

A Novel Approach to the Concept of Wrong (Unrecht) in Hegel's Philosophy of Right within the Framework of the Iranian Constitution

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Abstract:

The concept of wrong (Unrecht), a cornerstone of Hegelian philosophy, encapsulates injustice in its legal, social, and philosophical dimensions, revealing the fractures that threaten the ethical and rational coherence of society. Its significance lies not only in diagnosing the roots of injustice but also in offering pathways for its resolution. Simultaneously, the Iranian Constitution, as a comprehensive legal framework, emphasizes social justice, the eradication of discrimination, and the protection of rights, providing a fertile ground for a comparative study that intertwines philosophy with constitutional law. This research seeks to address the question: Are the principles of the Iranian Constitution related to the various dimensions of Hegel's wrong (Unrecht)? The primary hypothesis asserts that these principles, directly or indirectly, address various aspects of wrong (Unrecht). The analysis reveals that while Articles such as 3 and 29 effectively tackle legal and social injustices through mechanisms like social welfare and the elimination of inequalities, gaps persist in addressing philosophical injustices and fully integrating restorative justice into the constitutional framework. Moreover, this study affirms that Hegel's wrong (Unrecht), with its multidimensional approach, serves as a robust theoretical model for understanding and resolving injustice. It also identifies the Constitution's success in incorporating certain restorative principles, albeit in a limited scope. By affirming the main hypothesis and critically evaluating secondary hypotheses, this research highlights how the interplay between Hegelian philosophy and the Iranian

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Constitution can illuminate pathways to reinforce legal and social structures, ultimately fostering a more cohesive and ethical societal order.

Keywords: *Unrecht; Hegel's Philosophy of Right; Iranian Constitution; Dialectic; wrong.*

Introduction:

The concept of wrong (*Unrecht*), central to Hegel's philosophy of right, offers a profound framework for understanding justice and injustice beyond mere legal violations. Embracing legal, social, and philosophical dimensions, wrong (*Unrecht*) represents the ruptures that arise when the harmony between individual freedoms and collective rationality is disrupted. For Hegel, resolving wrong (*Unrecht*) is not a marginal task but a fundamental need to restore moral and rational coherence to society. This philosophical lens not only deepens the theoretical discourse on justice, but also offers valuable insights for addressing structural and systemic injustices in contemporary legal systems. The Iranian Constitution serves as a unique case study to examine the practical implementation of justice through its explicit focus on ensuring equality, social cohesion, and the preservation of individual and collective rights. In addition to Hegel's *Philosophy of Right* remaining as the main text, important studies in this field have formed the foundation of this research, which will be mentioned below.

Alexander T. Englert's *Pecca Fortiter for the Sake of Morality? Making Sense of Wrong in Hegel's System of Right* (2014) offers a compelling examination of the concept of *wrong (Unrecht)* within Hegel's legal philosophy, specifically as a form of freedom and a necessary transition toward morality. The study interrogates the dual interpretative approaches to *wrong*—the descriptive, which conceives it as an inherent feature of the human condition, and the prescriptive, which posits actual wrongdoing as integral to the development of moral agency. Englert emphasizes the latter, arguing that *wrong* must be actualized as an experiential necessity in the formation of ethical consciousness. Crucially, he draws a parallel between *wrong* and the phenomenon of alienation (*Entfremdung*) in Hegel's *Phenomenology of Spirit*, positioning both as critical mediators between abstract personality and moral subjectivity. The discussion further explores the dialectical

structure underpinning *wrong* in *The Philosophy of Right*, situating it alongside pivotal concepts such as contract, conscience, and civil society. Englert challenges purely formalistic readings of Hegel's speculative logic, contending that any adequate understanding of juridical and ethical development must incorporate experiential dimensions. This view situates *wrong* as an embodied moment in the teleological progression of freedom rather than a mere negation dictated by semantic necessity. In his conclusion, Englert frames *wrong* as a form of internal alienation, a moment in which the individual is estranged from their own nature as simultaneously particular and universal. This alienation, paradoxically, enables the subject's deepest reflection and ultimate reconciliation with moral agency. Thus, *wrong* is not merely a conceptual anomaly but an essential phase in the realization of freedom within Hegelian jurisprudence.

In his article "Right, Justice and Freedom in Hegel", Thadeu Weber undertakes a philosophical-analytical exploration of the concept of justice within Hegel's *Philosophy of Right*. Employing Hegel's dialectical method, Weber elucidates how justice emerges not as a static legal norm but as a dynamic process of the realization of freedom across three spheres: abstract right, morality, and ethical life (*Sittlichkeit*). Grounded in the notion of the person as a bearer of legal capacity, justice is portrayed as inherently tied to reciprocal recognition and individual self-determination. The study further investigates key elements such as the right to property, contract, and the *Notrecht*—the right of necessity—which permits legal exceptions in extreme circumstances to safeguard human dignity and life. Weber's findings emphasize that, for Hegel, justice is not exhausted by legal formalism but is fulfilled only when freedom is actualized through ethical institutions such as the family, civil society, and the state. These institutions serve as mediating structures wherein the individual transcends the immediacy of arbitrary will and participates in the universal. Thus, the administration of justice is not merely the application of law but the embodiment of the Concept (*Begriff*) of Right as freedom realized in objective spirit. Weber's interpretation offers a nuanced reading of Hegel's legal philosophy, highlighting its contemporary relevance in framing justice as both a legal and moral imperative anchored in the dialectic of freedom.

The article titled "El Estado Social en la Filo Sofia del Derecho de Hegel" by Gabriel Amengual from the University of the Balearic Islands explores the role of Hegel's *Philosophy of Right* in laying the

groundwork for the theory of the Social State. The central question of the paper is whether Hegel's philosophy, despite its emphasis on the State of Freedom, provides the foundational principles for a Social State. The hypothesis argues that while Hegel does not directly address the Social State, his philosophy contains essential concepts that underpin this theory. The research methodology involves textual and conceptual analysis of Hegel's works, with particular focus on *Grundlinien der Philosophie des Rechts*. The article examines key themes, including the right to welfare within morality, family, and civil society; the functions of the police and corporations as social institutions; and the challenges posed by poverty and the working-class rabble. The conclusion affirms that Hegel's philosophy, despite its limitations, offers a framework for the Social State, albeit without providing practical solutions for structural poverty. The author proposes a critical engagement with Hegel's views in light of modern theories of social justice, emphasizing the need to reinterpret Hegel's ideas in the context of contemporary welfare states. The paper critically addresses the philosophical and practical tensions of the Social State from the perspective of Hegel's *Philosophy of Right*.

This research seeks to answer the fundamental question of whether the principles of the Iranian Constitution are relevant to various forms of Hegelian wrong (Unrecht). To address this central inquiry, several sub-questions are raised, including: What are the theoretical and philosophical dimensions of wrong (Unrecht) and how is it defined as legal, social, and philosophical injustice? What mechanism has the Iranian constitution established in this regard? How is restorative justice related to these concepts and does the Iranian constitution recognize its importance? In what ways can Hegel's philosophical teachings strengthen legal and social mechanisms to prevent wrong (Unrecht)?

The primary hypothesis of this inquiry is that the principles of the Iranian constitution embody various forms of Hegel. In addition, several secondary hypotheses are raised to assess the validity of this central claim: First, it appears that Hegel's concept of wrong (Unrecht) may not function as an effective theoretical framework in legal systems. Second, it appears that the principles of the Iranian constitution directly or indirectly address various forms of Unrecht. Third, restitution for injustice does not seem to be explicitly reflected in the Iranian

constitution. Examining these hypotheses sheds light on the broader question of whether the Iranian constitution aligns with the Hegelian dimensions of wrong (Unrecht).

Structured in three parts, this research progresses from philosophical exploration to legal application. The first part lays the theoretical foundation by examining the essence of wrong (Unrecht) and its critical role in Hegel's philosophy, and then delves deeper into its conceptual manifestations: legal wrongs as violations of laws and principles, social wrongs rooted in systemic inequalities, and philosophical wrongs arising from moral inconsistencies. The second section shifts to practical implications, analyzing how the Iranian constitution aims to prevent and address injustice through explicit principles and mechanisms that bridge theory and practice by reflecting on the alignment of the constitution with Hegel's philosophy of wrong (Unrecht), showing how legal, administrative, and philosophical injustices are addressed through constitutional frameworks. Finally, the last section examines restorative justice—a transformative approach that reflects Hegel's decision on wrong (Unrecht)—and analyzes its role in repairing harm and fostering social harmony within the constitutional framework.

This article seeks to contribute to the interdisciplinary dialogue between philosophy and constitutional law, and to show how theoretical concepts can provide practical frameworks for combating injustice. By blending Hegelian philosophy and Iranian constitutional law, it aims to uncover underlying principles that not only address wrongdoing but also envision a coherent and morally aligned social order.

Section One – A Reflection on Hegel's Concept of Wrong in the Framework of the Discussion

Wrong (Unrecht) occupies a pivotal position in Hegel's Philosophy of Right, serving both as a challenge to the ethical order and as a necessary catalyst for its dialectical development. Hegel defines wrong as “the negation of the right,” emphasizing its disruptive impact on the coherence of ethical norms and the imperative for rectification to restore social harmony (Hegel, 1967, §§82, 97). He does not regard wrong merely as an anomaly within the legal order but instead frames it as an

essential and fundamental stage in the dialectical process toward the realization of freedom and justice. Justice is fundamentally social justice, realized through the mediation of individual self-determination and reciprocal recognition within ethical institutions. (Weber, 2014, p. 22) As Hegel states, “Wrong contradicts the right of some particular will’s possession of something, which in turn injures the universal concept of the will in general” (Englert, 2014, p. 210). This philosophical foundation highlights the tension between individual will and the rational, universal principles of right. The transition from right to morality underscores the principle that the individual will must align with the universal will (Hegel, 2001, §104).

Englert aptly explains: “In the PR, the Idea is that of right, which takes the will as its starting point and then allows it to go through its various forms, each of which ‘gives determinate shape and existence to freedom’” (Englert, 2014, p. 207; PR: §30, 59). By highlighting the integral role of the will in the realization of freedom, this perspective demonstrates that wrong emerges as a deviation from universal principles, destabilizing the ethical fabric and requiring corrective measures through the legal and moral mechanisms of the state to restore order and legitimacy.

While wrong represents a rupture in the moral and legal order, Hegel regards it as a necessary part of society’s evolutionary journey. Within this framework, wrong is a stage that must be overcome to achieve a deeper and more complete manifestation of right in society. For Hegel, the existence of wrong is an essential phase in the dialectical development of right, as it reveals and resolves the inherent conflict between the particular will and the universal will, ultimately restoring ethical and social harmony (Hegel, 1967, §139). Resolving this contradiction not only re-establishes the legal order but also reinstates freedom within society. Such an analysis underscores how overcoming wrong strengthens social order and reconstructs moral values.

Similarly, as Hegel highlights, the state plays a crucial role in addressing and resolving instances of wrong. He perceives the state as the ethical embodiment of justice, tasked with restoring order. Justice, as Hegel explains, functions to annul wrong by reestablishing the principles of right and aligning individual will with universal ethical norms (Hegel,

1967, §104). Consequently, the state, through its legal and ethical authority, is responsible for annulling wrong and restoring harmony.

In Hegel's philosophy, the concept of Unrecht functions not only as a powerful analytical framework for understanding injustice but also as a critical tool for assessing the deficiencies of contemporary legal systems. As the dialectical counterpart of the concept of right, Unrecht provides a sophisticated lens through which the complexities of injustice can be analyzed while simultaneously serving as a mechanism for reconstructing social and moral order based on rational principles. "Going by Hegel's word, one seems to be left with the logical necessity of morality being found through doing the opposite of right" (Englert, 2014, p. 208). This perspective, particularly within the constitutional contexts of nations like Iran, emphasizes the notion that the emergence of morality and the imperative to restore social harmony often arise from the inherent contradictions and shortcomings within legal frameworks. From this standpoint, Hegel's philosophy offers not merely a critique of Unrecht as a crisis but also as a transformative opportunity to strengthen and rethink the moral and social principles underlying legal systems.

Hegel's concept of wrong (Unrecht) emerges as a multidimensional construct that unfolds not only within the legal domain but also across social and philosophical realms. Unrecht signifies a rupture or contradiction within the moral and legal order, reflecting a divergence that prompts critical reflection on existing structures. As a dialectical concept, wrong operates both as a critique of the present order and as a catalyst for the evolution of justice and the realization of freedom within society. From this perspective, the concept of wrong (Unrecht) in Hegelian philosophy encompasses various legal, social, and philosophical dimensions. These categories demonstrate how wrong manifests across different levels, ranging from individual violations of law to systemic injustices and deeper inconsistencies within ethical and rational principles. These dimensions provide a comprehensive framework for analyzing the dynamics of injustice and exploring the pathways to its resolution, which are central to the focus of this article.

Section two – The Reflection of Hegel's Philosophy of unrecht Within the Structural Framework and Foundational Principles of the Iranian Constitution

Hegel's philosophy of Unrecht or injustice represents one of the most intricate aspects of his theories on law and ethics, addressing the disruptions and contradictions within social and legal orders. This concept reflects conditions under which justice is undermined due to structural contradictions or violations of ethical principles. The Constitution of the Islamic Republic of Iran, as the backbone of the nation's legal framework, outlines principles and mechanisms aimed at preventing and rectifying such injustices. Hegel emphasizes that such rectifications are not merely a response to injustice but also essential for the preservation of freedom and social stability. "At the same time, one cannot overlook that Hegel, with the legal form of institutions, also wants to emphasize the function of positive right in establishing status and guaranteeing freedom" (Zabel, 2015, p. 87). Positive right, through the framework of defined laws and institutions, provides individuals with social recognition and protects their freedom by embedding it within a structured legal order. This section explores the relationship between the foundational principles of the Iranian Constitution and Hegel's concept of Unrecht, analyzing their convergence, alignment, and realization.

First Clause- Legal Injustice – The Confrontation Between Law and Judicial Errors

From Hegel's perspective, legal injustice as a negation of right occurs when the legal order is disrupted by systemic errors or unjust decisions. Accordingly, legal injustice constitutes a form of disruption within the normative order or legal structure. These normative orders or legal structures are what ensure the rationality of principles and the legitimacy of the legal system. This implies that when legal injustice arises, this legitimacy becomes undermined, and the coherence of the legal structure is lost.

Hegel emphasizes that such disruption necessitates "rectification" or "remediation." Rectification means that the legal system must address this injustice by correcting deficiencies and resolving existing

contradictions, thereby restoring balance and harmony to the system. From Hegel's perspective, this process of rectification is not only essential for rebuilding public trust in the law but also serves as a step toward historical progress and the evolution of the legal system.

"Therefore, for Hegel, only a rational solution allows the full realization of individual freedom, and enabling this solution is the function of the state. Law appears as the means to guarantee the exercise of freedom, an indispensable condition for free action"¹ (Arbia, 2019, p. 1678). The Constitution of Iran, in Article 171², encompasses such cases and obliges the government to compensate for damages resulting from judicial errors, a principle explored in the previous section. In this regard, Article 171, by providing mechanisms for compensation, not only supports victims of judicial errors but also takes practical steps toward addressing legal injustice. This principle aligns with Hegel's notion of resolving legal contradictions through the restoration of order. In other words, legal injustice is not merely a problem but an opportunity to reassess and strengthen the legal system. This alignment with Article 171 of the Constitution of Iran demonstrates how a dialectical philosophy can contribute to the reinforcement and implementation of modern legal principles.

It is worth noting that, in addition to this article, other articles within the Constitution of Iran address this issue, directly or indirectly focusing on correcting errors, reforming the legal system, and safeguarding individual rights. Article 34³ of the Constitution of Iran guarantees universal access to courts, enabling individuals to challenge judicial or legal errors and utilize legal mechanisms to rectify injustices.

¹-Portanto, para Hegel, só a saída racional permite a plena realização da liberdade individual e possibilita esta saída é a função do estado. O direito aparece como a forma de garantir o exercício da liberdade, uma condição indispensável para a ação livre.

²-Article 171 [Liability of Judges]:

"Whenever an individual suffers moral or material loss as the result of a default or error of the judge with respect to the subject matter of a case or the verdict delivered, or the application of a rule in a particular case, the defaulting Judge must stand surety for the reparation of that loss in accordance with the Islamic criteria, if it be a case of default. Otherwise, losses will be compensated for by the State. In all such cases, the repute and good standing of the accused will be restored. "

³-Article 34 [Recourse to the Courts]:

"It is the indisputable right of every citizen to seek justice by recourse to competent courts. All citizens have the right of access to such courts."

Access to justice is part of the process Hegel describes—the necessity of addressing injustice to restore legal order.

Article 159¹ of the Constitution of Iran declares the judiciary's authority and provides a foundation for the resolution and management of contradictions within the legal system. The judiciary, as the formal institution, must act to restore balance in the face of legal injustice. Correspondingly, Article 161² of the Constitution of Iran defines the administration of justice as the most significant duty of the judiciary, enhancing justice in the legal and judicial sphere. According to Hegel, the administration of justice at the judicial level must lead to the elimination of existing contradictions in the system and the safeguarding of rights for all.

In conclusion, each of the aforementioned articles strives to address legal injustice from various perspectives—from compensating damages to ensuring access to courts and administering justice. This conceptual synergy allows the judicial system to function more effectively and confront legal injustice.

Second Clause- Philosophical Injustice – Preserving Freedom of Thought and Rational Harmony

Unlike legal injustice, which operates within the confines of established laws, this deeper form of injustice penetrates the foundational layers of societal values and necessitates a thorough re-evaluation of concepts and principles. Such contradictions, as Hegel asserts, demand resolution through the reform of fundamental laws and the redefinition of ethical frameworks. These injustices, emerging from deviations from rational and moral values, obstruct the realization of moral and rational freedom in society. As Englert observes: “Freedom, then, in the context of persons may only take shape when a person realizes her freedom in

¹-Article 159 [Courts]

The courts of justice are the official bodies to which all grievances and Complaints are to be referred. The formation of courts and their jurisdiction is to be determined by law.

²-Article 161[Supreme Court]

The Supreme Court is to be formed for the purpose of supervising the correct implementation of the laws by the courts, ensuring uniformity of judicial procedure, and fulfilling any other responsibilities assigned to it by law, on the basis of regulations to be established by the head of the judicial branch.

some particular, immediate manner – i.e., by relating herself, her will, to some outside thing: ‘The will is Idea or actually free only in so far as it has existence [Dasein], and the existence in which it has embodied itself is the being of freedom’” (Englert, 2014, p. 208; PR: §93, 120). This perspective emphasizes that freedom is not merely an abstract concept but must manifest concretely through the individual's interaction with the external world. Accordingly, Hegel’s philosophy offers profound insights into the relationship between personal will, societal freedom, and legal structures, providing a transformative framework for reconstructing ethical and social order.

In the Constitution of Iran, various principles, such as Articles 23, 9, and 22, strive to counter this type of injustice by guaranteeing fundamental freedoms, safeguarding human dignity, and preventing undue restrictions.

Article 23¹, by emphasizing the prohibition of ideological inquisition, provides a framework for preserving freedom of thought. This article ensures that no one is prosecuted for their personal beliefs, aligning with Hegel's idea of the necessity for laws to harmonize with rationality. Hegel believes that individual freedoms, such as freedom of thought and expression, are prerequisites for realizing rationality within legal systems, and the absence of such freedoms can symbolize philosophical injustice.

This article offers a framework for safeguarding fundamental rights while resonating with Hegel's perspective on the rational alignment of legal institutions. This article may serve as an example of progress toward rational alignment within modern legal systems.

Additionally, Article 9² of the Constitution explicitly states that the legitimate freedoms of citizens cannot be restricted under pretexts such

¹-Article 23 [Freedom of Belief]:

"The investigation of individuals' beliefs is forbidden, and no one may be molested or taken to task simply for holding a certain belief."

This article plays a pivotal role in preventing intellectual and ideological injustices while safeguarding individual freedoms.

²-Article 9 [Independence Principle]

In the Islamic Republic of Iran, the freedom, independence, unity, and territorial integrity of the country are inseparable from one another, and their preservation is the duty of the government and all individual citizens. No individual, group, or authority, has the right to infringe in the slightest way upon the political, cultural, economic, and military independence or the territorial integrity of Iran under the pretext of exercising freedom.

as preserving national independence. This article seeks to balance individual freedoms with national interests and prevent contradictions that Hegel describes as philosophical injustice. From Hegel's viewpoint, laws should not serve as excuses for limiting rational principles but should act as tools for realizing these principles.

Article 22¹, likewise, by guaranteeing the inviolability of dignity, life, property, and rights of individuals, targets another dimension of philosophical injustice.

Hegel regards human dignity as a universal value and emphasizes that any violation of individuals' rights and dignity reveals a discord between ethics and law. This article, with its explicit support for human dignity, takes a practical step toward combating philosophical injustice. Therefore, Article 22 endeavors to eliminate any philosophical injustice by providing an appropriate framework to prevent infringements on fundamental rights.

In conclusion, the alignment of philosophical injustice with these principles demonstrates how the Constitution of Iran can, through the utilization of legal and institutional mechanisms, reinforce moral and rational values. These principles, by adhering to their commitment to individual freedoms and human dignity, aim to prevent fundamental contradictions and philosophical deviations within the system.

Third Clause- Administrative Oversight and Combating Structural Injustices

Hegel considers administrative oversight as part of the process of realizing the universal will, which helps prevent institutional deviations and injustices. From Hegel's perspective, the supervision of executive institutions is not only a practical measure but also an ethical and rational duty of the state.

Hegel's concept of *Sittlichkeit*, as substantial freedom—where freedom is only fully realized through concrete integration of moral

Similarly, no authority has the right to abrogate legitimate freedoms, not even by enacting laws and regulations for that purpose, under the pretext of preserving the independence and territorial integrity of the country.

¹-Article ۲۲[Human Dignity and Rights]

The dignity, life, property, rights, residence, and occupation of the individual are inviolate, except in cases sanctioned by law.

principles into social and state structures—offers a compelling philosophical lens for analysis."¹ (Städtler, 2020, p. 256) Hegel's framework, by integrating moral principles into the structures of society and the state, provides an analytical tool for examining the Iranian Constitution's commitment to justice. However, this appeal must be contextualized within the broader systematic meaning and extensive role that *Sittlichkeit* occupies in Hegel's philosophy. Such contextualization illustrates how moral principles and systemic harmony must effectively align to address and resolve instances of injustice.

Administrative oversight and addressing structural injustices, according to Hegelian philosophy, are key principles for ensuring social justice and maintaining moral order within society. Hegel argues that administrative and executive institutions must be subject to rigorous oversight and control to prevent corruption, abuse of power, and contradictions that lead to injustice. This oversight must be implemented through structural mechanisms and principles that emphasize transparency, accountability, and the realization of the universal will. He asserts that administrative oversight is not merely a practical tool but an ethical obligation that states must employ to preserve justice and social harmony.

Applying this perspective to the Constitution of Iran, Article 173² mandates the establishment of the Administrative Justice Court, whose duty is to address citizens' complaints against the decisions and actions of governmental entities. The role of the Administrative Justice Court in Iran's legal system is a practical embodiment of Hegel's concept of ethical oversight and resolving institutional contradictions. This

¹-Hegels Begriff der Sittlichkeitals substantielle Freiheit, der Freiheitnursgegenständlichrealisiertegeltenlässt und eineharmonische Einheit von Gesellschaft und StaatuntermoralischenPrinzipienkonzipiert, istsozialphilosophisch reizvoll.⁴ DieserReizistaberzurelativieren an der systematischen Bedeutung und Funktion, die der Begriff der Sittlichkeitbei Hegel hat.

²-Article 173 [Court of Administrative Justice]:

"In order to investigate the complaints, grievances, and objections of the people with respect to government officials, organs, and statutes, a court will be established to be known as the Court of Administrative Justice under the supervision of the head of the judiciary branch. The jurisdiction, powers, and mode of operation of this court will be laid down by law."

institution, by providing a practical solution to counteract abuse of power, helps restore social and moral order.

This institution, by creating transparency in the functioning of governmental departments, acts as a mechanism to prevent structural injustices and ensure accountability. From Hegel's perspective, such an institution is part of the process of realizing the universal will, which must be achieved through resolving contradictions and maintaining institutional coherence. Article 173, by providing a legal framework for public oversight and addressing governmental violations, serves this purpose.

In addition, Article 156¹ of the Constitution of Iran assigns the judiciary the responsibility of overseeing the proper implementation of laws. This article emphasizes the judiciary's supervisory role and highlights the importance of ensuring that administrative actions align with legal and ethical principles. From Hegel's viewpoint, the role of such an institution is not only to ensure the enforcement of the law but also to maintain moral order and harmony between executive institutions and public demands. Article 156, by establishing judicial oversight over executive activities, seeks to comprehensively implement legal principles in the functioning of governmental institutions.

Similarly, Article 174² of the Constitution, which provides for the establishment of the General Inspection Organization, is another example of the Constitution of Iran's efforts to oversee administrative institutions.

¹-Article 156 [Status, Functions]

The judiciary is an independent power, the protector of the rights of the individual and society, responsible for the implementation of justice, and entrusted with the following duties:

- investigating and passing judgment on grievances, violations of rights, and complaints; the resolution of litigation; the settling of disputes; and the taking of all necessary decisions and measures in probate matters as the law may determine;
- restoring public rights and promoting justice and legitimate freedoms;
- supervising the proper enforcement of laws;
- uncovering crimes; prosecuting, punishing, and chastising criminals; and enacting the penalties and provisions of the Islamic penal code; and
- taking suitable measures to prevent the occurrence of crime and to reform criminals.

²-Article 174 [National General Inspectorate]

This organization serves as one of the key tools to combat corruption and structural injustices, playing a significant role in ensuring the proper flow of affairs and transparency in executive operations. Hegel emphasizes the importance of such inspections, stating that the existence of oversight mechanisms is essential to ensuring the ethical legitimacy of governmental institutions. Article 174 of the Constitution of Iran moves towards realizing this philosophical aim.

In conclusion, it can be said that the concept of administrative oversight in Hegel's philosophy and the principles of the Constitution of Iran are aligned. Hegel's philosophy views administrative oversight as an ethical tool to prevent structural injustices and maintain social coherence, while the Constitution of Iran, through Articles 173, 156, and 174, provides practical frameworks for implementing this philosophy. This alignment illustrates the profound connection between philosophical theories and practical legislative mechanisms, both of which aim to achieve justice and morality within society.

However, it should be noted that this oversight differs from the legal injustice discussed earlier. Legal injustice (Legal Wrong) pertains to issues or contradictions that arise within the judiciary or legal processes. This concept primarily relates to judicial errors, unjust decisions, and violations of legal principles in courts or law enforcement. Hegel views legal injustice as a form of disruption in the legal order that challenges the legitimacy of the law. In contrast, administrative oversight (Administrative Oversight) deals with examining and correcting violations or shortcomings in the performance of governmental and executive institutions. The primary concern here is actions by administrative bodies or governmental organizations that may be unlawful, unjust, or corrupt. Administrative oversight is more organizational and executive in nature.

Another notable distinction lies in their objectives. In legal injustice, the primary goal is to restore public confidence in the judiciary and restore the rights of individuals who have been violated. This goal is

In accordance with the right of the judiciary to supervise the proper conducting of affairs and the correct implementation of laws by the administrative organs of the government, an organization will be constituted under the supervision of the head of the judiciary branch to be known as the National General Inspectorate. The powers and duties of this organization will be determined by law.

clearly reflected in principles such as Article 171 of the Iranian Constitution, which addresses compensation for damages resulting from judicial errors. In contrast, the goal of administrative oversight is to ensure transparency in government performance, prevent abuse of power, and support accountability in executive institutions. Mechanisms such as the Administrative Court of Justice (Article 173) achieve this goal by addressing citizens' complaints against government institutions, as explained earlier.

A further distinction lies in their scope of operation. Legal injustice operates within a narrower and more defined domain, focusing on judicial and legal processes. It addresses issues such as unjust rulings, deficiencies in laws, or judicial errors. Meanwhile, administrative oversight encompasses a broader scope, overseeing the performance of government and executive agencies at all levels. Violations by governmental institutions or disregard for citizens' rights at the executive level fall into this category.

In relation to Hegel's philosophy, it is noteworthy that, from Hegel's perspective, legal injustice represents an internal contradiction that must be resolved through legal reforms and fair adjudication. This injustice is directly related to the concept of "right" and its negation. Administrative oversight, within Hegel's framework, relates to the ethical duty of the state to ensure the rule of law and adherence to principles of justice. The universal will must be guaranteed through oversight mechanisms that ensure the state acts morally. In essence, both concepts, within Hegel's philosophy, refer to resolving contradictions and restoring just order. However, their domains of operation and tools are entirely distinct.

Section Three- Restorative Justice and the Resolution of Unrecht: A Philosophical and Constitutional Perspective

Restorative justice, as one of the emerging approaches in legal systems, emphasizes repairing harm and rebuilding social relationships. This concept contributes not only to addressing individual harms but also to restoring social cohesion. Howard Zehr, a pioneer in restorative justice, in his book *The Little Book of Restorative Justice*, states that true justice requires a shift in focus from broken laws and deserved

punishments to questions addressing the needs of victims and the responsibilities of offenders: "Justice will not be served if we maintain our exclusive focus on the questions that drive our current justice systems: What laws have been broken? Who did it? What do they deserve?" (Zehr, *The Little Book of Restorative Justice*, 2002, p. 14). This perspective signifies a fundamental change in the perception of justice, where the emphasis moves from punishment to rebuilding and restoration.

Moreover, restorative justice is presented as a social and ethical process that seeks to create positive changes in the relationships among victims, offenders, and the community. "Restorative justice is not a soft option. It requires courage to face the consequences of our actions and to work towards repairing the harm we have caused." (Tutu, *No Future Without Forgiveness*, 1999, p. 55). Ultimately, restorative justice is proposed as a tool for rebuilding social cohesion and addressing institutional contradictions, which holds significant importance for creating positive transformations in legal and social systems. "Restorative justice is about holding people accountable for their actions in a way that promotes healing and reconciliation." (Stevenson, *Just Mercy*, 2014, p. 89).

From Hegel's perspective, injustice (*Unrecht*) is not merely a simple breach of the law; rather, it is a fundamental rupture within social structures that threatens the moral coherence of society. In his *Philosophy of Right*, Hegel explains that injustice occurs when laws and social institutions fail to maintain harmony between individual freedom and the universal will, leading to contradictions and tensions that must be resolved.

"In Hegel's understanding, civil society encompasses a very broad field, which – in today's terms – ranges from the economic structure to the welfare state or social state, including the judiciary. The three parts that compose civil society are 'the system of needs,' 'the administration of justice,' and 'the police and the corporation.' In Hegel's eyes, what unites this varied field is that in these three areas there exists a relationship between particularity and universality that is not reconciled, not regulated by reason, but by understanding, that is, through calculation, agreement, or contract; unlike the state, which is the rational sphere, where both dimensions are united. Civil society is 'the union of members as

independent individuals in a universality, therefore formal."¹(Amengual, 2022, p. 33)

This view closely aligns with restorative justice, as both approaches emphasize reforming and reconstructing social order. "Restorative justice aims to repair the harm caused by wrongdoing and restore the relationships and trust that have been broken." (Zehr, *The Little Book of Restorative Justice*, 2002, p. 18). This concept resonates with Hegel's philosophy, which underscores the necessity of resolving contradictions and re-establishing societal harmony, demonstrating shared emphasis on addressing disparities and restoring cohesion.

Additionally, Hegel emphasizes that the state and social institutions play a critical role in resolving injustice and restoring moral order to society.

Similarly, restorative justice highlights the significance of community and institutional participation in the process of restoration. Bryan Stevenson elucidates this concept as follows: "Restorative justice recognizes that accountability, healing, and reconciliation require the active involvement of all stakeholders in addressing the harm and restoring balance." (Stevenson, *Just Mercy*, 2014, p. 92).

Ultimately, the connection between Hegel's philosophy and restorative justice lies in their shared commitment to addressing injustice not as an end but as an opportunity to rebuild and restore social order. Just as Hegel perceives injustice as an intrinsic contradiction requiring resolution to achieve freedom and ethics, restorative justice emphasizes repairing harm and re-establishing cohesion. This alignment renders restorative justice a practical manifestation of Hegel's concept of Unrecht.

¹-En la comprensión de Hegel la sociedad civil comprende un campo muy amplio, que va -dicho en términos actuales- desde la estructura económica hasta el Estado de Bienestar o Estado Social, pasando por el poder judicial. Las tres partes que componen la sociedad civil son «el sistema de las necesidades», «la administración de la justicia» y «la policía y la corporación». A los ojos de Hegel lo que une este campo tan variado es que en estos tres ámbitos se da una relación entre particularidad y universalidad no reconciliada, no regulada por la razón, sino por el entendimiento, es decir, por el cálculo, el pacto o contrato; a diferencia del Estado que es la esfera racional, en la que se unen ambas dimensiones. La sociedad civil es «la unión de miembros como individuos independientes en una universalidad portante formal».

These principles have been a significant concern for the framers of the Iranian Constitution. As previously discussed, the constitutional principles align with restorative justice. For example, Article 3 of the Iranian Constitution mandates the state to eliminate unjust discrimination and mobilize all resources to create equal opportunities. This article aligns with the principles of restorative justice, which aims to reduce discrimination and create equal opportunities—not only allowing victims to have their harms redressed but also enabling offenders to redefine their role in society. In essence, this article, by emphasizing social justice, contributes to the social cohesion that restorative justice seeks to achieve. In this regard, Article 29¹ of the Iranian Constitution is also noteworthy. It proclaims the right of all individuals to social security and obliges the state to ensure access to social services such as healthcare, education, and insurance. Restorative justice, which seeks to support victims and provide mechanisms to improve their lives, aligns with this article's aim to meet the basic needs of victims and vulnerable groups in society.

Furthermore, Article 156 of the Iranian Constitution emphasizes the judiciary's role in supervising the correct implementation of laws to achieve social justice. From the perspective of restorative justice, effective oversight of legal institutions and the provision of mechanisms for resolving conflicts and addressing harms are integral to achieving social justice. Hegel stresses that the state and legal institutions are obligated to restore moral order by addressing contradictions and injustices.

Thus, the judiciary's supervisory role, as articulated in Article 156, directly aligns with Hegel's vision of restoring social ethics.

¹-Article 29 [Welfare Rights]

- (1) To benefit from social security with respect to retirement, unemployment, old age, disability, absence of a guardian, and benefits relating to being stranded, accidents, health services, and medical care and treatment, provided through insurance or other means, is accepted as a universal right.
- (2) The government must provide the foregoing services and financial support for every individual citizen by drawing, in accordance with the law, on the national revenues and funds obtained through public contributions.

Conclusion:

This research embarked on an analytical journey to explore the intersection of philosophy and constitutional law through the lens of injustice (Unrecht) and justice, as conceptualized by Hegel, in tandem with the foundational principles of the Iranian Constitution. By encompassing legal, social, and philosophical dimensions, Unrecht serves as a robust theoretical framework for diagnosing injustice and proposing pathways to its resolution. Similarly, the Iranian Constitution, with its emphasis on social justice, eliminating discrimination, safeguarding human dignity, and guaranteeing rights, provides a pragmatic foundation for addressing institutional and structural injustices.

The central inquiry of this study was whether the principles enshrined in the Iranian Constitution resonate with the multifaceted concept of Unrecht. The findings confirm that these constitutional principles, directly or indirectly, engage with various dimensions of Unrecht. Articles such as 3, 29, and others reflect legal and social commitments to combating injustice, establishing mechanisms for promoting social welfare, reducing inequalities, and protecting individual rights.

The subsidiary questions guiding this research unraveled deeper dimensions of the relationship. The first subsidiary question examined the theoretical construct of Unrecht as delineated by Hegel—spanning legal injustice (violations within the framework of law), social injustice (stemming from systemic inequalities), and philosophical injustice (arising from deviations from rational and moral principles). Hegel's delineation of these dimensions underscores the interconnected nature of injustice and its pervasive impact across societal structures.

The second subsidiary question delved into the mechanisms embedded within the Iranian Constitution to counteract Unrecht. Principles such as Article 3, focused on the eradication of discrimination, Article 29, centered on social security, and Article 156, emphasizing judicial oversight, reflect the Constitution's commitment to fostering equitable social relations, reducing disparities, and safeguarding rights. These articles embody a systemic approach to mitigating legal and social injustices within the constitutional framework.

The third subsidiary question connected the philosophical discourse on Unrecht and justice to the framework of restorative justice. The study revealed that restorative justice closely aligns with Hegel's dialectical process of resolving contradictions and reestablishing ethical and rational order. While certain provisions of the Iranian Constitution, such as those addressing social security and compensatory mechanisms for harm, indicate an awareness of restorative justice principles, a comprehensive integration of this concept remains underdeveloped within the Constitution's existing framework.

The hypotheses proposed at the outset of this study have been rigorously evaluated against the findings. The primary hypothesis—that the Iranian Constitution, in its foundational principles, addresses various forms of Unrecht—has been substantiated. Articles like 3 and 29 exemplify constitutional efforts to contend with legal and social injustices. The first secondary hypothesis, which suggested that Hegel's concept of Unrecht lacks applicability as a theoretical framework for legal systems, is unequivocally refuted. On the contrary, this study demonstrates that Unrecht, with its multidimensional perspective, offers a compelling and versatile framework for analyzing injustice and proposing strategies for reform.

The second secondary hypothesis—that the Iranian Constitution was intentionally or indirectly designed to address various manifestations of Unrecht—is upheld. The Constitution's provisions, particularly in the realms of legal and social justice, display a deliberate attention to confronting injustice and implementing mechanisms for redress. Lastly, the third secondary hypothesis, asserting that the Iranian Constitution overlooks the restoration of harm caused by injustice, is also rejected. Despite the absence of a fully realized restorative justice framework, provisions emphasizing compensation and social security signal a foundational awareness of this approach.

In conclusion, this study has illuminated the conceptual congruence between Hegel's philosophy of Unrecht and the principles embedded within the Iranian Constitution. By integrating theoretical depth with practical applicability, the findings underline the Constitution's potential to mitigate multifaceted injustices, while also offering insights for its future refinement in light of restorative justice principles.