

# The Jurisprudential and Legal Status of Public and Private Roads in Iran

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## Abstract

Roads, as one of the essential infrastructures of every country, play a fundamental role in facilitating transportation, communication, and economic development. In Iran, the jurisprudential and legal status of public and private roads is influenced by the principles and rules of Islamic jurisprudence, statutory laws, and governmental policies. Public roads include highways, expressways, and pathways designed for the general public, providing open and unrestricted access. Private roads, on the other hand, refer to routes limited to a specific individual or entity, such as private roads within personal estates or industrial complexes. Islamic jurisprudence presents specific perspectives and principles regarding the right of passage and the use of roads. The *right of usufruct* allows individuals to use public roads unless a legal prohibition exists. The responsibility for the maintenance and upkeep of such roads lies with the state and relevant institutions to ensure their safety and functionality. Laws related to the right of passage, particularly in instances where the use of private roads requires permission, are addressed in Islamic jurisprudence based on the principle of *La-Zarar* (no harm) and the respect for others' rights. Legally, within the Iranian legal system, multiple layers of legislation govern roads. The *Civil Code*—specifically Article 138—addresses the ownership and exploitation of property and roads, referring to the rights of ownership and usufruct. In addition, specific laws such as the *Roads and Urban Development Act* and its related executive bylaws cover issues such as construction, maintenance, and road management. Municipal regulations are also responsible for the establishment and maintenance of roads within cities and villages. Environmental protection and consideration of the ecological impacts of road construction and maintenance must be reflected in laws and policies. This article seeks to provide a comprehensive analysis of the types of roads, jurisprudential and legal foundations of road use, and the responsibilities of individuals and the state concerning them.

**Keywords:** Public passageways, right of usufruct, La-Zarar principle, public roads, private roads.

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## 1. Introduction

Utilization of public and private roads—and generally all types of pathways, which are among the most significant forms of public property—although a right granted to every citizen, must not infringe upon others' right to use them. From a legal perspective, and with regard to the subject of this study, property can be divided into two fundamental categories: (1) property without specific ownership, and (2) property owned by individuals. Although Iran's Civil Code does not explicitly provide such a classification, Chapter Three of Book One of the Civil Code begins with the title "Property Without Specific Ownership," and Chapter Two addresses various rights individuals have in relation to property. Public commons are considered property without specific ownership and are owned by the general public. These, too, fall into two main categories.

(a) Public property that is directly accessible for public use, such as parks, squares, thoroughfares, and bridges, as referred to in Articles 24 and 25 of the Civil Code (Emami, 1994; Jafari Langroudi, 1997).

(b) Property dedicated to a public service, which falls under governmental or quasi-governmental ownership, such as public hospitals or immovable assets purchased or expropriated by the state or state-affiliated organizations (Katouzian, 2001; Khosroshahi, 2025).

For the purpose of this study, the focus is on that category of public property which is openly accessible to the public. These properties are distinguished by two primary characteristics.

First: They cannot be owned by individuals. As Article 24 of the Civil Code states, no one may appropriate public roads, streets, or alleys that are not dead-ended. Similarly, Article 25 prohibits private ownership of property used by the general public and lacking specific ownership, such as bridges, caravanserais, public reservoirs, ancient schools, and public squares. The same applies to public aqueducts and wells (Emami, 1994; Katouzian, 2001). Furthermore, Note 6 of Article 96 of the amended Municipal Law of 1966 explicitly declares that lands of public alleys, squares, sidewalks, streets, and generally roadways and riverbeds are also inalienable public property (Ghorbannejad, 2025; Haeri, 1995).

Second: Exclusive use of public commons in ways that prevent others from benefiting from them is prohibited. For example, no one may appropriate a city square for private residence or any other personal purpose (Kashani, 2010).

The jurisprudential and legal status of public and private roads in Iran is a subject requiring careful analysis. Public roads in Iran are under the supervision and responsibility of the Road Maintenance and Transportation Organization. These are recognized as public property and intended for general use. The rights and duties related to the use of public roads and drivers' safety are defined in transportation regulations (Khosroshahi, 2025).

Private roads, by contrast, refer to pathways designated for the use of specific individuals or groups—for example, private roads for public transportation services or access routes to buildings and special premises. In these cases, rights and obligations may be specified by laws and regulations relevant to the specific users (Fayzi et al., 2012). In practice, municipal and governmental regulations play a decisive role in defining the rights and duties related to both public and private roads. These regulations may be influenced by Iranian legal and jurisprudential principles while being adaptable to social realities and evolving needs.

For instance, Iran's Public Roads and Road Transportation Law, which is overseen by the Road Maintenance and Transportation Organization, defines the rights and obligations of drivers, methods of road use, prohibitions, and safety principles. Likewise, public transportation laws regulate the usage of private roads for transport purposes (Ghorbannejad, 2025).

Regarding the jurisprudential status of public and private roads, it should be noted that jurisprudential matters rely on Islamic law and its underlying religious foundations. In Islam, safeguarding individual rights and avoiding harm to others are foundational principles (Khomeini, 2002; Suyuti, 1991). Thus, these principles guide the ethical and legal considerations surrounding the use of roads. Issues such as safety, respect for others' rights, and moral constraints are emphasized.

In the legal context, the government and relevant organizations are responsible for drafting and enforcing rules related to the usage of roads. These regulations cover drivers' rights and responsibilities, limitations on private road usage, safety and environmental protection standards, traffic regulations, and management planning. In Iran, the body of laws governing public

and private roads is defined in road and transportation legislation, public transportation laws, and other related regulations (Ghorbannejhad, 2025; Tousi, 2008).

These laws and regulations, influenced by Islamic jurisprudence and Iranian statutory law, aim to protect individual rights, facilitate traffic, maintain safety and environmental standards, and promote urban development (Ameli, 1992; Taheri, 1996).

In both Islamic jurisprudence and Iranian law, the jurisprudential and legal status of roads involves multiple interrelated aspects, including ownership, usufructuary and easement rights, neighbor rights and responsibilities, and issues of obstruction and nuisance. Ownership is considered a fundamental right. However, an owner's rights are conditioned by public law and the rights of others (Katouzian, 2001).

Public roads generally fall under public ownership and cannot be appropriated by individuals. *Usufructuary rights* allow individuals to benefit from property they do not own—such as the right of passage or the use of natural resources (Qomi, 2000). *Easement rights* refer to rights transferred from one property to another for practical access—such as a right of passage across a private estate to reach a public road (Haeri Shahbaghi, 1993).

Neighbor rights and responsibilities are also central in both Islamic jurisprudence and Iranian law. Neighbors are obligated to avoid actions that cause harm or discomfort. Specific legal provisions address how construction and shared spaces must respect these principles (Najafi, 1981; Naraghi, 1995).

*Islamic ethical obligations* require adherence to principles of justice and equity in social and interpersonal relations, which influence behavior concerning public and private rights. Obstruction and nuisance in relation to roads are legally prohibited. According to Article 194 of the Civil Code, any act that obstructs the right of passage on public or private roads is unlawful and can result in civil or even criminal liability (Emami, 1994; Naraghi, 1994).

Jurisprudential opinions on the status of public and private roads in Iran are diverse and may vary according to different interpretations. Some jurists and theologians assert that upholding public rights, including traffic safety and equitable access, is a religious obligation requiring both legal and cultural attention.

Their opinions highlight the following:

**Public Rights** – Emphasis on the protection of public rights such as freedom of movement, fair access to transportation, and respect for collective usage rights (Qarafi, 2017; Tousi, 1989).

**Safety and Health** – Jurists stress the necessity of taking appropriate measures to ensure public safety on all types of roads (Imam Sistani, 1989).

**Public Interests** – They believe that misuse or destruction of public and private roads harms society and must be avoided (Suyuti, 1991).

**Justice** – Jurists support applying justice in the distribution of road-related rights and benefits (Khomeini, 1994).

It is important to note that juristic views can differ, and some topics remain contentious. Governmental laws and regulations are also shaped by legal interpretations and societal needs.

Legal scholars' views on public and private roads in Iran are equally diverse. A common viewpoint holds that such roads are public property and must be managed accordingly. Legal scholars emphasize protecting public rights and collective interests in the governance of roadways. They argue that misuse of roads can harm society, and thus legal regulations must serve a protective function (Ghorbannejhad, 2025; Katouzian, 2001).

Furthermore, legal experts advocate that the rights of individuals in using public and private roads—such as the right to passage and access to transportation—should be acknowledged. As with jurists, legal scholars may disagree on specific issues, and legislation continues to evolve based on community needs and legal interpretations.

Thus, the jurisprudential and legal status of public and private roads in Iran is a comprehensive system of interconnected rights and responsibilities—spanning ownership, usufruct, easement, and ethical-social considerations. The proper application and regulation of these rights contribute to a stable and equitable legal order.

## 2. Literal Meaning of “Path”

The term *ṭarīq* (path) refers to a route traversed by foot. According to Rāghib al-Iṣfahānī, *ṭarīq* denotes a path walked upon: *ṭarīqan fī al-baḥr* means a dry passage in the sea. By extension, *ṭarīq* has been metaphorically applied to any method or approach—whether praiseworthy or blameworthy—that a person adopts in action. The Qur’an mentions: “*wa-yudh-hibū bi-ṭarīqatikum al-muthlā*” (to destroy your good way of life), and *ṭarīqatun min al-nakhl* refers to a row of date palms, likening it to an extended path. *Ṭarīq* also conveys the meaning of means or medium: *nāla al-shay’ ‘an ṭarīq fulān* (he obtained something through the means of someone), or *wa-ṣala ilayhi bi-ṭarīq al-wirātha* (it came to him through inheritance) (Suyuti, 1991).

In some lexicons, it is also defined as path, method, approach, tradition, creed, condition, habit, temperament, profession, or occupation. The Qur’an uses *ṭarīq* in various senses. Examples include:

- “*lā yahdīhim ṭarīqan*” (He will not guide them to any path), referring to either a good or bad path in an absolute sense.
- “*illā ṭarīqa jahannam*” (except the path to Hell), clearly indicating a negative path.
- “*yahdī ilā al-ḥaqq wa-ilā ṭarīqin mustaqīm*” (He guides to the truth and to a straight path), referring to the righteous path.
- “*wa law istaqāmū ‘alā al-ṭarīqah...*” (If they had remained steadfast on the path...), where *ṭarīqah* means the path of faith.
- “*idh yaqūlu amthalahum ṭarīqatan in labithtum illā yawman*” (when the best among them in conduct says: you only tarried for a day), meaning way, method, or tradition.
- “*walaqad khalaqnā fawqakum sab‘a ṭarā‘iq*” (Indeed, We created above you seven paths), which can refer to levels or strata, either metaphorically or cosmically.

From the above usages and based on *al-Mufradāt fī Gharīb al-Qur’ān*, it appears that *ṭarīq* as a means or vehicle that leads to an end is its most accurate and essential meaning. Whether literal or figurative, what matters is its function as a medium by which a person reaches a destination—be it good or evil, earthly or heavenly (Qarafi, 2017; Tousi, 2008).

## 3. Definition of “Road” in Property Law (Public and Private) and Its Classifications

Although terms like *ṭuruq* (routes) and *shawāri’* (streets) appear in several legal statutes, including the Civil Code, they are often used without formal definition. Nevertheless, some laws provide definitions. According to the *Urban Roads Manual: Principles Section* (Ministry of Housing and Urban Development, 1995), a road is:

“A system constructed for the movement of motor vehicles, bicycles, and pedestrians. In inhabited areas, it is referred to as a ‘street’ unless it pertains to intercity arteries (Grade 1 arterial roads), which are not commonly called streets.”

Urban roads are classified into three main groups based on their geometric characteristics and functional roles:

- Grade 1 Arterial Roads
- Grade 2 Arterial Roads
- Local Streets

Urban roads serve six primary roles:

- Mobility Function** – enabling the movement of motor vehicles
- Access Function** – facilitating vehicle access to buildings and infrastructure
- Social Function** – serving as a platform for work, leisure, play, and social interaction
- Architectural Function** – contributing to the urban architectural structure
- Climatic Function** – affecting the local microclimate
- Economic Function** – influencing the city’s economy

Among these, mobility, access, and social functions are the primary criteria for classification:

- In Grade 1 arterials, **mobility** is the dominant role, with access and social functions subordinated.
- In Grade 2 arterials, **mobility and access** are both emphasized, while the social function is secondary.
- In **local streets**, all three functions are considered equally important (Fayzi et al., 2012; Khosroshahi, 2025).

Other classifications and definitions of roads appear across various legal texts, which are also considered in this section.

#### 4. Right of Way (Ḥarīm al-Ṭarīq)

The term *ḥarīm* is derived from *ḥurmah* (sanctity) and means “prohibition.” It denotes a protected area where intrusion by others is considered unlawful and aggressive. Article 136 of the Civil Code defines it as:

“Ḥarīm is the portion of land surrounding property, aqueducts, canals, and the like that is necessary for the complete use of the primary property.”

Hujjat al-Islām Ashrafi states: wherever a limit has not been specified in Islamic law for *ḥarīm*, the extent required for customary necessity (*qadr al-muḥtāj ilayh*) applies—i.e., the amount beyond which the property owner would face hardship if encroached upon (quoted in (Taheri, 1996)).

Sayyid ‘Alī Ḥā’irī, in his *Commentary on the Civil Code*, writes:

“Ḥarīm is the amount of adjacent land which, for the sustainability and continuity of a revived parcel on unclaimed land, is deemed necessary by custom and practice. Its determination is based on expert or community judgment” (Haeri Shahbaghi, 1993).

Dr. Nasser Katouzian elaborates:

“Use of most properties requires that the surrounding land not be owned by others, or at least not be occupied in ways that hinder benefit from the main property. For example, if someone constructs a qanāt (underground water channel) on unclaimed land, to make optimal use of the water drawn, they must always retain control over the area around the well shafts for soil disposal. Others should also be prohibited from digging another qanāt nearby. This adjoining area is called *ḥarīm*, and the right over it is the ‘right of *ḥarīm*’” (Katouzian, 2001).

Thus, *ḥarīm* refers to the land surrounding a property, and the *right of ḥarīm* is the entitlement that the property owner has over this area for optimal use of their property (Emami, 1994).

#### 5. Legal Rulings on the Right of Way (Ḥarīm)

The right of *ḥarīm* is governed by several rulings, briefly outlined below:

**First:** The right of *ḥarīm* is only established in *mawāt* lands (uncultivated, unowned land). Therefore, one cannot acquire a right of *ḥarīm* over a neighboring property—whether cultivated or otherwise—by merely digging a well on their own property or even on unowned land. This is because a right of *ḥarīm* would conflict with the absolute ownership of the neighbor, and both parties cannot simultaneously have *ḥarīm* rights without conflict. Since no priority exists between them, mutual contradiction leads to cancellation (*tasāquṭ*). Thus, the governing principle becomes *qā’idat al-tasallūt*—the rule of absolute dominion over property—which holds that every owner has sovereignty over their property and may dispose of it freely. This is why in villages, towns, and large cities, no individual is deemed to hold *ḥarīm*, as everyone stands equally in this regard (Katouzian, 2001; Najafi, 1981).

Hence, the concept of *ḥarīm* and the associated right applies only where the surrounding land has no owner and is categorized as *mawāt*.

**Second:** The right of *ḥarīm* is an *incidental right*, akin to an *easement*. Therefore, if the primary property requiring *ḥarīm* undergoes such a transformation that it no longer needs it, the right ceases accordingly. Likewise, if the property is transferred to another, the *ḥarīm* right also transfers by extension (Haeri Shahbaghi, 1993).

**Third:** *Ḥarīm* is considered as belonging to the right-holder *by legal presumption*, not in actual ownership. That is, others may not use or occupy it without permission, though the right-holder is not the owner of the land itself. Article 139 of the Civil Code stipulates:

“Ḥarīm is treated as if it were the property of the person entitled to it, and acquisition or use in a manner conflicting with its intended purpose is not permissible without the permission of the right-holder. Therefore, no one may dig a well or qanāt in the *ḥarīm* of another’s spring or qanāt. However, uses that do not cause harm are permissible.”

Prohibited or harmful uses are considered a violation of a previously established right. Accordingly, others are not allowed to revive embankments around canals or wells, build snow pits, dung heaps, or passageways through another’s *ḥarīm* without consent, since such actions constitute acts of appropriation that contravene the *ḥarīm* right.

Conversely, uses that cause no damage or interference with the right of *ḥarīm* are not prohibited. For instance, in a qanāt *ḥarīm* of 500 cubits, or a drinking water well *ḥarīm* of 20 cubits, if someone builds a structure, cultivates, or designates the space for public recreation (such as a park), it is allowed—so long as the *ḥarīm* right is preserved and no actual or potential harm occurs to it (Katouzian, 2001; Taheri, 1996).

### 5.1. The Five Prescriptive Rulings (*Aḥkām Taklīfīyah*) on Roads in Islamic Jurisprudence

In Islamic jurisprudence, prescriptive rulings (*aḥkām taklīfīyah*) fall into five categories. Each of these can be applied to the context of roads and pathways:

- **Wājib (Obligatory):** An act that must be performed, and its neglect constitutes sin. For example, constructing and maintaining public roads to ensure access to services for citizens is obligatory on the government (Ameli, 1990; Ghorbannejad, 2025).
- **Ḥarām (Prohibited):** An act that is forbidden and incurs sin and divine punishment. For instance, deliberately damaging public roads or unlawfully obstructing public passageways falls into this category (Imam Khomeini, 1990; Khomeini, 2002).
- **Mustaḥabb (Recommended):** An act that is praiseworthy and rewarded but not obligatory. Examples include voluntarily repairing roads or planting trees and improving green spaces around roads (Fayzi et al., 2012).
- **Makrūh (Discouraged):** An act that is undesirable but not sinful if omitted. Misuse of roads—such as illegal parking or blocking traffic—can be considered *makrūh* depending on circumstances (Haeri, 1995).
- **Mubāḥ (Permissible):** An act that carries no specific legal or religious ruling and is thus allowed either way. An example would be walking along a public road without restriction or condition.

These rulings help organize individual conduct in relation to the use, preservation, and development of roads and infrastructure. They emphasize both the protection of public interest and the observance of others' rights (Suyuti, 1991; Tousi, 1989).

### 5.2. Definition of Ownership

To understand the true nature of ownership (*mālikiyyah*), it is essential to examine several fundamental considerations. Each of these aspects reflects a distinct dimension of ownership in Islamic thought (Naraghi, 1995). Some jurists explicitly state that the term *ownership* lacks a specific legal or shar'ī definition (*ḥaqīqat shar'īyah*). Thus, there is no need to refer to religious texts to define the concept. For instance, Mullā Aḥmad Narāqī writes:

“The meanings of *ownership* (*mālikiyyah*), *property* (*māl*), and *dominion* (*milk*) are derived from common linguistic and customary usage. Their understanding does not depend on a shar'ī definition or textual evidence, but should be referred to prevailing custom and language, like other terms lacking a *ḥaqīqat shar'īyah*” (Naraghi, 1995).

He adds in another work:

“The reference for whether something is considered property (*māl*) or owned (*milk*) is customary usage, as no religious text specifically defines it” (Naraghi, 1994).

A review of other jurists' statements on ownership reveals that although they may not state this directly, they implicitly accept it by relying on customary norms, reason, and public understanding rather than textual religious proofs.

Therefore, ownership is a *customary* concept. The Sacred Law (*Sharī'ah*) recognizes this customary understanding and imposes legal effects and rulings accordingly. Thus, the nature of ownership must be understood through social convention and common practice (Jafari Langroudi, 1997).

Ownership in Islamic law is broader than in Roman law. It includes not only ownership of the *substance* (*ʿayn*) of an object, but also ownership of its *use* (*manfaʿah*), *usufruct* (*intifāʿ*), and even dominion over the *cause* of ownership, known as *milk al-milk*. Ownership can even pertain to *non-material* rights, such as control over one's body or certain exclusive privileges (Haeri, 1995).



For example:

- **Ownership of benefit (manfa‘ah):** like the right of a lessee (tenant).
- **Ownership of usufruct (intifā‘):** like the right of a beneficiary in *habs* or *waqf* (endowments).
- **Ownership of causes (milk al-milk):** such as the right to acquire abandoned or unclaimed property (*hiyāzah*).
- **Ownership of non-financial rights:** like marital rights or reputation.

Some jurists have extended this broad view of ownership to include intellectual property—such as copyrights held by authors and artists (Ghorbannejhad, 2025).

Ownership is fundamentally a legal fiction (*i‘tibārī*). It does not pertain to tangible realities but rather to norms recognized by society or imposed by religious authority. Four types of ownership have been identified (Imam Sistani, 1989):

- a) **True (Essential) Ownership:** Absolute dominion over all created things, where both creation and preservation of the object are under the owner's control. This type of ownership is exclusive to God Almighty.
- b) **Personal Ownership:** A person's control over their own body, organs, actions, and moral accountability.
- c) **Categorical Ownership (Jeddah):** A metaphysical category discussed in philosophy that refers to physical encirclement or occupation, such as clothes covering the body. This kind of ownership is accidental (*‘araḍī*) and external.
- d) **Legal/Constructed Ownership:** A presumed authority or sovereignty a person (owner) has over a thing (property), based on social or legal recognition.

Of these, only the first three are real (*ḥaqīqī*) forms of ownership. The fourth—constructed ownership—is a social fiction created for legal and societal order. In Islamic jurisprudence and civil law, when we discuss *ownership*, we are concerned with this last category. It is not a physical quality of the object or owner, but a recognition established by society or the lawgiver (Fayzi et al., 2012).

As Sayyid Muḥammad Kāzīm Yazdī notes:

“Ownership is a legal fiction—its reality lies in its conceptual recognition by rational beings or the Sharī‘ah” (Khomeini, 2002).

The source of this recognition can be:

1. **Rational consensus approved by Sharī‘ah:** Most ownership falls into this category.
2. **Rational consensus not approved by Sharī‘ah:** Like ownership of intoxicants, which is rejected.
3. **Sharī‘ah-imposed ownership despite no rational consensus:** Like inherited ownership of drowned or demolished individuals (Khomeini, 2002).

Thus, ownership denotes a special *relational status* between a person (the owner) and a thing (the owned). This legal fiction gives the owner the right to use and benefit from the object. In other words:

“Ownership is a recognized relationship between the owner and the object, granting the owner the right to all potential benefits from it, to exercise control over it, and to prevent others from interfering” (Emami, 1994).

This demonstrates that *ownership* and *dominion* (*taṣarruf*) are distinct concepts. Dominion is the *effect* or *consequence* of ownership, not its equivalent. Therefore, defining ownership as dominion is conceptually flawed. Jurists often rely on the principle of *tasallūt* to explain the rights of an owner. This principle, derived from the Prophetic ḥadīth “*al-nāsu musallaṭūn ‘alā amwālihim*” (people have dominion over their property), affirms the owner's full control and is strong evidence that dominion is distinct from ownership (Imam Khomeini, 1990).

The Iranian Civil Code, in Article 30, defines ownership as:

“Ownership is the right that a person has over a tangible object, allowing them to dispose of it in any way and to benefit from it, unless otherwise specified by law.”

This definition concerns *individual ownership*, meaning property held personally. In contrast, some types of property fall outside this category—namely, property without specific ownership—which are divided into three main types.

In this context, the term “*status*” refers to the legal, religious, or social conditions governing ownership and access. Regarding public and private roads, *status* includes:

- **Legal Status:** The establishment of rights and duties relating to ownership, access, and usage of public and private thoroughfares.

- **Jurisprudential Status:** The religious and Islamic legal principles that determine how these rights and duties are recognized.
- **Social Status:** The influence of neighborhood interactions and community norms in the usage and protection of roadways.

In summary, *status* encompasses the set of conditions and relationships that define rights and responsibilities across multiple dimensions of ownership and access.

### 5.3. Ownership of Public Roads

According to the Civil Code, one of the categories of public commons (*mushtarakāt-e ‘āmmeh*) includes public roads and streets, as well as alleys that are not dead ends. Even if such roads are constructed on land originally owned by adjacent property owners, they are considered relinquished to the public. Consequently, those landowners cannot, by mutual agreement, eliminate such pathways on the grounds that they initially owned the land. For example, if a large parcel of land is subdivided and sold, and the owner is required to provide access to public roads through alleyways, the act of opening those alleys for public passage automatically transfers the land to the public. The original owner or the owners of subdivided lots no longer possess any exclusive rights over them, nor can they block or annex them to their own property (Ghorbannejad, 2025; Katouzian, 2001).

To protect these public rights, the legislature has enacted specific laws. For instance, according to Note 6 of Article 96 of the *Municipalities Law*, all alleys, public squares, sidewalks, and streets within the limits of a city that are used by the public are considered *public property* and are legally owned by the municipality. The municipality is therefore responsible for overseeing public roads.

Moreover, Article 103 of the same law stipulates that all ministries and public or private institutions must obtain written approval and urban planning permits from the municipality before engaging in any construction activities on public streets. Any such action must be conducted under municipal supervision.

Even Article 24 of the Civil Code states: “No one may take possession of public roads, thoroughfares, or alleys that are not dead ends.” Thus, although Article 38 of the Civil Code provides that ownership of land includes ownership of the airspace above and subsoil below it, any manipulation of the space above or beneath streets is legally restricted.

As civil law scholars emphasize, public roads fall under public commons, prepared specifically for public use—particularly for transit. Therefore, actions that do not interfere with such use, like installing an exit door, allowing tree branches to extend into the area, or digging cisterns beneath sidewalks (as commonly practiced), are generally permissible—provided no specific regulation forbids them. Otherwise, they are subject to those regulations.

However, any action that obstructs or disturbs public use—such as placing objects in the passageway, building stairs or drainpipes that discharge onto pedestrians, or covering the alleyway roof in a way that blocks light and airflow—is prohibited (Emami, 1994; Fayzi et al., 2012).

Since the aforementioned Civil Code provisions are modified by various laws—including municipal regulations—some notable exceptions are as follows:

Article 100 of the *Municipalities Law* states:

“Owners of land and property within city limits or its surrounding area must obtain a permit from the municipality before any construction or land subdivision.”

Furthermore, municipalities have the authority to prevent unauthorized construction—regardless of whether the property is fenced or not.

According to the revised Note 6 of the same article (September 18, 1979), in cases of encroachment upon city streets, property owners are obliged to comply with regulatory boundaries during renovations. Any violation—whether with or without a permit—must be halted by the municipality and referred to a review commission. Other violations, such as structural instability or failure to comply with engineering or public health standards, are also handled by the Article 100 commissions (Haeri Shahbaghi, 1993; Khosroshahi, 2025).



#### 5.4. Ownership of Private Roads (Dead-End Alleys)

According to Article 24 of the Civil Code—which states that no one may take possession of public roads or alleys that are not dead ends—it may be inferred, via the rule of *maḥmū mukhālafah* (contrapositive implication), that the ownership of dead-end alleys (*kūcheh bānbast*) is permissible. From a legal perspective, the status of ownership over such alleys is thus subject to analysis.

In principle, *possession (taṣarruf)* can serve as evidence—or at least an indicator—of ownership. According to Article 35 of the Civil Code, possession in the form of ownership is presumptive evidence of title. Jurisprudentially and legally, possession is categorized into two types:

a) **Possession as a Means of Acquiring Ownership:** For example, acquiring ownerless property (*hiyāzat al-mubāḥāt*) by reviving dead land can result in ownership.

b) **Possession Resulting from Prior Ownership:** For instance, when heirs take control of the estate of a deceased person, their possession follows their legal inheritance rights.

Both types of possession apply to dead-end alleys. Some dead-end alleys have a prior history of private ownership, while others do not. Accordingly, depending on whether a specific alley has such a history, either form of possession is imaginable.

In cases where a property owner subdivides their land and includes a dead-end alley for accessibility, that alley—though subtracted from the title deed—still remains in possession of the property owners. Their right persists due to its derivation from the original ownership.

Alternatively, in situations where a dead-end alley was established before formal registration of neighboring properties, and boundary markers place part of the property against such an alley, then—based on the principle of *derivative possession*—the alley is treated as an extension of their property. All adjacent owners are considered joint owners (*mushaʿ*) in the alley, similar to how *ḥarīm* functions as an auxiliary to primary ownership. Article 134 of the Civil Code confirms:

“None of the individuals who jointly own a pathway or water channel may prevent others from passage or water usage.”

Jurisprudential and legal doctrine in Iran affirms the recognition of ownership rights in dead-end alleys. For instance:

- a) Imam Khomeini states in *Tahrīr al-Wasīlah* that:

“A dead-end alley belongs to the residents whose homes open into it—not to someone whose wall faces it but has no door leading to it. The alley is like a jointly owned property that the co-owners may close off, divide, or incorporate into their homes. No one, including themselves, may use or alter it without permission from those authorized to grant it” (Khomeini, 1994).

- b) Dr. Mohammad Jafar Jafari Langroudi writes in *Property Law*:

“Dead-end alleys are owned by the adjacent property owners. They may divide the alley by mutual agreement unless a specific law prohibits such action” (Jafari Langroudi, 1997).

- c) Dr. Nasser Katouzian adds in his *Introduction to Civil Law*:

“Non-dead-end alleys are part of public property—even if they pass through private land. Dead-end alleys, however, are private or shared property and not part of public commons” (Katouzian, 2001).

- d) From the viewpoint of Mohammad Boroujerdi-Abdoh in *Civil Law*:

“While the law does not prohibit opening a new door into public streets, installing an exit or gate into a dead-end alley without obtaining permission from the residents is impermissible—even if it causes no harm—because the alley is their property. Any such action without consent constitutes unlawful interference” (Haeri, 1995).

Thus, legal and religious scholars converge on the conclusion that dead-end alleys are the property of adjacent residents, either jointly or individually, and cannot be accessed or altered without their permission.

#### 5.5. Method of Division and Partitioning of Dead-End Alleys Among Owners

If legal recognition is granted to the notion that individuals whose properties open into a dead-end alley (*kūcheh bānbast*) hold ownership rights over it, then it logically follows that they possess the full scope of proprietary rights—including the right of utilization (*intifāʿ*) and any alteration of use. Among these rights is the ability to change the function or land use of the alley itself. For instance, a property owner may wish to use part of the alley as a garage, storage facility, or merge it with their adjacent private property for personal benefit (Ghorbannejhad, 2025; Katouzian, 2001).

If a single individual owns the entire alley, exercising these rights is relatively straightforward and unobstructed. However, if multiple owners hold shared ownership over the alley, any division of shares or partitioning must be based on specific legal standards, either derived from established civil law principles or Islamic jurisprudence.

The two primary interpretations derived from *fiqh* and legal sources for such cases are as follows:

#### **First Scenario: The Alley as Undivided Co-Ownership (*Mushāʿ*)**

According to one view, the dead-end alley is treated like a piece of immovable property jointly owned by multiple individuals. All co-owners have shared, undivided rights (*mushāʿ*) over every part of the alley—beginning to end.

In this view, each co-owner's share is proportionate to the length of their wall adjacent to the alley, on the condition that they also have a functioning door (*dar*) into the alley. The *total wall length* of all adjacent owners serves as the denominator for calculating each owner's share.

For example, in a dead-end alley with six houses, if the total length of adjacent walls is 80 meters, and one house has 10 meters of wall with a door into the alley, its share would be one-eighth of the total alley area. By this method, shares for the other owners can similarly be determined.

This interpretation extends ownership even to residents at the far end of the alley or those living around a bend, provided they have a wall and door into the alley. Each of them is a *mushāʿ* co-owner of the entire alley (Emami, 1994; Haeri Shahbaghi, 1993).

#### **Second Scenario: Segmental Ownership Based on Adjacency and Easement Rights**

The second approach, expressed more loosely and less theoretically, assumes that a dead-end alley is not one unified piece of jointly owned land. Rather, each section of the alley belongs to the adjacent property owner, and the alley results from the collective alignment of these privately owned segments.

In this model, each property owner possesses the land adjacent to their property and grants a *right of passage* (*haqq al-ʿubūr*) to owners of properties located deeper into the alley. That is, ownership progresses from the start of the alley to its end, with each segment belonging to the respective adjacent landowner, and each subsequent owner having an easement over the earlier segments.

However, this interpretation lacks clarity on how to account for those with walls and doors facing the end of the alley or situated around bends. Islamic jurisprudence does not clearly define ownership shares for such cases.

Imam Khomeini explains this ambiguity in *Tahrīr al-Wasīlah*:

“In a dead-end alley, it is not unlikely that each resident is a co-owner of the section extending up to their door, including necessary utilities. The person furthest in may exclusively own the last segment. In a multi-owner alley, the final resident co-owns all previous parts and solely owns the last section. Thus, every co-owner is entitled up to the beginning of the next owner's property, with exclusive rights over the segment directly in front of their home” (Khomeini, 1994).

## **6. Legal Registration Implications**

If land is subdivided into multiple parcels creating one or more dead-end alleys, property registration boundaries will include the alley. Its surface area is deducted from individual deeds. However, if the owner later requests to recombine the parcels, the alley is not automatically removed from their ownership. It may be reintegrated into their estate, even without municipal approval, since—per the above interpretations—ownership of dead-end alleys remains with adjacent property owners.

Thus, Article 101 of the *Municipalities Law*, which states that “public roads created during land subdivision belong to the municipality and no compensation will be paid,” does not apply to dead-end alleys that are deemed *private property* (Fayzi et al., 2012; Kashani, 2010).

### *6.1. Implications of Co-Ownership and Division Requests*

If the entire alley is held as undivided co-ownership (*mushāʿ*) based on adjacent wall length, then all co-owners—whether they personally subdivided the land or became owners through inheritance or transfer—are deemed to have consented to joint usage until the alley is dissolved. The expected mutual benefits justify this arrangement, aligning with Article 589 of the Civil Code:

“Each co-owner may request partition of the jointly held property unless such division is legally prohibited or the partners have contractually waived their right to division.”

Therefore, partitioning a dead-end alley requires the consent of all co-owners. In the absence of unanimous agreement, compulsory division under Articles 591 and 592 of the Civil Code can be executed through judicial intervention.

## 7. The Status of *Ḥukm Waḍ'ī* (Declaratory Rulings) and *Taklīfī* (Prescriptive Rulings) Concerning Roads

In Islamic jurisprudence and legal doctrine, rulings (*aḥkām*) are typically divided into two main categories: *waḍ'ī* (declaratory) and *taklīfī* (prescriptive) rulings.

### • Definition and Relevance of *Waḍ'ī* Rulings

*Waḍ'ī* rulings concern legal statuses, conditions, and the relational framework between individuals and things. These include constructs such as **ownership**, **usufruct rights**, and **easements**, which establish the structure of interactions between people and their property rights. These rulings are not obligations per se but define **how legal relationships are formed, transferred, and maintained** in various contexts, such as roads, land, and public access rights (Jafari Langroudi, 1997).

### • Definition and Role of *Taklīfī* Rulings

*Taklīfī* rulings, on the other hand, are **prescriptive norms** that address human obligations and duties. These are divided into five types: **wājib** (obligatory), **ḥarām** (forbidden), **mustaḥabb** (recommended), **makrūh** (discouraged), and **mubāḥ** (permissible). These rulings derive from ethical and religious imperatives and govern behavior in compliance with divine command (Suyuti, 1991).

### • *Taklīfī* Rulings Related to Public and Private Roads

When it comes to public and private roads, *taklīfī* rulings are closely related to individual behavior in these spaces:

- **Duties in Use:** People are obliged to respect others' right of passage on public roads. Using roads in ways that obstruct or harm others—such as illegal parking or building over a public path—is impermissible and possibly sinful.
- **Obligation to Preserve Public Rights:** Users of public roads are morally and religiously bound to protect them from misuse, vandalism, or unauthorized privatization.
- **Resolution of Conflicts:** When multiple individuals lay claim to the same path, *taklīfī* rulings help determine just and equitable use.

In sum, these rulings ensure **responsible, ethical, and socially cooperative behavior** in relation to infrastructure such as roads (Ghorbannejhad, 2025).

### 7.1. General *Fiqhī* Principles (*Qawā'id Fiqhiyyah*) Relevant to Urban Jurisprudence (*Fiqh al-'Imrān*)

#### 1. The Principle of Human Ownership (*Qā'idat al-Milkiyyah al-Bashariyyah*)

This principle underscores the general human entitlement to the Earth's resources. Unlike private ownership or public waqf, this **universal ownership** does not contradict other types (private, state, communal) but exists hierarchically **above them**. According to *Ṣadr* in *Iqtisādu-nā*, this form of ownership is comprehensive and enduring, encompassing all resources for all generations of humankind (Suyuti, 1991).

#### 2. The Principle of *Maṣlaḥah* (Public Interest)

The concept of *maṣlaḥah*—or collective welfare—is a cornerstone in both Islamic jurisprudence and governance. It asserts the **primacy of public benefit over individual or factional interest**. Examples include:

- Permissibility—even obligation—of destroying private property if it poses a danger to public welfare (Najafi, 1981).
- Compelling monopolists to sell essential goods if public access is threatened (Naraghi, 1994).
- Granting wide discretionary powers to Islamic authorities to act in the community's interest, including regulating commerce and industry (Khomeini, 1994).

The Qur'anic verse “*He created for you all that is in the earth*” (Surah al-Baqarah: 29) and the verse “*And the Earth He has laid down for mankind*” (Surah al-Raḥmān: 10) provide scriptural foundations. Similarly, the Prophetic ḥadīth “*People are partners in three things: water, fire, and pasture*” demonstrates communal entitlement to essential infrastructure (Tousi, 1989).

Additionally, traditions from Imām al-Ṣādiq regarding the lands of *Sawād* affirm that even **future generations** hold rights over these resources—even if they do not yet exist—highlighting a forward-looking dimension of ownership.

### 3. Classifications of Maṣlaḥah:

- **(a) Maṣlaḥah over Individual Interest:** Prioritizing collective good over individual gain.
- **(b) Maṣlaḥah Based on Islamic Objectives (Maqāṣid):** Upholding values like preservation of religion, life, wealth, honor, and family.
- **(c) Maṣlaḥah That Cannot Be Suspended:** Duties such as protecting orphans' wealth or appointing unqualified judges when no qualified ones exist.

Some jurists argue that *maṣlaḥah* and the **principle of preventing disruption of social order (nafy ikhtilāl al-niẓām)** are interlinked. The latter is regarded as a **subset of maṣlaḥah**, crucial to maintaining societal harmony and institutional integrity (Ameli, 1992).

#### 7.2. The Relevance of *Fiqh al-ʿImrān* and Its Emphasis on Roads

**Fiqh al-ʿImrān** deals with construction, land development, and public infrastructure. Its attention to roads is especially justified for the following reasons:

- **Public Safety and Welfare:** Roads are essential public infrastructure. Ensuring their safety and functionality is a social imperative.
- **Optimal Resource Management:** Clear regulations aid in efficient planning, budgeting, and development of transport networks.
- **Environmental Preservation:** Urban expansion must be environmentally sustainable. Islamic legal principles demand minimizing harm to natural ecosystems.
- **Rights Protection:** By clearly defining rights such as right of access, passage, and shared use, *fiqh al-ʿimrān* prevents social conflict and legal disputes.
- **Sustainable Development:** Urban planning should serve both current and future generations. Legal norms in *fiqh al-ʿimrān* promote balance and longevity.
- **Cultural and Legal Education:** Teaching these principles fosters public awareness and social responsibility.

#### 7.3. The Principle of Prevention of System Disruption (*Qaʿdat Naft Ikhtilāl al-Niẓām*)

The obligation to preserve the social order or the prohibition of its disruption, as a jurisprudential principle cited across various domains of Islamic jurisprudence, is regarded as a relatively novel subject. The title "Prohibition of System Disruption" is considered a secondary legal title, invoked in different jurisprudential discussions.

Preservation of order and prevention of its disruption have been interpreted in various senses, each carrying a distinct scope despite their apparent semantic proximity. The concept may pertain to preserving the Islamic legal system, safeguarding the Islamic territories, protecting Islamic governance, or ensuring the socioeconomic order of the people while avoiding chaos in each of these domains.

Among these, the most common and operational meaning relates to maintaining societal livelihood and life order. This has been described as: "preserving the internal systems of the country, cultivating civil society, securing each individual's rights, and preventing encroachment and aggression among citizens," which are considered collective duties tied to the internal interests of the state and the nation {Imam Sistani, 1989 #239675}.

System disruption, as a secondary jurisprudential title that overrides primary rulings, implies that whenever the obligation or prohibition of an act results in disrupting the social order—similar to cases involving necessity or urgency—such rulings can be suspended.

Thus, public order and maintaining a proper system of human life—although jurists often refer to this using the negative formulation of preventing disruption rather than affirming order—can be instrumental in the jurisprudence of urban development (*fiqh al-ʿimrān*). Accordingly, construction activities that deviate from the public order of urban life can be deemed impermissible and non-sharʿī under this principle. Examples include high-rise buildings, encroachment on alleys and

streets, constructing unsafe or non-standard buildings, and installing visually polluting or discordant facades in Islamic cities, all of which disturb the visual harmony of urban architecture. These are considered unlawful according to this principle.

Although a universally accepted definition of the terms "preservation of order" and "disruption of order" has not been provided, a review of juristic usages may help delineate the meaning and implications of this principle. Preservation of order has been associated with safeguarding people's rights and addressing public needs {Kashani, 2010 #239682}. Conversely, the prevention of disruption supports the idea that the Islamic state and government are obligated to construct roads, highways, and streets; establish urban and intercity transport terminals; develop underground transportation; prevent individual and social disorder in the field of construction; build commercial centers aligned with Islamic patterns; and distribute occupations and industries spatially across urban areas.

## 8. The Principle of Development and Reconstruction (Qa'idat al-I'mār)

### 8.1. The Principle of Binding Custom (Qa'idat al-Āda al-Muḥakkama)

The content of this jurisprudential principle in Sunni fiqh is that custom and societal norm serve as valid grounds for establishing legal rulings and, in cases of conflict or dispute, function as a basis for judicial resolution (Suyūṭī, *al-Ashbāh wa al-Naẓā'ir*, p. 89). "Custom" is defined as the repeated practice by rational individuals within a specific community or group (Jurjānī, *al-Ta'rīfāt*, p. 63).

In Sunni jurisprudence, custom is considered valid under the following conditions: (1) the custom must be consistent and widespread, i.e., practiced regularly across times, places, and events; (2) it must be dominant and prevailing; (3) it must have historical precedent and not be transient or novel; and (4) it must not conflict with explicit shar'ī texts ('Arab, *Fiqh al-Imrān*, p. 544).

This principle is articulated in the form of *'imrān al-arḍ wājib* (land development is obligatory), derived from the verse: "He brought you forth from the earth and settled you therein" (Helli, 1990; Helli, 2006). The term "*ista'marakum*" is derived from the verb in the *istif'āl* form, denoting request or command. Most exegetes interpret this as a divine demand for reconstruction (Qurṭubī, *al-Jāmi' li-Aḥkām al-Qur'ān*, Vol. 9, pp. 56–58).

Imām 'Alī (peace be upon him) stated: "God has commanded us to develop the land so that people may sustain their livelihoods through agriculture and other means" (Ameli, 1992).

The request from God implies obligation. Al-Jaṣṣāṣ remarks: "His statement 'He settled you therein' means that He commanded you to develop it for agriculture, plantation, and construction". This indicates a duty to make land habitable and productive (Jaṣṣāṣ, *Aḥkām al-Qur'ān*, Vol. 4, p. 378).

A foundational source of this principle is the famous statement of 'Abdullāh ibn Mas'ūd: "What the Muslims deem good, God deems good; and what they deem bad, God deems bad". The interpretation of this statement is that communal consensus among Muslims on the goodness or badness of a matter reflects divine approval or disapproval.

This principle possesses broad scope and comprehensiveness, applicable across times, places, and generations. The development referred to in the verse and principle encompasses spatial, temporal, and generational dimensions.

However, in Imāmī Shī'ī jurisprudence, this principle is not considered valid, primarily due to lack of reliable textual sources. Furthermore, in the absence of shar'ī texts, custom cannot serve as an independent source of law (Tousi, 1989, 2008). In Shī'ī jurisprudence, custom merely aids in identifying and specifying the types and domains of legal subjects (Suyuti, 1991).

Nonetheless, in cases of conflict in urban development and construction issues, reference to this principle may be valid—for example, disputes concerning common spaces in buildings, whether yards or rooftops are included in property sales, and the necessity of adherence to regulations and statutes.

From this verse, the following rulings can be derived: (1) the obligation to engage in development and construction activities; (2) the prohibition of environmental destruction, as it contradicts the principle of development; and (3) the obligation to counter harmful practices and phenomena that endanger the environment and biodiversity (Ameli, 1990).



## 9. Conclusion

The jurisprudential and legal status of public and private roads in Iran is fundamentally shaped by Islamic jurisprudence, civil law provisions, and governmental approaches. In light of the current challenges and issues, there is a pressing need to revise the existing legal framework and enhance implementation processes to better realize both public and private rights concerning roads. Enhancing collaboration among relevant institutions and paying close attention to environmental considerations are equally of high importance. The legal and jurisprudential structure surrounding public and private roads, as one of the most vital infrastructure components for Iran's social and economic development, is influenced by multiple factors. This issue is shaped simultaneously by Islamic legal principles, civil codes, and specific administrative regulations that affect the utilization and management of such roads.

Furthermore, based on the findings of this study, it can be concluded that multiple classifications of roads have been presented in various laws and regulations, each based on a different rationale; however, classical jurisprudence tends to divide roads into two categories: "effective" and "ineffective" roads. All longitudinal and lateral land allocated for road construction, widening projects, and maintenance and safety measures—from the final boundary to the centerline—are designated as road right-of-way. Each category of road has its specific definition of this boundary according to the applicable laws. Ownership and responsibility for intra-urban roads fall under municipal jurisdiction, whereas intercity roads are owned and managed by the Ministry of Roads and Urban Development. Roads that are integrated into urban areas due to city expansion should logically be transferred to municipal ownership. In conflicts between property ownership rights and urban development, governmental authority is recognized—based on principles such as governance over necessity, the maxim of "no harm," and considerations of public interest—to expropriate private property through expert compensation.

The concept of "prohibition of disorder in the system" is a secondary jurisprudential maxim frequently cited in diverse legal contexts. In cases where the original state of land cannot be restored, an individual's ownership of such property may be deemed void. Urban development and construction projects that disrupt public order or urban harmony may be deemed unlawful and religiously impermissible under this principle. Any asset or land that is neglected and left to waste must be reclaimed and utilized. The principle of repurposing unused property for beneficial use is one of the core objectives of Islamic law.

Custom and public usage ('urf) in Sunni jurisprudence are considered valid under several conditions: first, the custom must be consistent and widespread, meaning it occurs continuously across different times, places, and situations; second, the custom must be dominant; third, it should have historical precedent and not be a recent or temporary practice; and fourth, it must not contradict explicit religious texts.

Leaving land unused is impermissible because the divine objective is its development. Unlike other forms of property—such as books—that an owner may use at will, land ownership entails specific duties. Based on the maxim of "prohibition of property neglect," scholars have argued against lavish gold embellishments of ceilings and walls. From verse 61 of Surah Hud, three legal conclusions can be drawn: (1) the obligation to engage in development operations, (2) the prohibition of land degradation and environmental destruction, and (3) the duty to combat environmental threats and preserve biodiversity. The general jurisprudential view across different schools of thought holds that ownership rights are conditioned upon non-harm. This ruling is based on the balance between an owner's interest in utilizing their property and the need to prevent harm to others. Therefore, owners are not religiously obligated to renovate or repair their property, and they cannot be forced to do so.

The maxim of "no harm" is based on three pillars: first, preventing and deterring harm before it occurs; second, eliminating and remedying harm after it occurs; and third, compensation for incurred damages. Preventing harm by all possible means is deemed obligatory. One harm may not be mitigated by introducing another harm of equal or greater magnitude. In cases of choosing between two harmful outcomes, selecting the lesser harm is considered mandatory—this rule is recognized in various terminologies across jurisprudential texts.

1. Harmonization between jurisprudence and law: From the perspective of Islamic jurisprudence, principles such as usufruct rights and the responsibility of preservation provide necessary support for proper use of roads. Simultaneously, civil law and specific road-related legislation offer a clear legal framework for acquisition and usage. Therefore, maintaining alignment between these two domains is essential to avoid legal conflicts.



2. Right of passage and utilization: The public's right to access public roads is an accepted social norm, granting individuals natural access. Conversely, the use of private roads requires permission and adherence to ownership rights, which must be navigated with both legal and jurisprudential considerations in mind.
3. Existing challenges: Issues such as lack of coordination between governmental institutions, legal limitations, and environmental concerns hinder effective implementation of laws and policies. These challenges call for regulatory reform and the development of more effective mechanisms for road management and maintenance.
4. Importance of sustainable development: Environmental considerations and sustainable development are of particular importance in the design and maintenance of roads. Achieving harmony between economic development and conservation of natural resources requires collaboration among public institutions, private sectors, and local communities.

Many developing countries have taken measures to reduce traffic-related casualties and losses by redesigning hazardous road sections under the supervision of international organizations and in accordance with global standards. It is therefore incumbent upon the officials in Iran's Ministry of Roads and Urban Development to prioritize this matter by redefining minimum road safety quality levels for engineers and consultants to enable safer and more efficient use of transportation infrastructure. For new road construction projects, strict adherence to both global and localized standards should be pursued. Considering that the preservation of life and property is among the most vital duties of any government, it is obliged to take all necessary measures to (1) minimize harm to individuals and (2) protect public and private property from road-related accidents. In light of these principles, and to reduce the human and economic consequences of road accidents that may impact individuals, entities, and society, the following recommendations are proposed:

- Review and revise certain laws and regulations to facilitate road access, use, and protection of ownership rights.
- Strengthen inter-institutional collaboration among municipalities, ministries, and relevant organizations to improve road governance.
- Enhance public education and awareness regarding rights and responsibilities related to public and private road use.
- Allocate adequate budgetary resources to ensure safe and efficient transportation systems.
- Promote public education and cultural awareness through schools, media, and public platforms.
- Reform the driver's education and licensing system.
- Integrate advanced scientific and technological solutions into transportation infrastructure.
- Eliminate monopolies in automobile manufacturing and open the market to safe, affordable, high-quality foreign vehicles.
- Facilitate the implementation of Article 44 of the Constitution by transferring executive responsibilities to the private sector while maintaining state oversight without obstructing lawful private activities.
- Increase traffic violation penalties annually, particularly for hazardous offenses, and ensure 100% of these funds are allocated to improving road safety.
- Train and deploy professional traffic accident experts to support efficient traffic management.
- Utilize international standards and redefine existing benchmarks for road construction.
- Revise legislation and establish specialized courts to handle road transportation matters comprehensively.

Ultimately, the jurisprudential and legal status of public and private roads in Iran requires continuous attention and periodic review to meet the evolving needs of society and safeguard citizens' rights. Establishing a dynamic legal system aligned with jurisprudential principles and legal norms can significantly enhance quality of life and reinforce the economic and social infrastructure of the country.

## Ethical Considerations

All procedures performed in this study were under the ethical standards.

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