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A reflection on contemporary urban planning in Iran with a legal-historical approach

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Introduction

In explaining urban and urban planning issues, geographers have looked at physical and environmental space, sociologists at social change, and economists at the concentration of wealth and capital accumulation. Rulers throughout history have considered the construction of the city and its development as a reflection of their power and manifestation of their hegemony. Despite the many theories of experts in the fields of urban planning, urban planning, environment and law, what are the problems of today's cities? What is the root of problems such as marginalization, aggravation of crime, involuntary migration, environmental degradation and social harm in Iranian cities? History is the beacon of the future, and without considering the past, today cannot be analyzed well and the future can be properly prepared. Contrary to Margaret Mead, that "history" should be removed from university education and the seat of the "future" should be opened (Yarahmadi, 1378: 52), how can the sources, damages and complications be identified and the necessary measures taken without a careful study of historical developments? Adopted for the future? According to Cesar, the shortest way to the future is always the way that passes through contemplation in the past (Nojournian, 1348: 59).

The main question of the present article is what are the most important factors of urban planning disorder in Iran in the last century from a historical-legal perspective? According to the main hypothesis, insecurity and chaos, tribal monarchy and ignorance of the people in the Qajar period, neglect of local patterns, lack of public participation and authoritarian urbanism in the Pahlavi period and finally the imposed war, economic sanctions, bureaucratic administrative system To oil and disregard for the people, the design of an inefficient legal system and, of course, heterogeneous urban management during the Islamic Republic, is one of the most important causes of urban and urban planning in contemporary Iran, based on a historical-legal approach.

Also, the first sub-question is which theoretical bases and justifications have the city and urban planning? According to the first sub-hypothesis, the multidimensional analysis of city and urban planning in various branches of humanities and social sciences on the one hand and introspection in "desirable city", "utopia", views of Plato and Aristotle on city and urban planning, prominent theory The city "and, of course, the views of urban planning and urbanization in Islamic teachings on the other hand, are the most important theoretical foundations and justifications for the city and urban planning. Also, the second sub-question is to what extent has the rational foundations of the city and urban planning

in contemporary Iran been considered? According to the second sub-hypothesis, based on historical reasons and legal shortcomings, the neglect of rationality in the city and urban planning of contemporary Iran is obvious.

Methodology

The structure of the article is based on descriptive research, according to which, after discussing and explaining the theoretical framework, an attempt has been made to answer the main research question under two combined legal and historical approaches and to explain the findings and results of the discussion. The type of research is fundamental in terms of purpose, the method of collecting library data and examining official legal documents and texts, and finally the method of analysis and descriptive-analytical data.

Results and Discussion

Urban planning as a science mixed with art is a crossroads of sciences and a field of various technologies. Despite the great importance of that knowledge of the regulator and the lack of developed countries in using it, in the last century, this important issue has been less considered by the ruling class in Iran. The decline of urban planning during the Qajar period is not hidden from the conscious. Insecurity and chaos, the rule of sectarian monarchies, and the people's ignorance of their rights are among the historical features of this period. From a legal point of view, the adoption of the "Law of the Municipality", due to its incompatibility with the cultural and social conditions of Iran at that time, could never be implemented accurately. In the Pahlavi era, with the monopoly and concentration in the administration of the country, urban planning in the western way began quickly and the face of the cities changed and various administrative devices appeared. However, changes in cities have been inevitable due to lifestyle changes, the expansion of vehicles, the development of industry and technology. Neglect of indigenous patterns, lack of public participation and lack of protection of natural and cultural heritage have had dire consequences. On the other hand, the adoption of incorrect economic measures by the political-administrative system and the neglect of deprived areas have led to the expansion of migration and urbanization. However, there can be no inclination to look at the scientific view of improving cities by enacting appropriate laws and regulations, such as the Law on Preservation of National Antiquities, the Law on Registration of Deeds and Property, the Law on National Divisions, the Legislation on the Establishment of Municipalities and City Associations. He rejected the Urban Health Law, the Social Security Protection Bill, and the Environmental Protection and Improvement Law.

Conclusion

In the period of the Islamic Republic, despite the extensive efforts to achieve social justice, cities have faced deep crises due to disregard for the knowledge of urban planning. On the one hand, the imposed war, economic sanctions, oil-dependent bureaucracy and disregard for the people, and on the other hand, inefficient legal system design, heterogeneous urban management and lack of environmental protection, have left bitter consequences in cities. In a vacuum of laws and regulations with the guarantee of proper

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implementation and in the shadow of the negligence of the judiciary, municipalities by selling congestion, change of use, turning construction violations into fines in the commission destroying Article 100, as well as encroachment on suburban lands, double urban damage and crises Have encouraged social. Social perversion, increasing environmental pollution, unbalanced dispersion of cities, inconsistency of officials, land and housing deals, the multiplicity of land and housing-related projects in the judiciary, traffic and accidents, social divisions, etc. are the consequences of today's unbalanced urbanism and ignorance.

Keyword: City, urban planning, contemporary Iran, laws and regulations.

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