



NEW GOVERNING PRINCIPLES OF PUBLIC LAW IN RESPECT OF PUBLIC SERVICES

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Abstract:

Public service is one of the important foundations of governments in delivering citizens' expectations. Public service, in order to provide citizens with the expectation of this requires the consideration of principles such as equality, compliance, continuity, rule of law, accountability, transparency, so that public officials, taking into account the above principles, perform public services and take unfair, improper decisions. And contrary to the public interest, this research, while explaining the concept of public service, examines the new principles governing it.

Keywords: public service, equality, transparency, adaptation, continuity, accountability

1. Introduction

Today's world faces challenges due to changes in the development of societies and the change in the level of people's expectations. Today, societies are transitioning from power to service, in which the main focus is on the role of people and the provision of public services and the consideration of public benefit. Public services, because of the importance they attach to social life, adhere to the principles that are considered as the cornerstone of administrative law. The main question of this research is the new principles governing public services and, how they affect the quality of government-public relations.

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2. The concept of public services

The public affair is the cause of the existence of public rights and ties to human beings and justifies their administration of life together. No public policy requires a set of legal rules. Public service is a key element of public affairs. The concept of public service is a strategic and fundamental concept of public law. T

herefore, the concept of public service is not only less than the place of the concept of public authority, but it can be said that these two concepts are mutually reinforcing both The undeniable basis is the general law.(Georgian Azandarian, Ali Akbar, 2011)

Public service theory is one of the most influential ideas in the field of administrative law issues. According to some, the legitimacy of the state depends on the amount of "public services" that it performs, and if a government does not have the power to perform this duty, it loses its worthiness of survival; the legitimacy of the exercise of power also serves the same purpose. "*The public service does not have a special nature in relation to other services, the purpose of which is to provide public interest, and this is the person who gives the service a general description*" (Moussazadeh, Reza, 2008). In general, public services are public activities that are carried out in line with public and public needs, in accordance with the rules of public law.

3. Governing Principles of Public Services

The announcement of the fundamental principles governing public services is rooted in the views of French lawyers; the most important theory of French law in this regard is Lou Roland (Moselzadeh, 2009).

The principles governing of public services, according to some, are the foundation of administrative law, the purpose of public services, the provision of public needs and the maintenance of public interest; therefore, public services are based on principles that constitute the basis of administrative law. (Imami, Starburdi, 2004).

In expressing the importance of these principles in various legal systems, it can be said that these principles have been introduced in many countries as values and basic standards governing administrative rights; these principles are in French administrative law as fundamental values and criteria And has been substantiated, and has been addressed in the legal system of the Anglo-Saxon countries, including the United States of America, as part of the legal principles and part of the legal principles of public law, and they have a prominent position in Iranian administrative law and as The legal principles of public law are considered (Novin, 2007, pp. 192 and 193).

The Organization for Economic Cooperation and Development (OECD) has outlined eight key principles in relation to public services, including: the principle of

impartiality, legality, transparency, transparency, fairness, justice, impartiality
accountability

In Most OECD countries, the framework is based on the above principles, as well as in some countries, including Spain, Turkey in the Constitution and Australia, Canada, Denmark in the form of a law and in some countries in the form of declarations. Also, in these countries, independent bodies, legislative bodies, and related committees control public service activities, as well as some foreign inspectors, including Ambudsumans, also investigate illegal acts and Public services are the main element in the countries.

In the UK, 7 principles are taken into consideration in public services: Personal discomfort, integrity, response to decisions, availability of information for the public, integrity and honesty, objectivity, optimal management. The countries also have issued a public service charter for themselves, which are governed by the principles governing public services and unacceptable behaviors such as abuse of authority, perpetrators' behavior, bribes, gifts received, unlawful intervention in the tender is considered. Therefore, the principles that justify and legitimize many of the rules and regulations of the law are legitimate. These principles are: equality, consistency, continuity, adaptability, priority and free of charge public services and modern principles include health, accountability, transparency, rule of law, fair treatment, justice in the provision of services:

A. Principle of Equality in Public Services

In accordance with the principle of equality or equality of public services, in the sense that the government should not discriminate between its citizens and deprive people of public services (Hadavand and Mashhadi, 2004) all individuals in the community must enjoy equal public services equally. The government cannot discriminate between citizens on this excuse and deprive people of public services or consider certain privileges for some public utilities (Emami, ibd). This principle recognizes any bias that leads to discrimination in the performance of public services, which is prohibited and opposed to the principle of equality. This principle is known as the "*principle of equality of persons against charges imposed by the public administration*" (Tabatabaei, 2006,p: 262).

B. Principle of Continuity or Continuity of Public Services

According to this principle, public services are not shut down because of the necessity and necessity of continuous accountability to public needs; this principle puts a burden on public and administrative authorities, whereby the continuity of administrative services must be guaranteed appropriately. Hadavand, 2009, p. 201), in line with the

principle of continuity or continuity of public services, public services should be managed continuously (Hadavand and Mashhadi, 2004).

In describing the features and method of implementing the principle of the continuity of public services, it has been said that services should be provided continuously and continuously, because these activities relate to the general public and the everyday needs of the people. Hospitals, for example, cannot refuse to admit patients at night, because these services must be provided in a continuous manner (Abbasi, 2010, p. 171). Any interruption or interruption in public services in people's lives causes anxiety and disturbance of their peace.

C. Principle of Compliance or Compliance with General Services:

The principle of consistency is the logical continuation of the principle of the continuity of public services. Updating and adapting public services to new conditions is both in the interest of the administration and the state, and better serves the interests of public utilities (Gorgji, 2009, p: 226). According to this principle, the needs of social life are always in a state of change, and the public interest requires that the administrative and public organizations continuously adapt themselves to those requirements (Tabatabaei Motemani, 2006, p: 238), for example in the field of public transport, and Providing travel services to individuals, the government cannot currently use traditional and old equipment 50 years old (such as carriage and cart, etc.). The consequence of such a major in the provision of public services is firstly that the administration is obliged and obliged to such adaptation and compatibility, and secondly, the administrative apparatus must be able to make new decisions, whenever it wishes, according to the time requirements. For example, under the aforementioned principle, the administration has the right to impose new obligations on its contractor (Mosazadeh, p. 56). The public benefit is not subject to change and changes with time. Public services, in accordance with their requirements and needs, must always be able to adapt and adapt to possible changes and changes of the public interest. In other words, the principle of compatibility with this idea it is based on the fact that the needs of social life are constantly changing, and the provision of these services must also be tailored to the needs. For example, government departments and agencies cannot use to provide services, such as transportation of ships and primary vehicles.

D. Principle of Public Service Priority

This principle has been introduced by the government for the implementation of public and public services, in which the state benefits from privileges derived from public authority or privileges derived from public rights. These privileges are necessary for the performance and fulfillment of the duties and duties of the state, since the purpose of

the functions and duties of the administrative apparatus is to protect the interests and public interests and provide public services. According to this principle, since public services belong to the general public and its benefits are the income of all individuals, the legislator gives priority to the state in protecting the public interest against private interests, giving privileges that no one except him has the right to Do not use them. In fact, the purpose of these privileges and other specific rules of administrative law is that the government has the necessary power to advance public goals and can perform its duties that are in the public interest appropriately and public organizations they can also continue to perform their duties on a regular basis (Tabatabaei, 2009, p. 239).

E. Principle of Free Public Service

The fact that the principle of the freedom of the public service can be considered as one of the principles governing public services is questionable, since only a few lawyers have referred to it as the principle governing public services; the sentence of these jurists could be noted by Morris Hurry, he believed that public services should be provided free of charge through public revenues and taxes (Rezaezadeh, 2006, p:235).

F. Principle of Accountability

Since the behavior and actions of the rulers have an impact on the lives of the people, and their behavior and decisions do not lead to the loss of rights of the individual, they are responsive. Therefore, answering is a kind of sense of responsibility that a person claims to be bound to explain to others. (Dervishes, Mehdi, 2002, p. 353) Responsiveness has triple goals; first, it is a means of monitoring power and preventing abuse of public authority. The second is to ensure the correct use of national resources, adherence to the law and the maintenance of public service values, and the third is an effective tool for promoting and improving governance and public service management.

Responsiveness as a guarantee mechanism to ensure that people do not disregard the scope of public law and public service values in the use and optimal use of public resources. Accountability increases public confidence, which means that people expect government officials and officials to respond to their expectations, that is to say, public trust, ie, the level or level of the public expected to receive a positive response from public affairs administrators to their demands, and the city In the event of damage to public acts, they express displeasure with the quality and price of services and public goods. Response increases public confidence in public services and ultimately leads to solving people's problems, government and citizen engagement, Ordinary Justice.

G. Principle of Transparency

Transparency means the possibility of observing the facts that executive tools are compatible with goals. Transparency means freeing the flow of information and its availability for all those involved with decisions. Public services require a mechanism through which the government and public institutions can better handle public affairs, but in order to be more efficient, it needs to be determined that the limits of the duties and authority of each official are determined by any of them. Limit the limits of its legal authority and if it exceeds the limits of the powers, it is recognized and required to be accountable to the said authority. Therefore, clarifying the scope of tasks and regulations will increase transparency, and increase transparency will result in increased efficiency and, as a result, better management of public affairs.

H. Principle of the Rule of Law

Historically, the term rule of law in ancient Greece has been formed. First, the term *isonomia* was used to express it, which means equal to the law, with the exception of individual characteristics. The principle of rule of law or supranational law is one of the important principles of public law, and it means that all authorities and public organizations are subject to law enforcement, and all public officials are obliged to comply with the decisions they take and the actions they are carrying out rules and regulations. When the law has decided to establish public services and it is compulsory for public services to local units, the organization of public services is an essential aspect. If the Public Service Organization is designated by law or regulation approved by the Cabinet of Ministers, the responsible managers is required to organize the affairs within it (Tabatabaei, 2006, p: 259).

I. Principle of Public Interest

Since public services are in the public interest, therefore, in decisions taken, the public interests and needs of the community must be preserved; therefore, if there is a conflict between the private interests and the public interest in the provision of public services, it is a matter of precedence over public affairs, and this is the same. It causes the government to use privileges from the exercise of sovereignty to provide public services or to provide public services. Public service is not possible without public interest.

The purpose of the public service must always be in the public interest. This does not mean that only public services can meet the public's needs; there are many private activities that significantly overcome these needs. What is important is that the sole purpose of the public service is public service (Gorgi, Ali Akbar, 2009, p: 119). Therefore, in public services, public interest should not be considered as a personal interest.

J. Principle of Justice

One of the hallmarks of humans is their sense of justice and justice. Justice in the word means giving justice, justice, fairness, justice, and social justice that everyone in society has. In the area of justice, a theory of distributive justice, procedural justice has been raised. The theory of distributed justice refers to the distribution of resources and assignments. In fact, this concept of justice addresses the issue of the fair allocation of resources and resources. The practical consequence of this approach, based on distributed justice, is to allow government intervention in the field of economic activity To remedy inequality in order to allow free competition in the market, this kind of interference is largely indirect, in the form of a regulatory state, through policy-making and policy-setting for social welfare goals and Public benefits are enforceable, and legislation must compensate for a variety of market failures.

The doctrine of procedural justice is the best guarantee for achieving fair and just results. In fact, procedural justice refers to decision making and implementation based on a just and fair process. In other words, the concept of procedural justice in the market is the prediction of the rules of equal regulation of market relations. A competition is a game that must be governed by fair rules. Thus, unfair competition resulting from the rules and structures governing the market, must be eliminated.

Therefore, in providing public services with a view to public benefit, the government should provide self-support interventions in the economic and social spheres for the benefit of those who are poorly informed and implemented on the basis of a fair and equitable, non-discriminatory process, the needs and interests of the region. Consider and distribute appropriate public services.

5. Conclusion

Public service is the main element of public affairs. In the public service theory, first, the legitimacy of a state is dependent on the provision of public services, and secondly, this theory is based on the establishment of a particular legal system, namely, public law. Because public services are in the public interest, therefore, in the decisions taken, the public interests and needs of the community must be preserved. Public services are subject to some principles that justify and legitimize many of the laws and rules of law. These principles are: equality, consistency, continuity, compliance, priority, and free public services and modern principles include health, accountability, transparency, rule of law, fair treatment, and equity in the provision of services. The use of these principles in the form of regulations Participation in the legal system of countries helps to protect public rights through the promotion of public services.

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