



Prevention of Administrative Crimes in the Light of Islamic Jurisprudence Principles and Rules

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Abstract

The Islamic criminal justice system, like other criminal justice systems, has laws and regulations for intervening in administrative crimes. In Islam, administrative crimes are examined and punished based on the Islamic legal system and its laws. In an Islamic administration, individuals entrusted with administrative responsibilities are expected to carry out these duties with maximum integrity, honesty, and operational commitment. Dealing with administrative crimes in Islam depends on the magnitude and severity of the offense and may involve various punishments. Possible punishments include fines (diat), imprisonment, and in some cases, even execution. There are direct instances of intervention in administrative crimes recorded in the traditions of the Prophet Muhammad (PBUH). For example, the Prophet (PBUH) instructed rulers and administrative managers to adhere to justice and honesty in their duties and to impose penalties in cases of legal violations and crimes. In Islamic countries, there are also laws for intervening in administrative crimes. For instance, in Iran, laws related to administrative crimes are enforced by the judiciary and executive bodies, and legal experts and judges address and decide on administrative crime issues based on these laws. This research, using descriptive and analytical methods, presents various approaches for addressing administrative crimes. These approaches include leveraging the principles of enjoining good and forbidding wrong, public oversight of administrative regulations and procedures, enhancing criminal, civil, and administrative responsibility of administrative rule-makers, merit-based selection of rule-makers, shifting their perspectives, following and eliminating redundant administrative regulations, public involvement in selecting administrative officials, reporting harmful regulations, and supporting proper administrative regulations and practices. These approaches are based on Islamic jurisprudential sources.

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Introduction:

Social Control: A Theoretical Perspective in Sociology and Criminology

Social control is a theory utilized in both sociology and criminology, and both fields have examined and addressed this theory. In other words, social control theories can be analyzed from two dimensions. Before the development of social control theory, other theories were prevalent in criminology. For example, the realist school, particularly the well-known theorist Cesare Lombroso, focused more on biology and physical structure, suggesting that criminal behavior was due to physical abnormalities of the offender (Joan, 2014). Alternatively, some theories attributed criminal behavior to psychological disorders related to the offender's past, as proposed by Sigmund Freud, the founder of psychoanalysis. Freud believed that criminal behavior resulted from unresolved psychological conflicts and unmet desires from the offender's past, which could manifest as unconscious drives leading to criminal acts (Setoudeh, 2016).

In contrast, scholars like Travis Hirschi and Emile Durkheim developed social control theories, offering a different perspective. They reversed the focus of previous criminological theories, proposing that understanding why people do not commit crimes is crucial. Previous theorists believed that the causes of criminal behavior should be investigated within the offender, positing that normal and healthy individuals in society would not commit crimes, and that offenders must have physical and psychological disorders or societal problems. Reportedly, such theorists have identified misconduct in their assumptions (Sarshtani, 2011). Social control theory, however, posits that people naturally engage in criminal behavior and that crime is a normal occurrence. This theory explores the reasons and methods for preventing criminal behavior, emphasizing the importance of social supervision and control to reduce crime.

Firstly, a brief definition of social control is necessary. The theory of social control proposes two approaches to combating criminal behavior: one is that families, schools, and similar institutions are interconnected. They should ensure that children are raised with correct principles and become healthy individuals within society. According to social control theory, early childhood education is crucial as the lessons learned during this period remain with individuals throughout their lives, shaping their character. Proper guidance in family, school, and community settings fosters self-control, preventing individuals from committing illegal or immoral acts without external supervision. If informal settings fail in their role, the second stage of social control begins, involving external control through laws, regulations, and penalties (Momtaz, 2015).

Social control theory, like other criminological theories, aims to address and reduce the causes and factors of crime. It seeks to prevent crime through the establishment of social monitoring and controls, aiming to minimize crime rates. Islam, as a comprehensive religion, addresses all aspects of human life, including social welfare, and emphasizes social cohesion and the connection between individuals and society. These aspects are vital in Islamic teachings to strengthen social bonds and ensure adherence to social norms, as noted by Hirschi, who regards social control as a key factor in regulating individual behavior (Setoudeh, 2016).

In Islamic teachings, the concepts of enjoining good and forbidding wrong are central to social control. Hirschi, one of the leading theorists in social control, believes that deviance arises from weak bonds within social groups and institutions and weakened societal beliefs. He argues that a society with strong interdependencies among its members is more capable of controlling behavior than one with weaker connections. In Islamic society, enhancing connections among individuals and with the community, as emphasized by Quranic verses and Hadith, plays a crucial role in controlling individual behavior and preventing crimes (Ahmadvand, 2019).

Administrative corruption is undeniable, complex, and diverse, with various cultural, political, economic, administrative, legal, and judicial factors contributing to its occurrence. In today's world, particularly in developing countries, administrative corruption is considered a major obstacle to comprehensive progress. With Iran ranked 79th out of 133 countries in terms of corruption, it is essential for policymakers to focus on this issue, developing effective non-criminal preventive measures. Despite numerous institutions responsible for preventing administrative corruption and crimes, the Administrative Justice Court, which supervises government actions and ensures justice, plays a significant role. Although it cannot be definitively stated which decisions of the Administrative Justice Court serve as social or situational preventive measures due to the variety of issued opinions, most of its rulings have a preventive role. The Administrative Justice Court has broad powers but lacks jurisdiction to adjudicate and punish administrative crimes (Iranshahi, 2017). Administrative criminology focuses on understanding the causes of crime and identifies administrative regulations and procedures as external factors contributing to crime.

Given this, what are the characteristics of the theoretical concepts and foundations of social control in relation to administrative crimes? How does social control theory, when viewed through the lens of Quranic verses and Hadith, position itself in the context of administrative crimes? What are the effects and results of preventing administrative crimes according to Islamic law and jurisprudence?

Legal and Jurisprudential Theories on Administrative Crimes

In the fields of law and jurisprudence, many opinions and interpretations have been offered regarding administrative crimes. These opinions may vary depending on the legal and jurisprudential school in question. Below are some of the most important theories on administrative crimes from a legal and jurisprudential perspective:

1. **Interpretive Theory:** Some jurisprudence scholars, based on the principles and sources of jurisprudence, attempt to interpret the concept of administrative crimes in the light of the Quran and Hadith. They analyze verses and traditions related to justice, fairness, trustworthiness, and integrity to derive conclusions regarding administrative crimes.
2. **Contractual Theory:** According to the contractual legal theory, administrative crimes arise based on the contracts and obligations between individuals and organizations. In this approach, those who violate the laws and regulations in issuing and executing administrative contracts are considered contractual offenders.
3. **Harm Theory:** Based on the legal theory of harm, administrative crimes occur when actions that contravene laws and regulations result in damage or harm to others. This approach focuses on the negative effects and consequences of incomplete or wrongful administrative performance.
4. **Islamic Foundations Theory:** Some scholars of Islamic law and jurisprudence define administrative crimes based on the religious foundations of Islam. By analyzing jurisprudential schools and approaches to administrative matters, they strive to interpret the concept and methods of administrative crimes within the scope of Islam.

It is important to note that these theories represent only a portion of the various interpretations and perspectives on administrative crimes, each depending on its specific viewpoint. To achieve a more accurate and appropriate understanding of administrative crimes, one should refer to more detailed research and studies in various legal and jurisprudential approaches.

Determining Sharia Rulings on Administrative Crimes

Determining Sharia rulings on administrative crimes is the responsibility of jurists and religious authorities. They assess administrative laws and regulations based on religious principles, jurisprudential sources, and practical experiences, and determine the appropriate Sharia rulings for each type of crime.

In most fatwas issued by religious authorities, interpretations and Sharia rulings concerning administrative crimes are provided based on the principles of the Quran and Hadith, religious values, and jurisprudential standards. For example, some issues that may arise in administrative crimes include:

1. **Bribery and Extortion:** Accepting or giving bribes is strictly prohibited in Islam. The Quranic verse 2:188 addresses the issue of bribery and the employment of public officials in this context.
2. **Abuse of Position:** Using one's position to gain personal or others' benefits without adhering to principles of justice and fairness is considered inappropriate and unlawful in Islam.
3. **Defamation and Intimidation:** Islam rejects actions that lead to defamation, fear, or a breach of respect, which may be observed in the context of administrative crimes. In this regard, Quranic verse 8:41 discusses these issues.

"وَاعْلَمُوا أَنَّمَا غَنِمْتُمْ مِنْ شَيْءٍ فَإِنَّ لِلَّهِ خُمُسَهُ وَلِلرَّسُولِ وَلِذِي الْقُرْبَىٰ وَالْيَتَامَىٰ وَالْمَسَاكِينِ وَابْنِ السَّبِيلِ إِن كُنْتُمْ آمَنْتُمْ بِاللَّهِ وَمَا أُنْزِلْنَا عَلَىٰ عَبْدِنَا يَوْمَ الْفُرْقَانِ يَوْمَ التَّبَيُّكِ وَالْجَمْعَانِ ۖ وَاللَّهُ عَلَىٰ كُلِّ شَيْءٍ قَدِيرٌ

These cases and classifications are only a part of the issues that can arise in the context of administrative crimes. It is important to note that the interpretation and determination of Sharia rulings depend on the opinions of religious authorities, and it is advisable to consult their fatwas for guidance and clarification.

Laws and Regulations Related to Administrative Crimes in the Quran

The Quran does not directly address specific laws and regulations related to administrative crimes. However, some principles and Islamic values established in the Quran can serve as guidance for determining principles and regulations regarding administrative crimes. Below are some principles and regulations related to administrative crimes that can be inferred from the Quran:

1. **Justice and Fairness:** The Quran repeatedly emphasizes the importance of justice and fairness in administrative matters and the correct use of positions and resources. For example, in Surah Al-Hadid, verse 25, it states:

"لَقَدْ أَرْسَلْنَا رُسُلَنَا بِالْبَيِّنَاتِ وَأَنْزَلْنَا مَعَهُمُ الْكِتَابَ وَالْمِيزَانَ لِيَقُومَ النَّاسُ بِالْقِسْطِ."

We sent aforetime our messengers with clear signs and sent down with them the Book and the Balance, that people may stand forth in justice."

This verse highlights the importance of establishing justice and integrity in the execution of administrative affairs and adherence to the leadership.

2. **Trustworthiness:** The Quran emphasizes the significance of trustworthiness and fulfilling commitments in administrative matters. Surah Al-Anfal, verse 27, states:

"يَا أَيُّهَا الَّذِينَ آمَنُوا لَا تَخُونُوا اللَّهَ وَالرَّسُولَ وَتَخُونُوا أَمَانَاتِكُمْ وَأَنْتُمْ تَعْلَمُونَ"

"O you who have believed, do not betray Allah and the Messenger or betray your trusts while you know [the consequence]."

This verse demonstrates that maintaining trustworthiness in administrative affairs and upholding integrity and commitment is essential.

3. **Avoidance of Unlawful Gain:** The Quran stresses the importance of avoiding unlawful gain and the misuse of public resources. Surah Al-Baqarah, verse 188, says:

"وَلَا تَأْكُلُوا أَمْوَالَكُمْ بَيْنَكُمْ بِالْبَاطِلِ وَتَذَلُّوا بِهَا إِلَى الْخُكَّامِ لِيَأْكُلُوا فَرِيقًا مِنْ أَمْوَالِ النَّاسِ بِإِثْمٍ وَأَنْتُمْ تَعْلَمُونَ"

"And do not consume one another's wealth unjustly or send it [in bribery] to the rulers in order that [they might aid] you to consume a portion of the wealth of the people in sin, while you know [it is unlawful]."

This verse advises against the inappropriate and unlawful use of public assets.

Laws and Regulations Related to Administrative Crimes in the Sunnah of the Prophet (PBUH)

The Sunnah of the Prophet Muhammad (peace be upon him) does not directly address laws and regulations related to administrative crimes, similar to the Quran. However, by studying the Prophet's conduct and traditions, we can extract some concepts and principles related to administrative crimes. Below are some principles and regulations regarding administrative crimes that can be inferred from the Sunnah of the Prophet (PBUH):

1. **Trustworthiness and Fulfilling Commitments:** The Prophet (PBUH) was known as "Al-Amin" (the Trustworthy) and always emphasized the importance of maintaining trust and properly handling public duties and resources. He said: **"Trust should be returned to those who are entitled to it, even if it reaches the hands of a giant."**

2. **Justice and Equality:** The Prophet (PBUH) stressed justice and equality in the enforcement of laws and respect for public rights. He said: **"Avoid injustice in public affairs, regardless of someone's status or position."**

3. **Adherence to Contracts:** The Prophet (PBUH) emphasized loyalty to contracts and commitments related to administrative roles. He said: **"Whoever among you is appointed to an administrative position should continue to fulfill their duties until they hand over the position to someone else."**

4. **Honesty and Avoidance of Fraud:** The Prophet (PBUH) stressed the importance of honesty and avoiding fraud in administrative matters and regarded these qualities as essential for the members of an organization. He said: **"If anyone among you lies, let them not come to me."**

It is important to note that these recommendations and principles related to administrative crimes are part of the Prophet's conduct and traditions. For more precise information and to establish accurate laws and regulations, one should consult the fatwas of religious authorities and benefit from their opinions and rulings.

The Islamic Criminal Justice System for Addressing Administrative Crimes

The Islamic criminal justice system, like other criminal justice systems, has laws and regulations for addressing administrative crimes. In Islam, administrative crimes are examined and penalized based on the Islamic legal system and principles. In an Islamic administration, individuals entrusted with administrative responsibilities are required to perform these duties with the utmost honesty, trustworthiness, and operational commitment. Handling administrative crimes in Islam depends on the severity and scale of the offense and may involve various punishments, including fines (diya), imprisonment, and in some cases, even capital punishment.

Instances of intervention in administrative crimes are also directly reported in the Sunnah of the Prophet Muhammad (PBUH). For example, the Prophet (PBUH) instructed rulers and administrative officials to uphold justice and trustworthiness in their duties and to take action against violations of laws and crimes.

In Islamic countries, there are also laws for addressing administrative crimes. For instance, in Iran, laws related to administrative crimes are enforced by the judiciary and executive bodies, with legal experts and judges examining and making decisions on administrative crime issues based on these laws.

Public Relations and Administrative Ethics

Public relations and administrative ethics are two crucial factors that should be considered in every organization and office. Public relations facilitate internal and external communication and enhance the functionality of interactions both within and outside the organization. Administrative ethics, on the other hand, includes the principles and regulations related to acceptable behavior and practices within the administrative environment.

Here is an explanation of the impact of the relationship between public relations and administrative ethics:

1. **Enhancing Trust:** Strong and effective public relations between organization members and with external parties create a foundation of trust. Trust among members and with the public is the cornerstone of any successful organization, and administrative ethics play a significant role in establishing and maintaining this trust.
2. **Improving Communication:** Public relations play a fundamental role in enhancing both internal and external communication within an organization. Through appropriate public relations activities, members can effectively communicate with colleagues, managers, clients, and target markets. Administrative ethics provide the basis for effective and ethical communication.
3. **Promoting Participation and Collaboration:** Strong public relations and sound administrative ethics promote participation and collaboration. Establishing positive and respectful social relations encourages maximum cooperation and participation among organization members, contributing to increased organizational productivity.
4. **Strengthening Discipline and Professional Ethics:** Proper public relations and strong administrative ethics help reinforce discipline and professional ethics within the organization. Colleagues adhere to ethical and administrative principles, behaving respectfully and contributing to an environment of mutual respect and fairness.
5. **Building Organizational Power:** Strong public relations and administrative ethics provide the organization with greater influence and impact in the community. Positive relationships with the public,

media, and other entities enhance the organization's reputation and prestige, while administrative ethics reflect professional conduct aligned with ethical values and principles.

Overall, public relations and administrative ethics are both essential and have a significant impact on the performance and success of organizations. Attention to these aspects in offices and organizations can create a healthy and dynamic environment for members and strengthen the organization's value and power in the community. Consequently, public relations and administrative ethics play a very important role in addressing administrative crimes. In administrative crimes, the role of media and the public in reporting and exposing these crimes is crucial. Therefore, effective public relations can influence the prevention of administrative crimes and mitigate their negative effects. Some roles and effects of administrative corruption where public relations and administrative ethics can be impactful include:

1. **Raising Awareness:** Strong public relations and sound administrative ethics can play a crucial role in raising awareness about administrative crimes and how to identify and report them. Public and organizational awareness of the consequences of administrative crimes and their impact on society can reduce the exacerbation of these crimes within administrative systems.
2. **Encouraging Reporting and Transparency:** Effective public relations can encourage organization members to report administrative crimes if they have knowledge or evidence of such activities. This sense of transparency and accountability can be promoted and made clear through proper public relations. Additionally, upholding sound administrative ethics can encourage transparency and set positive examples among organization members.
3. **Increasing Public Trust:** Strong public relations contribute to increasing public trust in the organization and its structures. Exposing administrative crimes through effective public relations and proper communication can demonstrate the organization's accountability and commitment, thereby strengthening public trust.

It should be noted that administrative ethics and public relations are just one set of factors related to addressing administrative crime. These factors, alongside legal, regulatory, and oversight mechanisms, function as a comprehensive system for preventing, detecting, and punishing administrative crimes.

Final Discussion

Administrative regulations and procedures are considered external factors that contribute to criminal behavior. From a theoretical perspective, the need to reform regulations and procedures in the theory of administrative crime is emphasized through the diagnosis and improvement of these regulations and procedures. From a liberal sociological viewpoint, which heavily relies on labeling and interactionism, administrative regulations and procedures are generally considered good in themselves. However, many existing administrative regulations are problematic (criminalizing) and require reform.

From a jurisprudential perspective, combating corruption and social deviations is one of the fundamental principles and goals of Islam. Criminalizing administrative regulations and procedures create a breeding ground for corruption within the administrative system. Religious teachings are rich in solutions and strategies to prevent corruption in society and to combat it. The prophets and religious leaders have also shown serious commitment to this matter in practice. According to jurisprudential teachings, the highest form of accountability comes from within individuals, not from external sources. To achieve this internal accountability, it is essential to develop individuals' worldviews so that they transcend worldly life and include eternal and everlasting life. This is, in fact, a core characteristic of the Islamic worldview. In such conditions, no one would want to misuse criminalizing administrative regulations for personal gain. Self-regulation stemming from piety, whether for administrative staff or the general public, is the best way to address criminalizing administrative regulations. Instead of exploiting these regulations and procedures for personal benefits, individuals should seek to rectify them by reporting issues to the relevant authorities. However, self-regulation does not imply that external capacities are ignored in jurisprudence. Strategies such as promoting the principles of enjoining good and forbidding wrong, public oversight of administrative regulations and procedures, expanding criminal, civil, and administrative liability for those

who create criminalizing regulations, merit-based selection and implementation of administrative regulations, shifting attitudes, following up on administrative regulations, eliminating redundant regulations, public involvement in selecting administrative officials, reporting criminalizing regulations, and supporting correct administrative practices are additional strategies that can be referenced from jurisprudential sources.

Legal strategies to counteract criminalizing regulations and procedures can be grouped into two main categories: resorting to the rule of law and implementing transparency. Several important legal strategies are as follows:

1. **Equal Legal Opportunities:** Addressing criminalizing administrative regulations cannot occur unless equal opportunities are provided for all individuals under the law. Achieving this requires legislative actions in the form of law-making and regulation. Discriminatory administrative regulations should be minimized as much as possible. Regulations and procedures that discriminate against individuals in similar situations are criminalizing and should be replaced with non-discriminatory new regulations and procedures.
2. **Promotion of Ethical Culture:** Enhancing ethical culture within organizations and training employees about administrative laws and regulations can help reduce administrative crimes. Adhering to professional ethics and providing appropriate training in this area can influence employees' decision-making and behavior.
3. **Policy Formulation and Implementation:** Developing and consistently implementing appropriate policies and strategies to prevent administrative crimes can be effective in controlling these crimes. Transparency in administrative processes, preventing personal entitlements, fair distribution of benefits, and achieving justice are examples of policies and strategies that help reduce administrative crimes.
4. **Oversight and Inspection:** Establishing proper oversight and periodic inspections of administrative activities can aid in identifying and addressing administrative crimes. Appointing independent inspectors, forming committees and control groups, and employing modern oversight techniques are among the strategies used in this area.
5. **Improving the Judicial System:** Developing and enhancing the judicial system for handling administrative crimes can prevent these crimes. Updating relevant laws, strengthening judicial institutions, ensuring transparency in judicial processes, and efficiently conducting investigations and follow-ups can impact the control of administrative crimes.
6. **Strengthening Auditing Systems:** Developing auditing systems and improving the quality and accuracy of audit reports can help identify weaknesses and potential misconduct in systems. Independence of auditors, developing technical auditing methods, and utilizing modern information technologies and tools are among the strategies that improve auditing systems and reduce administrative crimes.
7. **Increased Penalties for Administrative Crimes:** Implementing stricter penalties for administrative crimes can serve as a deterrent. Imposing severe and sustained penalties for administrative crimes can discourage others from committing these crimes.
8. **Organizational and Transparency Measures:** Creating organization and transparency in administrative activities can aid in identifying and reducing administrative crimes. Proper registration, public information dissemination, and fostering a culture of transparency within organizations can help reduce administrative crimes and enhance public oversight.
9. **Collaboration with Relevant Bodies:** Establishing cooperation and interaction with relevant bodies such as the Cooperative Administration, administrative crime adjudicating bodies, and other related entities can help in identifying, addressing, and controlling administrative crimes. This cooperation may include information exchange, joint training and workshops, and collaboration in reviewing and handling relevant complaints.

10. **Encouraging Ethical Commitment:** Encouraging and securing ethical commitment from managers and staff can impact the control of administrative crimes. Establishing ethical codes and commitments, promoting reporting and awareness of ethics in administrative activities, can help maintain professional ethics and reduce administrative crimes.

11. **Using Modern Technologies:** Utilizing modern technologies can be effective in controlling and preventing administrative crimes. Information security, electronic monitoring, advanced accounting and management software are examples of technologies that can be employed to identify and track administrative crimes.

Combining these strategies and their interaction can improve control over administrative crimes and reduce their occurrence. Additionally, complete awareness of related laws and regulations and collaboration between various institutions and organizations are crucial for the success of these strategies.

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