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Examining Citizenship Rights with Emphasis on Public Rights

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Abstract

Citizenship rights are the very fully evolved natural rights in the context of modern social life in the new and contemporary century; in another word, the principal elements of citizenship rights provide for absolute, permanent, indisputable, and objective human rights, where no human individuals are superior to others in this respect within the governing equity, and in a more general sense, citizenship rights are as a single spirit manifested in the mold of various statues, not in several individual articles that are the subjects of a specific law. In respect of the subject matter, citizenship rights could be divided and separated into two principal categories in the constitution, which comprise general and fundamental rights and social rights, which in turn, encompass political, administrative, economic, cultural, and judicial rights. In this research, we study and analyze citizenship rights through a bibliothecal and analytical method emphasizing on public rights.

Keywords: Citizenship rights, Public Rights, Constitution, Right..

INTRODUCTION

In The Concise Persian-English dictionary, *citizenry* or *citizenship* means citizens, (Rezaeipour, A. 2007, pp. 23 & 22), residents, people, nationals (Aryanpur-Kashani, A. 1992, p. 175), and in Dehkhoda Dictionary, it is stated that 'ship' in citizenship means everything related to a citizen, such as the citizen's rights and duties (Rezaeipour, A. 2007, p. 19). Therefore, "a citizen has religious, political rights, on the one hand, and has some duties in return for the government, on the other. This relationship is called citizenship" (Kamyar, G. 2007, p. 38).

Thus, "Citizenship is a status for an individual in relation to a government recognized by the international law as well" (Kamyar, 2007, p. 38). Although nationality is used to mean citizenship, nationality has a broader meaning. Citizenship is specific to human individuals.

Citizenship should not be mistaken for permanent residence. An individual may be a citizen of a country, yet without being a resident of that country. In democratic societies, citizens have equal rights and obligations against the law and also have the right to participate in political and public affairs. Therefore, citizenship is one of the best intellectual foundations of democracy. In today's world, to test a country for democracy, the issues of civil procedure, criminal procedure, and the quality of observance of citizenship rights in their courts are examined as a benchmark first, because the preservation and observance of citizenship rights are one of the most pronounced signs of democracy (Kamyar, G. 2007, p. 38).

Although there are numerous definitions for *citizenship*, some know citizenship as a way of evolving the rights and dignity of human beings by leaving the dark ages of slavery, and the master and servant system behind (authors, 2006, p. 263), others believe that "Citizenship is a fully active position yet with the preservation and observance of its real limits and measures, which of course, is incompatible with domination" (Kamyar, G. 2007, pp. 40, 20 & 17).

According to international law, every country is free to determine its citizenship standards, and for a meritorious and capable Islamic country,

believers everywhere on the earth are its citizens (ibid., Pp. 40, 20, 17). Therefore, in our legal and political system, the government has been stipulated to be religious and of Islamic faith (Articles 1 & 2 of the constitution) and, therefore, citizenship rights are acceptable only within the limits of Shiite jurisprudence (ibid., pp. 40, 20 & 17).

Citizenship rights

To better clarify citizenship rights, we will go through its various definitions to specify what citizenship rights mean at the outset:

The first definition of citizenship rights: Includes the doctrine of public will expression law of citizenship rights, which means that all citizens have the right to participate in person or through human rights representatives. Human rights have been inherently attached to the rights of citizens from the beginning (Rezaeipour, 2007, p. 44).

The second definition of citizenship rights: Are the rights that have been approved and emphasized under different topics in certain Articles of the Constitution of the Islamic Republic of Iran and other customary laws; Therefore, every Iranian citizen has the right to the fruits of everything recognized in the constitution or customary laws for him, and it is the duty of the government to provide the ground for every member of the Iranian nation to utilize these rights; because it is the right of the Iranian citizens to utilize these rights (Rahmati, 2005, p. 8.)

The third definition of citizenship rights: In regard to the public institutions of a country, it is the citizens' rights such as those pertaining to political rights, the public right of recruitment, the right to vote and to be elected, the right to testify before official authorities, the right to be a judge and certifier; therefore, the term encompasses political rights and includes civil and social rights (Kamyar, 2007, p. 41).

The fourth definition of citizenship rights: Professor Homefield has given a definition of the term citizenship rights.

1) In its strict sense, it is something that a person deserves as he bears obligations toward another citizen. 2) A person deserves it because of immunity. 3) Human being is the subject of citizenship rights. 4) Having power with the objective of establishing a legal relationship. (Rezaeipour, 2007, pp. 23 & 22)

The general and fundamental rights of citizens have been examined in five articles of the Constitution of the Islamic Republic of Iran (IRI), including Articles 15, 19, 20, 22, 40. They have been addressed in Clauses 2, 3, 7, 8, and 14 of Principle 3 (Rezaeipour, 2007, p. 43).

Therefore, for the subject of citizenship rights, reference should be made to the examples of citizenship rights, which are the very dimensions of citizenship rights, such as political, religious, civil, etc. dimensions; for instance, enjoyment of cultural rights has been emphasized in Article 15 of IRI Constitution.

Article 3 refers to political freedom, social freedom, participation, judicial security, and public equality. Articles 27 and 23 address the freedom of opinion and expression, and the establishment of political parties and associations; judicial law has been stated in Articles 22, 23, 35, and 36; Therefore, the subjects related to citizenship rights have been addressed in so many articles. Thence, in many countries, some cases pertaining to the rights have been addressed under the topic of citizenship rights that bear a judicial aspect. Therefore, Articles 32, 33, 35, 37, 38, and 39 are the only articles of IRI Constitution that have dealt with the issue of citizenship rights (Mohammad, 2018, Andisheh Club website).

Therefore, the topic of citizenship rights is very wide and broad, as citizenship rights, given its diverse dimensions such as religious, political, civil, judicial, economic and …, each has a variety of issues and subjects for meeting some part of the needs of society. Therefore, it is certain that the topic of citizenship rights is so broad and cannot be confined merely to the articles and clauses of the constitutional and customary laws. Rather, the topic of citizenship rights covers diverse issues.

Objectives of Citizenship Rights

The aim of a society is the common welfare. A government is instituted to guarantee to man the enjoyment of these natural and imprescriptible rights (Article 1, Declaration of the Rights of Man and Citizen from the Constitution, adopted

on June 24, 1793, France). These rights are legality, liberty, security, and property (Rezaeipour, 2007, pp. 54, 53, 52 & 51). One of the goals of the legislation on the relationship between individuals in the society governing meeting human needs so as to avoid, to meet these needs, violating and transgressing others.

The basic need of human beings is a material need, which includes adequate food, clothing, and housing. Examining IRI Constitution, it becomes clear that Articles 48, 47, 41, 29, Clauses 1 and 2 of Articles 3 and 4 as well as Clause 12 of Article 3 have been enacted to meet the material and physical needs of citizens, including food, housing, clothing, health, Treatment, retirement, unemployment, disability, homelessness, accidents, and casualties.

The need for security: Articles 40, 39, 38, 37, 36, 35, 34, 32, and 22, and Clause 14 of Article 3 IRI Constitution are responsible for meeting the security needs of human beings. Social needs: Articles 56, 33, 30, 20, 7, and 6 of IRI Constitution, as well as Clause 2 of Article 3, meet the social needs of citizens. The need for respect and honor: Articles 23, 24, 25, 26, 18, 17, and 15, Clauses 7 and 8 of Article 3, and Clause 4 of Article 43 have been enacted to meet this category of needs. The need for material and spiritual self-discovery and self-actualization: Clause 3 of Article 43 and Clauses 1, 4, and 9 of Article 3 are the only items that can be considered to meet the need (Rezaeipour, 2007, pp. 51, 52, 53 & 54). Therefore, it can be concluded that citizenship rights in society have social goals, comprising many issues, some of which are: Respect for the rights of each and every citizen, providing the ground for recognizing the mutual rights of people and the in-charge officials, creating a strong relationship between citizens and the government, responding to the basic needs of citizens by the government, awareness-raising, strengthening, and promoting citizenship rights in society, creating a sense of responsibility in citizens to perform their duties and other affairs are of the goals of citizenship rights.

Characteristics of citizenship rights

1- It is a divine gift; therefore, it is one of the inherent and natural rights of human beings and is considered a human trait. It is not affiliated with any contract or union, and no human authorities, including governments or religious authorities, grant such rights.

2- It is nontransferable and inseparable from human beings as lacking it, an individual cannot be regarded as a human being (in the real sense of the word).

3- It is indivisible and cannot be taken away from anyone due to recognizing it as being insignificance or unnecessary.

4- Its elements are necessary and obligatory for each other as well as complementary and supplementary to each other.

5- It is universal because it is the inalienable right of every member of the human society and every person in any place and of any color, race, language, and religion has the right to enjoy it and no one should be forced to acquire it (Rezaeipour, 2007, p. 22).

6- Another characteristic of citizenship is that citizens officially enjoy legitimate and equal membership in a society, and no factor can deprive them of this legitimate membership or establish a hierarchy for that (Kamyar, 2007, p. 409).

Citizenship and its four benefits:

In describing the concept of citizenship, it is said that there are four effects applying to this institution:

1- The right to freedom of action for the citizen 2- The right to protect life and property 3- The responsibility of the citizen towards the group of citizens 4- Membership in a sociopolitical group meaning having the right of active participation in the political life of society, considered as the most pronounced feature and benefit of citizenship (Khalilian, 2003, p. 142).

Viewpoints on Citizenship and Human Rights

The first view attributed to Huntington is that the public view of one country should prevail over all other countries. From this point of view, the American model of human rights should prevail over all countries.

The second view is held by modernists, who believe that the principles of civil rights are universal and that one cannot speak of the human rights of a country or a society.

The third view is of postmodernists, who wrap a special prescription for each and every individual and society by emphasizing regional issues and cultural characteristics of the community (Saleh Moftah, 2018, Andisheh Club website). In addition to these views, views, there are other views as such: Liberal individualism discourse, socialism discourse, republicanism discourse, and feminism discourse, the viewpoint which has emerged in the last two decades in the field of citizenship rights and is defended by some experts, and some also criticize these views. A summary of these views is briefly expressed as follows.

Liberal Individualism Discourse:

It states that government should recognize the lives of individuals and their interests and the right to political participation in their social life. In this theory, individuals are moral, responsible, and autonomous agents with the goal of good life, and the political system provides individualist and citizenship freedom and good life for them.

Socialism discourse:

It states that without a community, an individual is an isolated, aimless, and wandering individual, but rather an individual achieves his goals, purposes, and situation in the community. In this discourse, individuals' equality against the law, right to vote, pay taxes to the government, and participation in social life are emphasized.

Republicanism discourse:

It does not accept individualistic policies, but rather individuals should be involved in social activities, contribute to their citizenship, and know their duties and responsibilities. Moreover, the realization of citizenship along with moral-social virtues that is the ideal of democracy.

Feminism discourse:

This discourse criticizes the superiority of men over women, negates the domination of men over women. It sees everyone as equal in the face of the society and law, and it considers meritoriousness as the criterion for social privileges.

Relationship between human rights and citizenship rights

Citizenship rights in European and American countries are a subset of political science and focus on the right of citizens to participate in the state administration and encompasses its different dimensions. Therefore, they approach political rights and public rights in a specific sense.

However, these meanings do not distinguish citizenship rights from human rights, and of course these two concepts are so similar that their common meaning elements make their distinction difficult. In the distinction of human rights and civil rights, right in its original and real sense is defined by three items:

1. The recipient or possessor of human rights is a being who, by joining as a citizen of the world to the human community, will benefit from it, whereas the holder of citizenship rights is a citizen (by the aforementioned definition).

2. Its addressee: Human rights addresses, advises, and orders every human being, institution, and human community; whereas citizenship addresses a specific community or individuals within the boundaries of a state or country.

3. Its subject: The concepts of human rights are generally metaphysical, and therefore, are global and with fundamental ambiguities. However, citizenship rights are not ambiguous as they directly face with people and implementation issues and are created based on the same legal fundamentals and the subject of citizenship rights is the rights of every citizen living in a specified community.

Another view is the lack of mismatch between human rights and citizenship, and in this respect, there is no difference between the two in nature, and it seems that this view has also been embedded in the Iranian substantive laws. Some

other professors believe that although there is no general mismatch between human and citizenship rights, many countries bring some cases of rights that are of a judicial nature under the topic of citizenship rights (Saleh Moftah, 2018, Andisheh Club website).

Despite this conceptual distinction, it should be said that the distinction is a very difficult task and these two rights are intertwined in the Declaration of Human Rights. Perhaps it could be stated that "meritorious human rights could only be realized through enjoyment of citizenship rights". In the definition of citizenship, the context in which the citizenship is applied should be highly attended. However, it should not be assumed that citizenship rights and political freedom, etc. could be suppressed under the pretext of any social culture as it is specified, as citizenship rights and duties have their own universal and global standards. However, it is clear that the rights, duties, political freedoms, and the possibility of the individual's participation in determining the fate of society are subject to the characteristics of the society in question. Therefore, for example, one cannot write Constitution and force all countries to base their tasks on it; however, this issue does not apply to human rights because human rights are not particular enactments, but rather they are the inherent and natural rights of every individual. These rights are not legal rights but are moral rights. The importance of viewing citizenship rights and human rights as distinct rights is of theoretical significance, however, viewing human rights and citizenship rights as intertwined entities is of practical importance (Rezaeipour, 2007, pp. 204, 203, 202, 201). According to Kant, as being a member of the human world, human being enjoys human rights as a citizen of the human world, regardless of his particular race, language, religion or state. Therefore, in terms of Aristotelian logic, I can state that an equation of equality is established between the two general ideas, citizen and human being, in the sense that every human being is a citizen and every citizen is a human being.

Citizenship rights based on equality in Islamic jurisprudence and law

Given that all the people and citizen's cry of complaint about lobbying, disregarding others' rights, procrastinations, biases in favor of the oppressors, and discriminations in the societies is loudly heard, Islam knows king and serf, poor and rich, noble and ignoble, black and white, men and women, and all people equal in the eyes of the law. Then first we should know what equality means.

Definition of equality:

Equality does not mean that all human beings are completely distinctive from each other, nor does it mean that human beings are totally and completely similar; also, the purpose is not to state that all human beings are identical to each other. Equality is not taken to mean equal in all dimensions of human beings. But rather, in view of the various dimensions of human beings, they have three types of identity and equality relative to each other.

Type I: Equality in relation to the origin and supreme principles of the universe.

Type II: Equality in the quality and coordinates possessed by all human beings.

Type III: Contractual equality upon natural and situational rights and other laws essential for regulating the natural life of human beings (Bastehnegar, 2007, p. 210).

The principle of equality means the equality of all members of the nation in terms of rights and duties. The most important cases of equality are: Equality in the eyes of the law, in payment of taxes. The principle of equality in the eyes of the law means that all laws of the country, including civil and criminal, cultural, social, and judicial laws equally apply to all people, and there is no difference in the eyes of the law for the rich and the poor, men and women, Turkish and Persian, urban and rural people, and workers and craftsmen (Madani, 2001, pp. 87 & 86).

Definition of public rights and history of its formation

Definition of public rights

"Public rights" was called "political rights" by Montesquieu, who defined it as the relationship between rulers and their people. However, routine definitions of public rights are disputable, because governmental agencies or

institutions may engage in activities that are not examples of exercising governance (such as formation of a trading company), on the one hand, and some non-public legal entities may engage in some affairs that are of public nature, on the other. Therefore, to determine the standard of public rights rules, the application of the right of sovereignty could also be attended to define public rights as such: The rules governing the government and the relations between the government as well as its affiliated organizations and people, where these organizations exercise the right of sovereignty and exercise public authority.

Public rights background

There has always been a kind of political system established in all human societies, but public rights in its modern sense have not been applied in ancient times, although its major issues, including some topics of fundamental rights, have been enumerated as most rooted in human thought and the teachings of the prophets. Egypt and Iran were two pronounced examples of the transformation from a tribal and primitive stage to large and organized societies with a large bureaucratic system. The "Pharaonic system" in Egypt was of the first political organizations that later became a model for the Roman Empire. In addition to organizing administrative affairs, very large Egyptian bureaucratic system also dealt with political and economic affairs. Nevertheless, this system was centralized and authoritarian, and fundamental rights would have made no sense in it.

In Iran's Achaemenid and Parthian periods, despite having a sort of constitutional law, factors such as class system establishment and governmental position monopoly by aristocracy had closed the way for the government to have a direct dialogue with the nation. Due to its geographical and historical situation, the ancient Greece was a combination of small city-states, each with its own particular Constitution. Greek Constitutional law was one of the first and most significant sources of fundamental rights in the ancient world. Around 400 BC, Aristotle wrote about 158 Constitutions for these city-states and counted his time in them (Heidari, 2019, p. 22).

Purpose of public rights

It is the legalization of government and governance so that the rulers be accountable to their people and the public take the initiative. The existence of a power that is able to establish security and equity in its society based on moral and legal rules and norms is essential; however, the main issue is how the legal system relates to the political system.

In traditional governmental systems, the rulers formulated the rules and norms as well as enforced them, and as the result of supremacy of the political system over the legal system, there was dominated oppression and corruption. After the supremacy of the legal system over the political system in the new systems, the constitutional laws were formulated and the legal relations between the rulers and people became specified, which resulted in the expansion of individual freedom and also agreement of the individuals in the society to determine their fate and order their affairs based on social contract.

What is the reason that justifies the existence of public rights?

In all societies there are many different social relations, including the relationship between landlords and tenants, employers and employees, merchants and customers, officers and soldiers, tax collectors and taxpayers, and so forth. Law, in the sense of a set of these rules, regulates all these relations. This is the feature of any civilized society that seeks to avoid coercion as much as possible.

However, each type of these relations has led to a special regulation. Public law is the law of that type of social relationship established between those in power (rulers) and those who obey the power (obedient subjects). Then it is applicable to all existing political, administrative, or financial relations between the government (public bodies) and the citizens. Law as a field of study emerged in France when the monarchy endeavored to restructure the country. However, it was not until the nineteenth century that public law showed its face as an independent field of study; as the French Revolution had wisely established a government that the organization, and terms of reference of which were well-defined and clearly determined. Nowadays,

public rights are extremely recognized; that is, despite the widespread participation of citizens in the execution of power, the presence of political and administrative power is one of the basic characteristics of our modern societies (ibid.).

Principles of public rights

In public rights, those concepts have the fundamental aspect that are expressing both the political principles—on which the law major relies—and, at the same time, establishing the principal mental frameworks—upon three principles as called: Shariat Panahi, adapted from some statements on public rights).

Concept of the principle of authority

The principle of authority is the element that underlies the individuality and independence of public rights. In terms of special work, the principal aspect of authority is portrayed through immeasurable privileges. In relation to government and its agents, authority produces hierarchy, hierarchy is realized when the higher authority has the power to issue orders and be able to ask for the implementation. Such a power must be applicable in all cases and everywhere.

The only cases that can be considered exceptions to this principle are the case of judges at chambers, and the other, higher education professors. It seems obvious that the hierarchy requires a high-ranking official to take responsibility for the actions of his subordinates. In addition, a general rule reads that where there is power is the point where there is responsibility. Coverage (which means accepting the superior responsibility for the employees under his coverage) in public rights is the required balance weight in the matter of hierarchy. Basically, the head of an administrative unit takes the responsibility for the actions of his subordinates. Even he must eventually bear the penal burden for the negligence or fault not normally related to him directly; however, it is obvious that in such an assumption, the principle of hierarchy entails the punishment to be extended to lower levels as well (ibid.).

The administrative organization is not subject to the principle of immutability in its contract conclusions, and the implementation of obligations by government organizations depends on the will and intention of the governmental body. It is not possible to use government forces against the government, because the government itself has the power to do so. It is only a high-ranking official that, unlike a simple employee, is able to make enforceable decisions about the citizens.

The concept of the principle of rule of law

In the specific sense of the word, this concept is the actions that comply with the law, and the principle of being law means that the administrative organization should respect the rules of law; however, this concept should be carefully interpreted for each of its topics.

Elements of legality: the concept of the rule of law

The concept of the rule of law is quite precise, but it is relatively broad in French law. In other words, there is a legal front consisting of very diverse legal rules all of which are respected to varying degrees. Of course, these rules are not always in written form, and French public law has surprisingly made the technique of the unwritten rule of law customary again. Among the written legal rules that are part of the legal front, the Constitution should be mentioned first; because this law is a first and foremost legal act that gives the government its form. However, this point also exists that French public law only imperfectly guarantees respect for this first norm. The control of the conformity of the customary law with the Constitution is flawed even after 1958; that is, after this date, customary law was exempted from respecting the Constitution to some extent, and it also used the administrative acts at the time of implementation as its immunity coverage, provided that they comply with customary law. The executive power acts continue to be respectable, even though they do not have the legal value that is still publicly accepted. President or Prime Minister's sanctions; President's decrees; and ministers, governors, and mayors' decisions are also a part of the legal aspect (Hashemi, 2005: 88).

The idea of an unwritten legal rule is often identical to custom and usage. In the specific sense of French public law, the custom has, in fact, only a limited status and uncertain legal value and is often utilized to justify well-known actions considered illegal in the legal text. Conversely, in public law, there is a completely original category of unwritten rules (ibid.).

Content of the principle of legality: Respect for the rule of law

First, government action must be based on a rule of law. The administrative body never has the power to act willfully and its competencies are never absolute, but each of its actions must be foreseen explicitly either by a legal text or a legal principle. On the other hand, being a principle of legality requires that the government act be compatible with a legal rule. The concept of compatibility should not necessarily be interpreted in the most inflexible senses; yet despite the fact that a government official's action has to be based on the rule of law, in turn, issued by a supreme authority, this point should also be borne in mind that the aforementioned principle should encompass in combination the contribution of the initiative often transferred to the administrative officials, even if they are of subordinate personnel. Therefore, no government organization has spontaneous executive duties. In French law, the terms of reference of the administrative officials are granted in view of the law based on the existence of a privileged power (Kamyar, 2007, p. 90).

Sanctions of the principle of legality

French public law has two solution options for declaring an action as legal: An administrative solution and a judicial solution.

Administrative solution

Namely, a desirable management practice that allows public affairs in-charges to rectify their mistakes. Therefore, a private individual may refer (from a less informed administrative in-charge to a more informed in-charge). This employee may have decided to perform this administrative action himself; therefore, he is requested to relinquish his decision. However, more often than not, the complainant refers to a higher authority or to a supervisor and asks him or her to cancel the action of the subordinate (hierarchical or trusteeship solution). In any case, this referral is less for the purpose of enforcing the law than for forcing the administrative system to change the wrong decision.

This is the very characteristic of desirable management that reveals the main features of the administrative solution. It means that the terms of reference of the authority to which the reference is made are broader than those of the judge because that authority is able to change the content of the decision, and this is the very hierarchical authority (power of rectifying decisions). On the contrary, decision, which is made after the administrative appeal, in no way have the same attribute as the judge's decision has. This decision is nothing but an administrative act and in no way has the strength of what the judge does (ibid.).

Judicial solution

A complaint is made to the judge expressing that a certain administrative act has been against the law. This judicial reference may be made in two ways: One is a lawsuit for annulment of a decision that is directly targeted against the administrative action and the other is when considering a case in which this administrative action has been one of its constituent elements. Therefore, the illegality of the action is emphasized on a case-by-case basis. If this request is accepted, the result is only the non-use of administrative action in a specific case. However, the function of this referral to the court is to declare the right by the judge. The judge announces his/her opinion on the legality or non-legality of the complained regulations and his/her decision has the strength of a conviction (ibid.).

Limitations of the principle of legality

The principle of legality is limited when the administrative organization is exempted, even in part, from respecting the rule of law. Basically, such a situation is exceptional. Nevertheless, we have to admit that such exceptions have been

terribly multiplied in French law. The law foresees that in certain circumstances (war, internal unrest) the bureaucratic system will be subject to some kind of law (exceptionally) and a sort of action that is normally illegal is likely to have legal aspects. Therefore, the Laws of August 9, 1849, and April 3, 1879, on the State of Martial Law, and the Law of April 3, 1955, on Emergency Situations exceptionally extended the terms of reference of the police. Of course, the execution of the content of such texts even in its pertinent time is quite limited per se. But the 1958 Constitution, and in particular its sixteenth principle, permits its realization to a strange and miserable extent. Thus, the law permitted the operations that are primarily specific to exceptional days (such as detention under surveillance, which was included in the Criminal Procedure Code thereafter) to be incorporated into the legality of public rights, and maintained the formal value of the measures that were hoped to disappear after the exception state was lifted (such as administrative detention). The jurisprudence implements the developed idea of legality thanks to the theory of "exceptional circumstances" even without an existing law in this regard. In some circumstances, such as war, the unrest after the liberation of France, and even during the days of the strike, the bureaucratic system was exempted from respecting the law to some extent (Marni, 2001, p. 75).

Concept of the principle of responsibility

If we consider responsibility a technical principle, it is common to all different legal systems; however, as a political principle, it is specific to the countries such as France, which are based on the idea of national sovereignty and legitimacy.

Responsibility, technical principle

Responsibility as a technical principle depends on the concept of government and administration. If we intend chaos and indiscipline not to prevail at all levels of the country, it is necessary not only to anticipate the rectification of the illegal situation and return its degradation to a sound situation, but we must also deal with organizing the possible liability of the authorities who have committed illegal acts. Assuming that the goal is to ignore the interests of private individuals, only turning our attention to the necessary power of the government will lead us to consider the principle of public employee responsibility. Even in dictatorial countries, the minimum disciplinary responsibility of government employees towards their superiors is well confirmed. Also, the responsibility of government revenue accountants for the unit that controls their mistakes or embezzlements is obligatory (ibid.).

Responsibility, political principle

Responsibility as a political principle is related to some kind of insight of government. This is the liberal view that all public powers have taken the document of their terms of reference from the citizens, and therefore, the government is at the service of private individuals. Liberalism holds public officials accountable to citizens or their representatives and believes that if private individuals incur a loss, they should be fairly compensated. At the level of Constitutional law, the responsibility of the in-charge officials towards the citizens is the direct and general outcome of the principle of their being elected.

Legal techniques of public rights

Any legal structure requires the existence of some technique types. The very independence of French public law shows that it relies on special techniques different from private law techniques. However, this feature is not absolute.

Organizational techniques

Representation

Prior to adopting a democratic principle, it entails the principle that various public officials do not have any power and have no jurisdiction per se, unless they are enumerated as the representatives of the government and eventually the representatives of the citizens. Therefore, the concept of representation is one of the first concepts that public law should define. Private law is familiar with this technique, because one person can always assign another person to represent them, and perhaps is

also liable to him. Accordingly, a father represents his children, an agent represents the mission, and a lawyer represents his client (ibid.).

How different is representation in public law from representation in private law?

1) In some assumptions, the technique of representation in both disciplines of Law is quite similar.

2) The head of a government agency is legally the representative of a public figure (office), just as an executive (CEO) is the representative of an anonymous trading company. In both cases, these real persons have the authority to act in the name of a legal entity and are responsible for doing these actions.

3) Representation in the context of constitutional law is a farther away and more different concept than the techniques related to private law. Members of parliament are undoubtedly the representatives of all the electorates, the "voters"; however, in the legal concept, these representatives are basically not private, because the will of the voters cannot be precisely announced on unknown future issues. The mission subject of the elected representative has a "representative" form not authoritarian. Representatives are free to act and have no legal liability for their views and opinions. Their term of office cannot be terminated and it is only during the next elections that the non-renewal of their term of office can be a sanction against the quality of use of his/her representation.

4) The representation of public officials acting in place of another group within the administrative organization of a group follows a particular legal logic different from that of a private legal representation; thus unlike private individuals who have complete control over their rights, government employees are not in control of their competence and therefore cannot use it at their own discretion or assign a third party to perform their duties. Delegation (signature) follows strict and hard rules, so as to have made it originally different from the mission in private law (Zanjani, 1396, p. 21).

Guardianship and supervision

The administrative organization has a hierarchy of its employees. Such power is the clearest and most explicit manifestation of the principle of authority, but it is not its only manifestation. Public legal entities (decentralized territorial units and non-profit organizations) have a kind of autonomy within the government system and are, therefore, free from hierarchical control. However, their autonomy should not lead to the fragmentation and disintegration of public power; therefore, they are subject to a kind of supervision by the government, which usually takes the form of guardianship. The power of trusteeship, in terms of the content, includes different types of bylaws that allow the government to exercise close supervision over its affiliated organizations. Authorized guardianship authorities may suspend or remove the heads of such organizations. On the other hand, these authorities have the right to supervise the actions performed in the name of the unit under guardianship (ibid.).

Public utility institution

In private law, instances of juridical personality are realized in the form of companies, unions, foundations, vocational syndicates, and so forth. However, it takes on a special form in public law, called the public utility institution, a special technique by which legal independence could be given to it within the bureaucratic system. Public utility institutions do not go bankrupt and the relevant executive rules and procedures are not applicable to them. Therefore, in classical public law, the public utility institution is the embodiment of the public service sector, which is fundamentally different from private activities such as social work and education (a college is a public utility institution); however, if the government engages in economic and commercial activities, it enjoys the techniques of public utility institutions law for doing such activities (ibid., p. 11).

Special protection for persons and property

Public law, with its special legal techniques, protects government officials, employees, and property. First, persons and property are protected against government agencies, however, most of this protection is against private individuals. Due to the type of their job, some government officials have to be protected against political risks. Thus, members of

parliament should be protected against executive power and also their colleagues—if they are in the minority—as well as against their successors if the regime changes. That is why parliamentarians are not liable for expressing their thoughts and opinions, as well as for the views they express while performing their duties, and also, they should not be attacked. Similarly, they cannot be detained even on the charge of committing a crime without the permission of the respective parliament. Public property is also protected against all kinds of manipulations or, more simply, against the negligence of the public servants who are in charge of managing them. By the same token, the state-owned property cannot be sold or pledged. The protection of public funds against the accountant in charge has been guaranteed in various ways, including the judicial oversight of the state audit office and the accountability of the accountants in exchange for collateral. The protection of government employees against their clients is often covered through penal punishment. Under criminal measurements, government employees are protected against being insulted while on duty. The state-owned property, such as large urban facilities, is legally protected against damage or embezzlement by means of penal regulations and criminal violations system. In general, private individuals dealing with public funds and revenues are strictly subject to public accounting regulations (ibid.).

Performance techniques

The administrative organization of the government has special legal tools and instruments to be able to guarantee the administration of public services (Tarazkoohi, 2002, p. 34).

Practices of providing administrative actions

The administration organization has the right to enjoy general law methods to administer public services and, for instance, to conclude contracts. This same administrative organization, however, has the right to use special practices of public law, that is, it can take a unilaterally binding action that can be enforced automatically; as the order to perform this action has been issued by a competent administrative official (ibid.).

Executive practices of administrative actions

Administrative decisions are to be implemented necessarily by private individuals. However, they can resist them. In this case, the government organization should have the means to crush their resistance, of course, if this resistance is not legal. The general law in this regard is that those who oppose administrative actions are prosecuted for not carrying out administrative orders (Ibid. p. 10).

Of course, an administrative organization can also use force to implement its decisions, provided that the law authorizes it, there is a danger in the execution of the order, or no guarantee has been foreseen for its non-execution. It should be borne in mind that unruly execution based on force and public force is considered a very severe and illegal act by the government organization (ibid.).

Branches of public rights

The branches of public rights in a subdivision are: Fundamental rights, administrative law, property rights (public finance), labor law, penal law, public international law, and human rights. Each of these branches of public law are described in brief now.

Definition of fundamental rights:

Fundamental rights refer to a subdiscipline of Law that specifies the shape of the government, political organizations and institutions, the duties and terms of reference of the higher powers, the relations between the abovementioned institutions and powers, and also the individuals' public rights to which the government is bound to pay respect.

Administrative law

Administrative law is a branch of domestic public rights and is called as a set of legal rules that determine the rights and duties of government administrative organizations and

their relations with the people. Administrative law governs the activities related to public services and maintaining public order of administrative organizations and does not encompass the political, judicial, and legislative activities of these organizations (Heidari, 2019, p. 35).

Property rights

Property rights are the rights related to the assets and property of any individual; that is, people have legal rights to the property they have. Property rights have a characteristic that distinguishes them from non-property rights. One of these cases is that property rights and their implementation produces financial benefit and profit for the holder; namely, this benefit can be converted into money, but non-property rights cannot be converted into money. The second difference is that each individual can transfer his property rights to another individual.

For example, every individual who owns an automobile has the ownership right to that automobile (the most obvious example of a property right); and may transfer his own property right to another by selling the automobile. However, the non-property right does not have this characteristic, that is, no one can transfer, for example, his right to marry, to another individual. The third characteristic of a property right is that an individual who has a property right can waive his property right; for example, a person to whom money is inherited is actually the owner of the inheritance and has a property right to it, yet he can state I do not want to have that right. In law, this is called waiver; however, in the non-property right, one cannot state, 'I give up my own father's right to my child and I do not want to have it'. The fourth characteristic is that a property right can be seized, meaning that if someone is unable to pay their debts, the court can seize that individual's property. However, there is no seizure of non-property rights (ibid.).

Labor rights

Labor rights govern all legal relationships arising from the performance of work for another, and in any case where work performance is subject to subordination to the employer; in another word, labor rights examine, analyze, and evaluate the protective and authoritative regulations governing work subordinate relations with the objective of ensuring security, equity, and social order. Therefore, based on the definition given on labor rights, it is known that labor rights do not apply to people who have independent occupations and work for themselves such as guilds and farmers, and also holders of self-employed occupations such as drivers, doctors, and lawyers. On the other hand, not all kinds of subordination and work for another individual is subject to labor rights. This means that labor rights do not apply to people who work under specific civil service acts, such as government employees, and their conditions are subject to administrative rights (Heidari, 1398, p. 90).

Work for another individual is subject to labor rights provided that no specific employment law applies to the employee. Although labor rights apply to the regulations governing labor-employer relations, it does not always mean the relationship between a worker and an employer, but rather labor rights examine collective labor relations as well. Therefore, collective contracts, labor unions, and employer unions are among the most important topics of labor rights (ibid.).

Penal law

The set of general and common rules governing the commission of crimes and the codes set by the government in defining the punishment of penal law. Penal law is the reference for specifying the persons with criminal and penal liability, and determining the type of punishment and security measures. By defining crime and punishment, while preventing the occurrence of crime, the legislature protects society and its individuals from committing crimes and from its harmful effects, and warns lawbreakers against the severe consequences and punishment of criminal acts. Penal law or criminology is one of the most important branches of public rights that government and governance are responsible for their implementation. In this regard, some articles in relation to public rights are addressed (ibid.).

Article 8: Criminal Procedure code approved in 1392

The penal conviction only results from committing a crime, and a crime that has a divine aspect can be of two respects:

A: Public status for transgressing the divine limits and regulations or violating the rights of a society and disturbing public order

B: private status for violating the rights of a certain person or persons

Article 9: Criminal Procedure code approved in 1392

Committing a crime may cause two lawsuits to be instituted:

A: A public lawsuit to maintain the divine limits and regulations or the rights of the society and public order

B) A private lawsuit to claim loss and damage arising from a crime, or to claim for determining the penalties that the misdemeanor victim has the right to under the law, such as penance, stoning, and retaliation.

Article 11: Prosecution of the accused and filing a lawsuit in terms of public status is the responsibility of the prosecutor, and filing a lawsuit and requesting prosecution of the accused in terms of private status is to be made by the plaintiff or private plaintiff.

Article 13: The prosecution of a criminal case that has been initiated in accordance with the law and also the execution of the punishment shall not be stopped except in the following cases:

- A: Death of the accused or convicted person
- B: The pardon of the plaintiff or special plaintiff in forgivable crimes.
- C: Application of amnesty
- D: Abrogation of legal punishment
- E: Time barred subject to the statute of limitation in the cases foreseen by the law (Omid Ali, 2014, p. 21)
- F: Repentance of the accused in the cases foreseen by law

Article 14: Plaintiff has the right to claim compensation for all material and spiritual losses and possible benefits unrealized owing to the crime. According to these legal articles, we understand that criminal matters are one of the most important aspects of public rights, which encompasses important examples, and many of them were seen in the early days of Islam (ibid.).

Public International Law

International law is a branch of Jurisprudence that includes the rules governing the relations of individuals, organizations, and governments that have at least one foreign and international element. In its most fundamental division in terms of subject matter, Jurisprudence is divided into two principal branches: Public law and private law. Public international law deals with the international relations between the states, international organizations, corporations, and individuals in relation to sovereignty.

Human rights

Human rights are the rights realized by the birth of a human being and are independent of governments and powers. Human rights are the rights of all human beings, and as all human beings are members of the international community and have this human nature in common, their rights are to be exercised equally everywhere and there must be no difference between individuals in the enjoyment of these rights. In general, human rights are "freedoms, immunities, and interests that all human beings must be able to claim upon the accepted contemporary values". These rights are fundamental or natural; in other words, all individuals, as human beings, enjoy minimum rights that have nothing to do with their nationality, religion, race, or gender, and in the context of international relations, governments tend to respect these minimum rights (ibid.).

And one of the most important branches of public law is fundamental rights, and one of the most important debates on fundamental rights is citizenship rights. Here we are going to examine some of the most important citizenship rights in the era of legislation to see how these matters were implemented in that era.

Then we deal with and examine three key and important types of citizenship rights:

1. Civil rights of citizenship such as individual liberty, protection of dignity

2- Social rights of citizenship such as equity, equality, fraternity, security, education, and the right to work.

3- Political rights such as political freedoms such as the right to criticize, etc. (ibid.).

Conclusion

In the past, people who lived in the city were apparently citizens and enjoyed citizenship rights and benefits, but today, people who live in a country are considered citizens of that country and have equal rights, and they also have reciprocal obligations to citizens and organizations for these rights. Rights and duties together with awareness, responsibility, and citizenship behavior.

However, citizenship has taken its specific form and has had its own meaning over time. In the past, citizenship rights were ruler (master) and serf, slavery, and the noble (aristocrats) because the duties and rights and obligations of individuals were not transparent as required and the responsibilities and duties were not specified too.

Yet today, with the passage of time and the advancement of science and awareness, people have become aware of their rights and obligations towards organizations and government to the extent that citizenship rights with its various dimensions and with its own issues and principles have advanced and become transparent. Whereas in the past, citizenship rights were considered master and serf rights; they were sporadically found in some texts of ancient Persian literature, in the religion of Zoroaster, in ancient Iran's culture, the Great Cyrus cylinder, in the west as in Greece and Rome, in Islam with the advent of the Prophet (PBUH), where their examples could be found in the letters that are now available.

As in today's Iran, citizenship rights were approved in 2004, which is considered a representation of the history of citizenship rights in our country. In our country, although citizenship rights have a long way to go, the citizenship rights are our today's society and country's need for development, glory, and achieving the true model intended by Imam Ali (AS) and targeted by Imam Khomeini (AS).

The needs that have various civil, judicial, political, etc. dimensions and many special problems foreseen in our statutes, and codified and constitutional laws. Some of these needs are the need for security, respect, prosperity, and so on. Because meeting such needs is one of the innate and inherent characteristics of the human beings who are members of a society and regardless of any religious, racial, ethnic, etc. characteristics, they deserve to enjoy standards of these human rights commensurate with the preservation of inherent dignity, to enjoy the benefits of such rights in order to create freedom of action for the citizens; defend the lives, property, and honor of the citizens against law-abiding aggression; and make the citizens responsible in the society. All these would be possible when the views of civil rights, whether general, partial, individual, or social, serve the developed society, and the informed, active, and responsible citizens, and by observing the rights of the people, including human rights and citizenship rights, one be able to take a step toward the exulting Mohammad's Sharia and the victory of the Islamic Revolution along with its development and civilization.

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