to Monitoring the Conduct of MPs (Comparative Study on the Majles and the European Parliament)

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Abstract

The purpose of the present study is to find a balance point between immunity and monitoring the professional conduct of representatives. In parliamentary law, Members have immunity on the one hand and are accountable on the other hand; Balancing the parliamentary immunity and accountability strengthens both democracy and the separation of powers. The research method is comparative; thus, the approach of the legal system of Iran to immunity and monitoring is compared with that of the European Parliament. Research findings show that the immunity of representatives in the European Parliament is inviolable, at the same time the issues of code of conduct and monitoring mechanisms are as effective as necessary; In Iran, MPs do not have significant immunity then the monitor body reciprocally does not work in a good manner because of the reasons such as lack of political parties, custom-orientedness, lack of transparency, violation of the rule of law, and lack of education. The results show that the balancing between immunity and monitoring leads to the authority of parliament and democracy if the political culture is formed by political parties, and the principles of separation of powers, the rule of law, transparency, and accountability are simultaneously respected.

Keywords: Parliamentary Law; Conflict of Interest; Political Corruption; Transparency; Rule of Law.

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