A Comparative Study of Civil Services Management Law with the Principles of Desirable Governance through the Perspective of International Law

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Abstract
Desirable governance includes principles such as transparency, governance of law, equity, efficiency and capability and believes that if the above elements are achieved, it will result in increasing efficiency and ability of governance system leading to a comprehensive development and democracy. Influenced by these principles, Iran administrative system must appropriately adopt itself and provide its implementation. For example, the administrative system must refrain from unilateral decisions in the light of the governance of law and provide the ground for participation in the administration of the country.
It seems that authorizing civil services management law is the most important step in achieving the above goal and realizing today's principles and criteria in governing the country's administrative affaires and organizing official system. Because the mentioned law was first conducted in the administrative system of the country to the issues beyond the rights of personnel and their advantages, demonstrating the principles of desirable governance in materials stipulated rendered a fundamental change in this area. It can be reached to some extent based on the belief that the theory components have been realized in the administration system and especially in the official system.
Keywords: Governance of law, Participation, Justice, Desirable governance, Transparency, Comprehensiveness and inclusiveness

1. Introduction

In recent decades, we have witnessed extensive research and ongoing debate among scholars about the best practices and strategies for the revitalization of management processes on the governmental agencies. Selecting a new management framework according to the culture and the constitution of countries in a way that facilitates the development of policies and measures is not only a goal but also an inevitable necessity for all countries, especially for developing countries. Desirable governance shows how development can be achieved, and if an official system has the characteristics and components, it can be assumed as a desirable governance. Lack of the mentioned components indicates poor governance or bad governance (Mahdi, 2009). Such components include governance of law, participation, transparency, robustness and efficiency, accountability, justice, and e-government. Desirable governance believes that if the above elements are realized, it will result in increasing efficiency and the ability of the governance system and a comprehensive and people-oriented development will take place. Influenced by the context, the administrative system must comply with the elements of desirable governance theory and provides its implementation. For example, the administrative system in the light of the theory of desirable governance should avoid one-sided and person-oriented decisions and provide a constructive participation of the public and its personnel in the process of decision making and implementation. Surely, this goal will not be achieved easily, but requires a process that should be taken and be applied step by step (Abrahamian, 2009). In this context, it seems that the most important step in implementing and applying this valuable theory and consequently changing the status of the administrative system is the formulation of governances and principles that have administrative guarantee and are obligatory for all people. In other words, the most important action to apply the principles and standards of the desirable governance is authorizing principles that are based on principles of desirable governance theory.Since the civil service management law has been less criticized, less attention has been paid to the signs of governance principles. In this study, we try to survey the signs that are criticized for the desirable governance and study the ambiguous and vague angels of this law in the light of the principles of desirable governance. In addition, management law as the most important document of the official system has included strategies and obligations that are of high importance in today's world. So, the present study seeks to analyze the principles of desirable governance in Iran to find out whether it has administrative capability or not and this necessity is highly importanr in this study.

1. 2. Research questions and hypothesis

1. To what extent are the principles of desirable governance accepted in codifying civil management law?
2. Which one of the governance principles is clarified in the management law?
3. What are the principles of desirable governance?

The following hypothesis are proposed

1. By collecting the materials of management law, it can be said that the principles of desirable governance are accepted.
1. Governance of law, maintaining organization justice, e-governance and state ability and limiting the state is clearly specified.
2. Governance of law, transparency, participation, efficiency, responsibility and justice are included in the principles of desirable governance.

1.3. Research creativity and aim

As it is not a long time that civil service management law has been approbated and some bylaws are being codified, the present study aimed at providing suggestions for desirable governance in management law and in addition, legally specifies and analyzes the principles of desirable governance inserted in the law.

The research motive is to base the principles of desirable governance in the country's official system and set these principles in the official's thoughts. The practical motive is that legislation provides suggestions to more realize the principles of desirable governance in the country's official system. Regarding the implications of such a study, the other motivation to conduct the study is providing suggestions and strategies for Legislation Parliament to improve civil management law by doing the required reforms in the official system and in addition, the country's official system utilization is included in it.

2. Methodology

The methodology is based on descriptive-analytical method. It means that after describing the concepts related to the topic, it is dealt with the concepts and basics related to the topic. Library method is used for data collection. Attempt has been made to use the most recent information. In collecting the data, it is tried to use direct and indirect resources and also non-juridical resources of management filed, although, the focus is on juridical resources.

First, the theory of governance is presented as the main variable. Then, the history of the theory is mentioned as well as the components of the theory including state, private sector and society and then, the standards and benefits of the desirable governance are summarily explained. The rest is dedicated to the civil service management law as one of the other variables of the study.

3. Desirable governance

After subsiding Second World War, different theories were mentioned to reach to a stable development. Some of theorists believed that to reach a stable development and leaving poverty, states should govern and to totalitarianize economy like policy and provide the way to society's development. In contrary, some of the other theorists believed that people should govern as the past (Imami, 2010). It seems that desirable governance is directly resulted from governments which were not able to use their natural and human resources as favorable as possible. Inefficient managements lead to lack of development, spreading poverty and financial corruption and also lead to frittering internal as well as external resources. So, desirable governance has been mentioned as new management method in 1990s. Desirable governance is resulted from fundamental evolutions that history witnessed it. A long time has been passed from the periods of arbitrary and unlimited governance to limited and legal governance and governing based on economic management, and finally, emergence of desirable governance is resulted from unfavorable governance which by weak leadership has led to frittering resources and spreading corruption in society (Haqshenas, 2009). Desirable governance is a term that is used over two decades in development literature, human rights, democracy, general laws, cooperative rights and state management and also international documents and has been used for different juridical, political and official sectors. It is a short time that the concept of desirable governance has been mentioned in juridical, management, political and economic literature, and the researchers have paid attention to the analysis of its concept, results and its characteristics.

3. 1. Defining desirable governance

Governance means leading, commanding and ruling. Oxford dictionary has defined it as country's management activity or controlling a company or an organization (Haqshenas, 2009). Desirable governance has different and vast meanings and regarding the context in which it is used, it has appropriated special meanings and concepts, but the concept of the term in official system which is the topic of the study, is in line with codifying efficient policies and presenting suitable services to society. In other words, according to desirable governance and its

framework, the duty of official system is to establish suitable strategies and present suitable services to society via stabilizing favorable civil services organization in which this importance is performed by the state in any country. In this research, some criteria about desirable governance have been analyzed which is related to official system and can be applied in official system.

3.2. Desirable governance components

Desirable governance is composed of components which were previously in which in addition to specifying it, it also explains its functions. In fact, the aim of mentioning desirable governance criteria and characteristics is to gain desirable criteria to measure the quality of desirable governance, so as by using them, we can deal with the extent of efficacy of governance components on different political, economic, and official fields. These components, in addition to specifying desirable governance also explain its functions. The following subject refers to desirable governance components and characteristics.

3.2.1. Transparency

Transparency means freedom of information currents and its accessibility for those who are related to the decisions. Civilians should feel that official rights totally support transparency of decision-making processes and guarantees these criteria. In modern states, transparency is one of the most important criteria for authorizing official decisions. Any state due to its political, social and economic situations may adopt or approbate functions which its results are directed toward the civilians. So, the civilians should be informed of the approbated decisions. Democratic states, regarding to the issue that they are belonged to people and feel no distance between people and themselves, move surely toward more transparency of the decisions and actions. It seems that lack of transparency in state territory leads to forming corruption in different arena (Tasdiqi, 2004).

3.2.2. Responses and responsibility

Responsibility is one the desirable governance characteristics. It means that all people should be responsible for their beneficiaries. For responsibility of states, different responsive centers should exist not only a special one. This important issue needs a healthly, transparent and efficient bureaucracy system which provides the goals. Responsibility should be emerged in all aspects of the government. It seems that government's responsibility can be analyzed and surveyed through different political, economic, social, and juridical fields. On the other hand, responsibility is one of the instruments to fight against corruption (Zakrsalhy, 2009). Responsibility is a fundamental prerequisite to avoid disuse of power and is a guarantee for the issue that power moves toward gaining national goals as efficient and suitable as possible.

3.2.3. Efficiency and efficacy

The word efficiency is one of the most fundamental concepts of economy and management, and has been approximately mentioned in political arena during the three past decades. An efficient system should have efficient power and speed to govern the country and provides general public services and have transparent processes to absorb new forces to these forces show interest to enter official systems which leads to meritocracy and improves the quality of the services.

3.2.4. Governance of law

One of the genetic elements and components of desirable governance is governance of law. Desirable governance needs legal frameworks to act fairly and properly (Rasekh, 2009). It should also support people's rights, and have security and judicial systems to be able to apply the laws. Law governance emerges and continues in a society in which there exist a set of "rights" and "limitations" for all classes of people as well as for officials.

3.2.5. Justice

The issue of realization of justice among the society members is one of the social duties regarding the sociability of human being and the necessity for existing organizations and institutes related to setting their social relationships. In fact, it can be said that justice is the basis for legitimation and survival of governances. Rasekh (2005) states that spreading this component makes people have equal opportunities and reach a stable development. For example, the opportunities should provide any person with a favorable educative system, all should be hired in official systems and all governance's clerks and officials should have equal advantages and rights.

3.2.6. Participation

Participation means that all classes of people whether men or women, regardless of their gender, racism, religion etc. should participate in economic and political affaires. It requires that citizens practice participation and organize gradually a civil society and assure social freedom and freedom of speech. Participation means that citizens should interfere in all decision layers in society. Undoubtedly, one of the stable and comprehensive instruments in different political, economic, cultural fields is people's participation in ruling the country's affaire.

3.3. Electronic governance

Electronic governance means providing situations that states/governances be able to present their services to the citizens all day through the week. This issue has been seriously performed by governances in recent years and officials have mobilized their forces to realize this goal and aimed to reform political, economic, and social

processes by the help of new informative and communicative technologies. In the modern era, desirable governance is governance which is available and the necessity for better governing is more speed availability of citizens to qualitative information and services. Desirable governance is a governance which presents its services to the citizens in a wider rage by more speediness, lower expense and more efficiency (Pourpirooz, 2009).

3.4. Meritocracy

The basic and principle of desirable governance is based on the issue that selection process should be based on human factor, meritocracy and sufficiency. Meritocracy and sufficiency refers to an existing system which continuously seeks for talents to train the most eligible and sufficient forces for absorbing and maintaining human resources for tenure of office specially important and strategic jobs. The most fundamental goal of meritocracy system is "continuous training" of humanity factor. Meritocracy system seeks for "sieve" to find the most prepared and suitable humanity factor and avoid personal judges and guesses, since the strategic, economic, social and political posts cannot be handled to those who have been selected according to examination and error. Since the structure of meritocracy system has been designed according to "justice", elite-training" and "applying racism", it is assumed as one of the inevitable characteristics of desirable governance.

4. Results and benefits of desirable governance theory

Desirable governance, according to what has been previously mentioned, is a pattern to utilize available facilities in society and coordinating them to maximally use to reach the developmental goals (Rabi'ii, 1999). Accordingly, the most important results and benefits of desirable governance theory are as following:

4.1. Capital reinforcement

One of the results and benefits of desirable governance is identification, creation and reinforcement of capital. Capital has different dimensions among which the most important ones are social, humanity and economic capital.

Regarding the mentioned characteristics, governance leads to identification and reinforcement of different capitals. For example, if the index of participation is applied in the desirable governance theory, it will lead to identification of different talents and potentials and creative and new forces can be used.

4.2. Development of democracy

If democracy is characterized in a society, desirable governance which is resulted from people high participation will be also characterized, so democracy will provide a favorable context for applying desirable governance and then results in development of democracy leading to a mutual relationship between people and government. It is clear that when we speak about democracy as a one of the signs of desirable governance, we do not mean merely democracy in political arenas, but also democracy will include economic democracy which means assigning the affaire to people and official democracy.

5. Legal/juridical documentations related evolution in the official system of Iran

5.1. Constitution

The issue of evolution in the official system and its introduction has been specially paid attention to. In the introduction of the Constitution, the issue of evolution has been figured on and in the Executive is as following: since the Executive has a special attention toward applying Islamic rules and principles to reach fair relationships prevailing the society, and also the necessity of this issue in reaching the final goal, it should open the way for creating Islamic society. The Constitution in the clause 10 and the principle 3 insists on the necessity to create an appropriate official system and omit unnecessary organizations and explicitly refers to reformation of the organizations as the base of the reformation of official system.

5.2. The necessity of evolution in official system in the rules of the Five-Year Economic, Social and Cultural Development Plan

The necessity of evolution in official system and governmental organizations to provide suitable public services has been always figured on by the Five-Year Economic, Social and Cultural Development Plan. The rule of the Five-Year Development Plan as other development plans has separately appropriated a chapter to the official system and from the article 50 to 68 has focused on this subject. This rule/law is a superior in today's evolutions of the official system.

5.3. Cabinet approval

The Executive has a vital and important role in realizing the official goals and plans regarding the importance having in applying principles and laws and regarding the direct relationship with different economic and social sections. So, different actions have been performed by different states to gain developmental goals with the approach of official evolution which is the most important and genuine plan called "the genuine plan of creating evolution in official system". This comprehensive document is the subject of a canon which was approbated by the Cabinet in 18/1/ 1383.

5.4. Comparing civil services management law with the components of desirable governance theory

One of the unique characteristics of this law is that is has dealt for the first time with the issues beyond the staff's

rights and advantages and as its name explains, the goal of approbating this law is management and presentation of efficient and effective "civil services".

6. The history of approbation of civil services management law

Analyzing components and the role and function of the government in Iran's 20-year Overlook Document shows that the state should plays the role of supplying general goods and supplying excellent, stabilizing and guiding goods by using efficient humanity forces. The policies proclaimed by the Chief Leader of Iran have aimed at management frameworks and minimizing the role of incumbency as one of the most important strategies of evolution. Surveying the present situation in the country's official system shows problems including lack of discrimination of governance fields from incumbency, lack of creativity motives, lack of management and planning, lack of comprehensive surveying, continuous and result-oriented performance in the retiree's and personnel's system, lack of comprehensive use of IT and lack of coordination between compensation system and performance. In situations which require changes in Iran's official system, civil services law has provided a good opportunity to present governmental services in a new way. Having new-thoughts and comprehensiveness, this law shows a fundamental approach which is used for the first time in Iran's official system to change the relationships and the norms of the official system and specify the framework of evolution strategy in managing governmental sector (Hodavand, 2010).

7. Especial characteristics of civil services management law

Civil services are a set of organizations and institutes from which services such as economic, social and spiritual services are supplied with a stable and effective performance. So, to efficiently and qualitatively supply civil services, different sectors including state, people and civil organizations should have an effective and mutual corporation. Therefore, some people have described this law under the title "official revolution" which in many cases have focused on official system and thought about the educative aspects of the staffs and stable and continuous reforms instead of using nominal terms. Gradual devolution of public activities to private and corporative sector results in gradual changes.

Posing ideas such as regarding people's rights, meritocracy, performance measure, paying attention to civil society and its promotion, separating managers at the professional and political level, combining similar organizations, giving positive options to managers, regarding to enabling staffs and specifying policy's role, planning, justice and social security, focusing on results instead of processes and instructions, creating unity and segmentation in rules and laws, specifying tree-sided governance, setting criteria related to mutual rights of administrative organizations and staffs, enabling efficiency of staffs, reducing incumbency, establishing new managing methods, result-orientation, costumer-orientation, developing private sector in ruling country's affaire, promoting society's capacity are all characteristics of civil services management law (Mahmoudi, 2011). Having new-thoughts and comprehensiveness, this law shows a fundamental approach which is used for the first time in Iran's official system to change the relationships and the norms of the official system of Iran.

8. Characteristics of desirable governance principles in civil services management law

Official system has different functions which in the first step shows the significance of official system in government texture. The first function of office is collecting information and informing people. Office should collect possible information about state's organizations and present them to officials and people to adopt decisions. Therefore, official system is a link between past, present and future. So, it can be said that official system is administrative arm of any government, and without such arm, none of ideas and thoughts will be emerged. Since official system is increasingly becoming important, so, the scientists of any country focus on official system to improve life situation and reach a stable and continuous development, and evolution in this field is required for other fields. In fact, official system- because of its variety, importance and complexity- has attracted the attention of different juridical, economic, sociological, psychological and political scientists. This category cannot lead to desirable performance because of its various dimensions. So, any evolution in official system and any theorization and executive functions should have enough comprehensiveness unless results in chill and frustrating outcomes (Civil services management law's consequences, 2007).

8.1. Civil services management law after transparency

In Iran's juridical system, there is still lack of comprehensiveness and diversity of official principles. In creating a transparent official structure, in addition to transparency of official laws and principles, the second step is specific determination of duties, posts and roles. Until the duties and responsibilities of state's staffs and even state's organizations are not exactly determined, surely there will not be the possibility of response to plan and execution of state's policies. This issue included all governmental organizations, institutes and units. Civil services management law has referred to articles and bylaws in its transparency. It seems that, regarding the significance of this concept, the legislators have tried to make this concept important. Of course, it should be pointed out that official transparency requires fundamental reformations in the prevailing methods and its

application requires fundamental evolutions in related processes, laws and principles. It seems that these principles have been applied in codifying civil services management law. For example, one of the pre-assumptions of realizing official transparencies is paying attention to government's role and size, because as government is smaller, the extent of information transparency will increase and vice versa. So, one of the ways of official transparency is miniaturizing government or in other word, make government's size logical (Mydry & Kheirkhahan, 2004).

8.2. Civil services management law after law governance

One of the essential elements of law governance realization and legalization of Iran's official system is codifying general law. It should be said that since civil services management law for the first time has dealt with the issues beyond the staff's rights and advantages in hiring principles history and has focused on the country's administrative and official organizations such as state and public services management, it has discussed an essential step in settling law governance. So, by getting helping from new principles written in this law and by doing some reformations and incorporations and some nominal changes, we can move toward codifying general laws and settling law governance, and surely, by entering general principles of official rights and by codifying and applying official system we can have law-oriented and lawful offices, and by developing many key concepts applied in civil services management law, the way for codifying general and comprehensive laws can be smoothed.

In addition to the transparent point of the above-mentioned law, it cannot be replaced with its similar general laws in other countries. So, it can be said that by approbating this law, law governance will not be totally realized. But, in the mentioned law, there are symptoms of applying law governance. For example, the article 90 explains "the staffs of administrative organizations are bounded to do their duty accurately and fast by obeying general and specific laws and principles". This statement follows this article: "any ignorance of the clients' rights and deviation from general laws and principles is prohibited". In fact, the legislators have preferred the basic of governance as the following cases by explaining a generality in the article 90, and doing duties fast and accurately should not be mobilized with law-violation and law-breaking. Also, the article 96 of the mentioned law has explicitly referred to law governance in doing duties. If the state's staffs find the superior command as law-violation, he/she should inform the superior in a written form. This article has clearly pointed to law governance.

8.3. Civil services management law in sufficiency and efficacy dimension

The sufficiency and efficiency of official organizations and institutes leads to legitimation of government as the most powerful brand of government. According to the legislators of civil services law, inspiring the desirable governance theory and awareness of the issue that the roles of state in some economic, cultural, social and service affaire is more than normal, this issue causes the role of government to be exposed with incumbency affaire. To specify the role and position of government, it has dealt with separating and defining the affaire of incumbency and in this definition, the devolution of affaire to private sector has been specified in miniaturizing government and the sections requiring government corporations are also specified (Hodavand, 2010).

Article 8 deals with this issue and article 13 deals exclusively with miniaturizing the government to enable it. From the article 13 to 15, the legislator has dealt with miniaturizing the government, increasing people participation and decreasing incumbency to codify the issues and methods. What is shown as law in this chapter is development of the cooperative and private sectors and the organizations and institutes via devolution of social, serviced and cultural incumbency affaire which does not require the government interference. In fact, this approach is based on Iran's system to miniaturize the role of the state and to decrease incumbency which is influenced by new developmental theories such as the desirable governance theory. In the desirable governance, the state is not mere activist but is accounted as one of the partners of the affaires officiating and other partners including private sector and civil staffs. Only in the light of corporation of these three sectors the development is realized and this issue has been clearly explained in the clauses 1 to 4 of the article 13. So, civil services management law tries to reach goals such as improving the quality of presenting services, decreasing the complexity of the state's bureaucracy and the state's banks trade operations, decreasing the state's general expenses, decreasing the state's interference, price reformation and finally miniaturizing government presenting new strategies in the country's officiating and management arena and by emphasizing on personalization (Malmiri, 2006).

8.4. Civil services management law through perspective of e-government

E-government is a digital government without wall and apartment having virtual organizations presenting its services up-to-date and makes people to have social participation. Here, the sufficiency and efficiency of official organizations and the quality of using IT in official institutes are emphasized. In the article 36, in addition to obliging the administrative organizations to do their duties, article 37 explains the way of governmental duties performance including:

1. E-informing about the way of presenting services by timing their performance, the clause 1, article 37
2. Presenting the needed forms to implement services via electronic media and instruments, the clause 2, article

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3. Presenting services to the citizens electronically and omitting personal referral to the administrative organizations to receive services, the clause 3, article 37

4. In article 38, creating e-servicing units in provinces are predicted and all the administrative organizations are obliged to present the services which is possible through this way by the end of 2008.

In article 40, the government is obliged to design, organize and operate Iranians' Information Base to create informative sub-structures and centralize IT services in official organizations via the Registration Organization and IRI Post Office and corporation of all the administrative organizations. In the footnote 2 of this article, it has been explained that all the administrative organizations are obliged to prepare their database using national number and postal code by the end of 1386. In the footnote 4, it says that presenting services and making contact with the referrals from 1388 is forbidden without using national number and postal code. The footnote 2 and article 42 explain that hiring in skilled and expertized jobs requires basic and general skills about IT which shows the degree the legislators pay attention to IT.

8.5. Civil services management law through perspective of meritocracy

Civil services management law by paying attention to the mentioned histories and the significant role of meritocracy system to realize desirable official system in the $6^{th}, 7^{th}, 8^{th}$ and 10th chapters has dealt with the issue that a variety of the related chapters and articles shows the legislators' attention to the above category. In fact, the legislators' approach in codifying civil services management law is selection of a comprehensive system based on equality of employment opportunity, adopting methods to absorb expertized forces, codifying principles according to best selection and omitting completely employment off competitive space.

Based on what was mentioned above, in the article 40, the 6th chapter has been described under the title "entrance to service". Entrance to service and employment qualification in the administrative organizations is performed based on regularity of qualification.

In article 44, to hire people in the administrative organizations, in addition to acceptance in general examination, expertise acceptation is also required.

The article 46, to hire people as officially employment, has spotted conditions in which people cannot be hired without the required conditions and passing an experimental period. Conditions such as qualification certainty (scientific, religious and moral), sufficiency, interest, creativity through gaining the needed franchises/scores are required (the clause 1, the above article).

9. Passing experimental periods and gaining the required score
9.1. The effect of selection (the clause C)

In article 48, one of the factors of official deployment in the administrative organizations is redemption because of poor performance of the personnel during three or four continuous years which shows the sensitivity of the legislators in obeying meritocracy system even during and after employment.

In article 49, the continuation of contractual employments requires conditions such as gaining desirable results in performance survey and satisfaction of the personnel's services and promoting scientific level about the incumbent job.

In the 6th chapter under the title "appointment and job promotion", the appointment and job promotion of the personnel requires enough experiential and educative conditions and having qualification and successful performance in previous job. In the article 54, the administrative organizations are obliged to present services to establish meritocracy system and create stabilization at the service of the managers.

One of the other important points of civil services management law accounted as one of the creativities of this law is discriminating political managers from professional managers. In fact, the legislators by doing so, in addition to keeping job security, have prohibited deploying or sacking the mangers without regarding to expertized factors and meritocracy regularity, since by changing any government, deploying elite people because of lack of political tendencies is possible in any time which fortunately this issue has been focused on by the legislators.

In the above law, payment system has been codified based on evaluating factors such as employment and personnel. In fact, salary and advantages of an individual depends directly on the personnel's performance or in the other word, depends on the sufficiency of person. So, the factors related to the personnel such as education, experiential periods, skill, employment years, client's/costumers' satisfaction are assumed as the payment basis. So, meritocracy is certified and elites' rights are secured due to the above criteria (Mosazadeh, 2008).

In fact, this issue is one of the advantages of this law towards the previous law such as coordinate-payment system, because the recent law did not pay attention to the extent of personnel' performance and job rewards which formed a significant part of the personnel's salary and were specified due to organizational position, while the payment system in the 10th chapter in civil services management law was designed so that it created a equality between qualification and payment and the personnel are paid according to their performance which this issue leads to motivation in personnel, promotion of organizations' outlets levels and finally leads to realization

of meritocracy system in administrative systems.

So, according to the mentioned statements, we can conclude that meritocracy system has been figured on from the beginning of the topic to the time of presenting services regarding its importance in realizing desirable governance.

9.2. Civil services management law through perspective of justice

A suitable and desirable system is a system that its ideological and structural basics have been codified based on justice. In such system we will encounter with fairly distributing facilities and resources among citizens on one hand and with providing equal rights and benefits in utilizing situations and opportunities on the other hand. In this situation, what is selected for specifying and surveying is justice in official and employment system. "Justice and fair through the perspective of the desirable governance means that all people with such governance should use equal opportunities in all official, social, economic and political levels regardless to marginal factors such as gender, religion, race to all people classes be provided with possibility of development and progress" (Hodavand, 2010, p. 150).

In this direction in the 6th chapter, civil services management law under the title "entrance to service", while emphasizing on justice regularities and equalities of opportunities, has discussed general employment conditions in administrative organizations. According to the written principles such as the article 44, hiring person in administrative organizations after being accepted in the general exam, the expertized examination is possible and general employment conditions have been explained in the article 42. In civil services management law, one of the forms of justice in official system has been mentioned. It is explained in the article 27 "people in using administrative organizations services have equal opportunities". Explaining this law in civil services management law is influenced by modern official rights principles but in addition to these admirable actions, civil services management law has explained this principle perfunctorily not deeply. Regarding to the equality of citizens against law and general services, it says that all people are provided with equal opportunities, duties and advantages and race criteria and… should not be assumed as usage basic.

9.3. Civil services management law through perspective of participation

In the desirable governance, participation is an accepted base and is realized when barriers for people participation are removed. "In Iran's official system, almost all official decisions and actions are independently and exclusively approbated", (Tabataba'ei, 2006) and only in rare cases in civil services management law, some nominal actions are done which will be discussed in the following topics and people are informed of the decisions and actions and have no meaningful and systematic participation in Iran's official system. According to article 20, civil services management law of the administrative organizations are obliged to use the personnel' thoughts and creativity to absorb the personnel' satisfaction and receive their suggestions and criticism.

This article (20) has referred to administrative organizations' personnel. In fact, this matter is one of the modern new necessities which do not limit participation to political arenas but people participation can be applied in official and bureaucracy systems and more exactly in democracy.

9.4. Civil services management law through perspective of responsibility

According to the article 90, the administrative organization personnel are obliged to do their duties accurately, fast, honestly, fair and by obeying general and specific laws and principles and respond to clients equally. Costumer can complain about unsuitable behavior of the personnel and their neglect in doing duty. According to footnote 1 and the article 91, the administrative organizations are obliged to respond directly via the managers and indirectly via reliable visitors. In article 92, managers and supervisors are responsible for controlling and maintaining the health of personnel relationship and should respond against their performance.

The second base of response is transparency which was discussed in the previous chapter. It is not merely dealt with the point that transparency always has a close relationship with response and without transparency positive results are not gained.

The 3rd base of response is considering/supervising complains. In fact, a responsive system should be considered for clients'/costumers' complains to promote people hauteur and magnanimity. This issue has been mentioned in the article 90 in civil services. The administrative organization personnel are obliged to do their duties accurately, fast, honestly, fair and by obeying general and specific laws and principles and respond to clients equally.

10. Conclusion

Nowadays, desirable governance includes principles such as transparency, governance of law, equity, efficiency and capability and justice as one of the fundamental and essential strategies for solving official system. The theory of desirable governance, in spite of its short life, has changed into a prevailing doctrine to reach a stable development all over the world in various economic and political arenas. This theory has been designed and codified to settle a system based on knowledge to promote people life quality and can only be applied in political, management and official structures. The desirable governance has concluded that the period of miraculous politicians has been passed and now it is the time of gaining people's confidence and developing people participation. In the desirable governance, the state is not mere activist but is accounted as one of the partners of

the affaires officiating. In addition to these admirable actions, civil services management law has explained this principle perfunctorily not deeply (Mydry & Kheirkhahan, 2004). It seems that by developing the principles discussed in civil services management law, we can be hopeful in establishing the desirable governance pattern. It can be noted that many developed countries have codified a comprehensive law for official system and have stepped toward realization of law governance. Unfortunately, this has not been already realized in Iran but by considering the principles of civil services management law, the way for codifying general law can be paved and it can promote responsive level by consciously using the proceeded juridical systems and realize official justice as a strategic goal. The point that should be noted at the end is that civil services management law is not like general official law in the developed countries; indeed, this law should be merely analyzed in its field based on judgment and criticism.

References

Abrahamian, Y. (2009). *Iran between tow revolutions*. Tehran: Ney Press.

Civil services management law's consequences. (2007). *Vice-presidency of the Islamic Parliament Research Center.* Tehran: the Islamic Parliament Research Center.

Ghazi Shariat Panahi, A. (2009). *Necessitate fundamental rights*. Tehran: Mizan press.

Haqshenas, A. (2000). *Contemporary culture millennium*. Tehran: Contemporary Culture Press.

Hodavand. M, (2010). *Bylaws of decision-making in official system: A comparative st*udy. Tehran: Khorsandi Press.

Imami, M., & Astovarsangary, K. (2010). *Administrative law f 1*. Tehran: Publication Rates.

Mahdi, P. (2009). Desirable official criteria and evolutions of official rights. *Journal of Juridical researches,* 1, 70-84.

Malmiri, A. (2006). *The governance of law, concepts, principles and interpretations*. Tehran: MRC Press.

Mahmoudi J. (2010). *Judicial supervision of state principles in England and France*. Tehran: Jangal Press.

Mosazadeh, M. R. (2008). *Administrative law, general and Iran*. Tehran: Mizan Press.

Mydry A., & Kheirkhahan, J. (2004). *Desirable governance, development foundation*. Tehran: MRC Press.

Pourpirooz, D. (2009). Electronic-governance and fighting against corruption. *Journal of Knowledge Assessment,* 2, 82-96.

Rabi'ii, A. (1999). *Long live corruption*. Tehran: Ministry of Culture and Islamic Guidance.

Rasekh, M. (2005). *Theoretical foundations of legislative reform*. Tehran: Parliament Research Center Press.

Rasekh, M. (2009). *Monitor and balance system of fundamental rights*. Tehran: Drake Press.

Tabatabaii ,M. M. (2006). *People participation in official decisions*. *Journal of law and political faculty of Tehran university, 26*, 1-13.

Tasdiqi, B. (2004). *The theory of desirable governance, enabling state*. Tehran: Islamic Parliament Researches center.

Zakrsalhy, G. H. (2009). *Anti-corruption strategies*. Tehran: Forest Press.

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