ISSLP

Interdisciplinary Studies in Society, Law and Politics

Original Research

Conflict of Interest in Governance Based on the New Islamic Civilization Model: Considering Public Law Principles

Khairollah. Parvin[1]*⬤, Amirhossein. Khorshidi Organi[2]⬤

[1] PhD Student, Department of Public Law, Science and Research Branch, Islamic Azad University, Tehran, Iran
[2] Professor, Department of Public Law, Faculty of Law and Political Science, University of Tehran, Tehran, Iran

* Corresponding author email address: khparvin@ut.ac.ir

Conflict of interest and its associated consequences are issues commonly encountered in governance models and are crucial for their effectiveness. In a governance system based on the New Islamic Civilization model, which encompasses specific criteria in this regard, the role of public law principles in identifying and explaining conflicts is highly significant. This study is descriptive-analytical in nature and has concluded, through the collection of required data using documentary-library methods, that recognizing instances of conflict of interest within governance, with the assistance of public law principles, is a prerequisite for managing these conflicts. This necessitates the creation of a structured and coherent framework to identify conflicting situations within governance and society and continuously update it. This is because the nature of governance is increasingly pluralistic, and a successful governance system, even if based on the New Islamic Civilization model, can only introduce and manage the foundations of these conflicts through legal principles that float over this structure. Ultimately, the study indicates that, in order to ensure its continuity, the structure of governance must function as a framework and create a foundation for reliance on public law principles in the sphere of interests, to remain effective in this area and manage conflicts and principles that affect the governance of national and public interests.

Keywords: Conflict of interest, governance, New Islamic Civilization, public law principles.

1. Introduction

Islamic civilization is a religious civilization whose components are defined around the axis of Islam. Therefore, it encompasses the characteristics of divine civilization within the framework of Qur'anic teachings and is based on the tradition of the Prophet Muhammad (PBUH). Its components include religion, ethics, knowledge, justice, laws and regulations, religious principles, and more. Islamic civilization emerges when a set of ethical and material conditions are met without conflict or through the proper management of arising conflicts. Generally, the term Islamic civilization refers to all the achievements of Muslims in various economic, cultural, religious, social, ethical, material, and spiritual domains, as well as in industry, inventions, and discoveries. It began in the era of the Prophet (PBUH) and expanded with the growth of the Islamic realm from the western borders of China to Andalusia. Therefore, the characteristics of this civilization and the governance system associated with it differ in the views of Islamic thinkers based on their intellectual foundations and

environmental conditions. That is, some characteristics of civilization change in each era according to environmental conditions, varying in intensity and weakness. Studies show that planning and policymaking for the management and governance of a country, using a model for implementing the New Islamic Civilization (which contains revolutionary and Islamic thought), require a model of organization based on governance principles and attention to qualifications, as well as the identification of all aspects of conflict, the most significant of which is in the domain of interests. In this regard, the fundamental principles of public law in describing and analyzing conflicts, including in the realm of interests, play a prominent role. Since the two main pillars of governance (national interests) and people (public interests) are fundamental to the realization of this civilization, the dimensions of their presence and conflicts must be clarified. Although in some texts, effective governance is defined as good government, the truth is that these two concepts cannot be considered synonymous. Thus, the realization of the New Islamic Civilization cannot be summarized as simply providing a good government because even in a good government, if the issue of conflict of interest is not properly identified and managed, the government will face dysfunction and failure. Given that the realization of important values such as legal and judicial security and avoidance of dictatorship depends on strong and efficient rule of law, different countries have made efforts to prevent the weakening of the rule of law through various measures under the implementation of public law principles and to prosecute violators. One of these measures is managing conflict of interest. Therefore, this paper aims to examine the issue of conflict of interest within the governance system based on the New Islamic Civilization, in light of well-known legal principles, and to determine how this issue is manageable in such a governance system.

2. Concepts

2.1. Conflict of Interest

Conflict of interest is one of the key elements in realizing human financial relations. Although Islamic jurisprudence, as the basis of codified laws in Islamic society, does not specifically address the conflict between the interests of individuals in a separate chapter, it does mention it in the context of responsibility and obligations among individuals, as well as in the concept of harm and compensation for damages. Derived from jurisprudential and legal sources, the term is particularly significant in the framework of contracts and the formation of key governance issues, especially in emphasizing the importance of individual interests in Islamic society for the realization of governance actions, in terms of the condition of actions. The term "conflict of interest" was first used in legal discussions in a court case in 1949. Essentially, conflict of interest refers to a situation where the professional decisions or actions of a person regarding a primary interest are improperly influenced by a secondary interest. "Interest" is a commonly used and recognized term in various executive fields within civil society. Many legal scholars use the terms "interest" and "benefit" interchangeably (Emami, 2010). In the Qur'an, Allah mentions in Surah Al-Baqarah: "They ask you about wine and gambling. Say, 'In them is great sin and [yet, some] benefit for people. But their sin is greater than their benefit.'" This seems to suggest that the terms "interest" and "benefit" have the same meaning. Some jurists also regard benefits as the plural form of "interest," and everything that is obtained in a contract, whether interest or benefit, is considered part of it (Jafari Langroudi, 1997, 1999). Conflict of interest is a term that can be understood in the field of governance, especially in the context of the New Islamic Civilization, where its effects are clearly observed. Although this concept gained more attention from legal scholars and sociologists in the field of governance and public administration starting in 1980, its most significant impact has been on public policymaking. Thus, the development of mechanisms for the New Islamic Civilization depends on addressing this issue. The term "conflict of interest" refers to a situation in which the potential violation of the principle of neutrality in decision-making or action by an authority arises due to a conflict between personal interests, professional interests, or public interests (Zeynalu et al., 2019).

2.2. Governance

Governance is a term that encompasses the relationship between people and the government and is a process intertwined with human existence, as it has a long history. Throughout history, a group of people, acting as their representatives, has made decisions for the people,

while another group, also representing the people, has executed these orders. In the Oxford Dictionary, governance is defined as the activity or method of governing, ruling, exercising power, or controlling the activities of subordinates and military branches through laws and regulations (Bashiri & Shaghaghi Shari, 2001). Governance is one of the fundamental concepts in public law, considered as the supreme power above all other powers, which is exercised by the government. Aristotle identified the key to effective governance in two aspects: one, the people's adherence to laws, and two, the goodness of the laws themselves. In his work Politics, he explains the objectives of governance and the desirable and undesirable forms of it, detailing the characteristics of a polity (rule by the middle class) and comparing it with other forms of government (Ghamami, 2017). Martyr Motahari, recognizing the significance of government, defined it as a combination of essential elements like law, as well as non-essential elements such as the preservation of cultural heritage and provision of public services: "Government is, in truth, the embodiment of the community's power in the face of external threats, the embodiment of justice and internal security, the embodiment of law within the state, and the embodiment of social decisions in foreign relations" (Motahhari, 1999).

2.3. Islamic New Civilization

Civilization, in its linguistic sense, refers to urbanization, cooperation among people in the affairs of life, the familiarity with the ethics of city dwellers, and more, which implies the transition of a society from its primitive stages of development (Dehkhoda, 1994). In Islamic doctrine, both Khwaja Tusi and Ibn Khaldun define this term, noting that civilization represents the socialization of humans and is a concept that should be referred to as "civilized state" (Ibn Khaldun, 1980). Allama Ja'fari also defines civilization as the harmonious organization of humans in rational life, with just relationships and shared involvement of all individuals and groups in advancing human material and spiritual goals in all positive aspects (Jafari, 1980). However, civilization manifests itself in various forms and types. For instance, Islamic civilization can be seen as a religion based on the worldview derived from the texts, sayings, actions, and silent approvals of the infallibles (Ahl al-Bayt), which provides humanity with everything it needs

for growth and perfection. Thus, in this civilization, all elements revolve around religion and, based on this rich framework, has both a beginning and an end (Ramazani & Jamali, 2002). Islamic or New Islamic civilization should be considered a system of thoughts, beliefs, sciences, arts, policies, and so forth, which, inspired by religious teachings, has been created by Muslims from the very inception of Islam and continued in the form of practices and methods. Therefore, Islamic civilization undoubtedly has a monotheistic perspective, and its ideology is a collection of spiritual and material achievements of the Islamic society that guide humans toward spiritual and material perfection. It is not limited to a particular nation or race, but refers to the civilization formed by the nations under Islamic rule, united by the official religion, Islam, and the scientific and literary language, Arabic. Thus, Islamic civilization is the collective heritage of both material and spiritual assets shared by the Muslim nations.

2.4. Public Legal Principles

Public law refers to the rules governing the state, its relationships, and its affiliated organizations with the people. Some scholars argue that when these organizations exercise sovereign rights and public authority, they are subject to public law rules (Jafari Langroudi, 1997; Katouzian, 1986, 2004). Public law is based on three fundamental principles: authority, the rule of law, and accountability. Authority or governance competency refers to the exercise of organized power for managing society, which is the symbol of the distinctiveness and independence of public law. In public law, the principle is that government officials and state managers do not have jurisdiction unless their authority is explicitly defined by law. Authority in this regard is based on two forms: hierarchical authority, which is necessary for administrative and managerial matters, and organizational authority, which is assigned to establish specific laws and regulations. The rule of law in governance refers to the adherence to the constitution, ordinary law, and governmental regulations. The enforcement of this rule is ensured administratively through commands and supervision, and judicially through civil and criminal liability if actions are taken contrary to the law. Public law principles, including the rule of law, which is achieved under the order of security and justice, and accountability, which refers to the duty

of the rulers to represent society and their obligation to respond and be accountable for any violations, manifest themselves in civil, criminal, and political responsibilities.

3. Conflict of Interests: A Relative or Definite Concept?

Undoubtedly, the first question that arises is whether conflict of interests occurs in a relative manner when such interests are present, or if it is an absolute matter, where the accumulation of interests in a single issue without it would be considered impossible. Examining the views of jurists and legal doctrine suggests that the frequency of benefiting from interests creates the grounds for conflicts in various affairs, meaning that the perceived benefits in transactions, actions, and behaviors of individuals toward each other in civil society lead to the formation of spaces where the benefit may not be realized, or the potential benefit might be lost. It is evident that, in Islamic jurisprudence and consequently in the governing laws within the framework of modern Islamic civilization, this situation has been foreseen, and specific solutions have been provided for addressing the damages arising from it. The reason for the non-realization in some cases is due to the conflict of interests, and in other cases, it arises from the clash between different interests. If the intellectual school of thought in governance, in this case, modern Islamic civilization, is combined with the positive law of the government, a fusion of theoretical and practical reason should be formed in presenting the necessary and forbidden actions, and they should be in correct and efficient transactional relationships. Certainly, the distinction between practical and theoretical reason reflects that practical reason is responsible for identifying the imperatives and prescriptive propositions of governance, while theoretical reason offers knowledge of the existential and factual propositions. As a result, the realization of a conflict of interests in this distinction is certain, and according to some scholars, accepting this distinction in producing the prescriptive nature of legal rules is based on interpretative perceptions and practical rationality. This is because, unlike theoretical sciences, which are based on proof, legal rules are dialectical and their reasoning is composed of accepted and established facts (Tabatabai, 2009). Therefore, the flow of affairs within governance is

not exempt from this logical principle, and it is understandable that a conflict of interests, as a matter of certainty in governance, can be considered as a significant issue alongside clear and evident harm. Of course, the issue may also be framed as a matter of conflict, meaning that the mere loss of a benefit does not inherently result in harmful consequences, but rather due to external factors, it can lead to problems in governance interactions. This often leads to numerous claims and destructive effects on the implementation of governance structures based on the principles of public law. It must be acknowledged that conflict, by its very nature, brings about disorder, and as such, in fundamental matters like governance, it is a key concept. Certainly, in any system, including the legal system of modern Islamic civilization, maintaining public order is crucial. Thus, the issue of conflict of interests in public law holds great significance, and numerous studies have been conducted on this subject (Parvin, 2017). The survival of any government relies on maintaining order and respecting the fundamental principles in its governance structure, so that both the state and the people, under the protective umbrella of management, can continue their activities without the disruptive influence of conflicts of interests. However, some argue that the concept of public order in the context of public law is ambiguous, and despite its importance, there remain uncertainties and challenges in its indicators, foundations, manifestations, and the tools for its realization. Thus, providing a complete definition of it is difficult (Mansourian, 2015). Others attribute this ambiguity to the relationship between public order and ethics, politics, economics, and the foundations of civilization governing each society, which may differ from one society to another. Nevertheless, public order is defined as the order established through laws and regulations to maintain peace and security in the public sphere at the national level (Jafari Langroudi, 1999). Some view it as a set of legal provisions and regulations necessary for the proper functioning of public affairs or safeguarding security and ethics in people's relations, where individuals' wills that oppose these provisions are rendered ineffective. Therefore, public order is inherently linked to the interests and welfare of society, and its nature is such that everyone must respect it, and violating it should be impossible (Katouzian, 1986). In other words, public order should be seen as a continuous

and ongoing process that encompasses the essential and public needs of society, which must be accessible to everyone. Thus, if these essential needs are disrupted or cut off in any way, public order is compromised. What is consistent across all definitions of public order is its direct connection to the fundamental and superior interests of civil society (Farmanesh, 2020). In the realm of public affairs, and from a realistic perspective, it is hard to find any area where conflicts of interest do not pose problems. From occasional events such as permanent elections to fields like education, economics, and politics, all are involved in this challenge in various forms. Since conflicts of interest are the primary cause of corruption in governance, society expects all public officials to perform their duties impartially and without bias, ensuring that personal interests or the interests of their associates do not influence their decisions. Any mismanagement in fulfilling these duties can lead to corruption or abuse of public office. On the other hand, if conflicts of interest are managed properly, the credibility of the political system will be preserved (Lateef, 2016).

4. General Principles of Interests in Governance Based on the New Islamic Civilization

There is no doubt that the legislative phase in a government based on the New Islamic Civilization must be in accordance with Sharia law. However, aligning laws with Sharia provisions is a complex issue. The proximity between Islamic jurisprudence and positive, modern law, as well as the close relationship between laws and Sharia, is not hidden from any observer. In some areas, such as public interests and the common good, referring to the foundational principles of primary and secondary rulings and, in the case of contracts, the laws are nearly a translation of the books of Islamic jurists. Furthermore, Articles 4 and 167 of the Constitution also confirm this and its adherence in the formulation of laws. Therefore, it can be argued, as some have stated when defining the school of thought, that the governance school in New Islamic Civilization includes theories related to the social-economic issues of individuals and the civil code that deals with the details of financial relations, personal and real rights. It has been presented as an economic school of Islam, and there is a strong connection between the two, with a theoretical organism belonging to both (Sadr & Espehbodi, 1979).

Given that law forms the foundation of the school, and social demands actually link the legitimacy of a legal system with its effectiveness, referring to science and the school for formulating and explaining the position of national and public interests in civil society and the active governance style of society plays a central role. Therefore, to investigate conflicts of interest, it is essential to first understand the interests inherent in governance based on the New Islamic Civilization, in order to provide a correct explanation of conflicts of interest. Generally, interests within governance are divided into public interests, that is, the interests of the people, and private interests, that is, governmental and national interests. When the subject of governance is discussed, these two categories emerge logically and directly in the related inquiries. In the case of governance based on the New Islamic Civilization, this matter is examined under the ideology of the Islamic school of thought.

At the same time, in the perspective of public law, which contains practical principles for maintaining the structure of governance, people are recognized as the main element in shaping the essence of these principles. They play a crucial role in both the development or loss of interests and in examining conflicts between interests. The content of interests in the foundational principles of governance based on the New Islamic Civilization is stated in its jurisprudential foundations and, by extension, in civil law. The fundamental rulings of government arising from this juridical-legal framework indicate that the intellectual direction, the immediate objectives, and instrumental matters for executing governance and promoting justice in society have been set as the goal. The tools used play a definitive and effective role in legislation, such that ultimately, the desired governance is realized through the implementation of these rulings and regulations. This is because the essence of classical authoritarianism is intrinsically linked with the realization of the ideals of the rule of law and the lawful state. In practice, the structuring of rights and duties for rulers and citizens in the form of an official and codified document (the constitution) is also evaluated in this context (Gorji Zandriani, 2013).

Some, however, argue that the tools themselves have intrinsic value and are not merely a prerequisite for governance. This theory, however, contradicts the words

of Imam Khomeini (RA), who introduced governance as a prerequisite for subsidiary laws (Imam Khomeini, 1989; Sobhani, 1993), since governance is fundamental, and these tools, in contrast, do not have sufficient primacy and, when faced with it, must inevitably accept change in various dimensions.

4.1. Public Interests (People)

Recognizing the rights of the people and maintaining order and stability in their observance are fundamental pillars of society, which are essential for social life. It is under these conditions that individuals in society can engage in work and effort while preserving their own rights, thereby benefiting from the inherent or contractual advantages of their actions under government governance. As is expected in any society, people must adhere to the relevant legal regulations in organizing their relationships and decisions, while the government, which arises from these very people, must implement an approach in dealing with their actions that minimizes friction or harm to the public interests. This approach should be embedded in the government's strategic plan, ensuring that the establishment and preservation of public order occurs in all details of people's lives, thus preventing chaos, the opposite of order in the broadest sense. In other words, if governance is supposed to be based on a method that, in this case, the new Islamic civilization brings about peace, it must certainly be grounded in a codified and efficient law that respects the rights aimed at directly addressing and continuously pursuing the public interests of society. A law with its recognized and effective principles plays a key role in preserving the interests of the public and, consequently, in resolving conflicts among individuals within society, or when confronting governance practices and national interests, because it enables the identification and resolution of these conflicts. On the other hand, maintaining the structure of governance, which is the intellectual and practical foundation of the new Islamic civilization, is considered by most scholars to be the reason behind the formation of Islamic jurisprudential rulings. It is one of the most important duties that, in case of a conflict with secondary Shari'a rulings that are less important than preserving the Islamic system, should be prioritized. In a government based on the new Islamic civilization, the commitment to Islamic sources, with the Quran and Sunnah at the forefront, has resulted in the legal system and the perception of public interests being deeply influenced by religious thoughts, with Islamic principles and norms being integral to the lawmaking process. In such a way that issues like Islamic principles, public interests, and the common good can each be used as definitions of public order in contrast to the rights and freedoms of citizens, thereby giving meaning to the Islamic identity of the system (Farmanesh, 2020). Furthermore, the complexity of society and its relationships, as well as the individual and social interests inherent in it, create a dynamic and active space, subject to internal and external transformations over time. This has led to the necessity for all decisions, movements, and patterns in the legislative, judicial, and executive domains of governance to be made with full attention and expert oversight, monitoring the complex and changing conditions. Examining the rule-based conflict of interests according to public order or public benefit—or purely based on the natural rights of individuals—is also a matter of importance, because the judicial system of governance, based on the new Islamic civilization and its foundational Islamic teachings, must abide by Article 4 of the Constitution, which requires that all laws and regulations be in accordance with Islamic principles. This creates a context in which conflicts of interest should be handled under the broad consideration of public interests, particularly in judgments and reconciling jurisprudence with public order and benefit in the social, cultural, and economic relations of society. The emphasis on individual authenticity and its place in society is also present among contemporary thinkers in the context of governance based on the new Islamic civilization. Some, such as Ayatollah Mohammad-Taqi Misbah Yazdi, critique the views of other Islamic thinkers like Allama Tabatabai and Martyr Motahhari, denying the philosophical defense of the primacy of society over individualism (Soozanchi, 2006). He believes that the true existence of society should not be dismissed and that social laws, as governing rules for interactions among groups and layers of society, should be recognized. However, the accepted thinking in Islamic governance is the concept of "individual and collective authenticity," a synthesized idea supported by thinkers such as Allama Tabatabai and Martyr Motahhari (Misbah Yazdi, 1989).

Nevertheless, it must be stated that the interests of the people, under indicators such as competition, accountability, definition of public financial resources, financial support, competence and skill, commitment to the legal framework, political support and stability, attention to sustainable development, justice, communication, public sector efficiency, risk tolerance, mutual agreement, appropriate participation definition, standards, and proper organization (trust-building), complexity, interaction, control, public dominance, planning, trust, transparency, stability, clarity of government policies, mutual understanding, the use of public information and knowledge, innovations, presence of information systems, and finally, attention to social interests, public awareness, the documentation of experiences and solutions obtained, and their application within civil society for the growth and advancement of the people, can only be realized through effective management. Proper control over these aspects in governance ensures the prevention of conflicts of interest within both established and emerging indices.

4.2.   Interests (Governance-National)

It seems that there is a strong link between the governance objectives of the new Islamic civilization and the pursuit of national interests in both domestic and foreign policy. In fact, the objectives pursued in this governance approach largely reflect the direction of the government formed within that framework regarding national interests, indicating whether they are in alignment with national interests in both theory and practice. Therefore, it is understood that the issue of conflict is also present in this domain, as whenever there are interests, friction and conflicts arising from the receipt or application of these interests inevitably arise. On the other hand, the existence of specific Islamic objectives in governance based on this civilization, such as in different political systems, is considered essential. As some fundamental variables that impact the formation of governance objectives containing national interests, economic needs, which are a top priority, political needs like political stability or instability, legitimacy or illegitimacy, and major strategic goals, all play a significant role.

In the realm of politics, many experts believe that the term "interest" is the key concept in political affairs. Naturally, national interests are the central concept in

international politics. Regarding the concept and definition of national interests, there are various perspectives, including those of realists and idealists. Among realists, some, like Morgenthau, view national interests as an objective reality defined by power; however, some realists, like Schuman, emphasize the security factor. In contrast, idealists view national interests as nothing more than the decisions made by the elites of nations. Here, the main factor is the perception of national interests held by elites and decision-makers (Sari'olghalam, 2000).

In fact, if we encapsulate the concept of national or governmental interests within the governance framework based on the new Islamic civilization, we can say that it serves as one of the essential concepts for understanding and studying the general policies of the government formed under it, and it acts as the guiding compass for governance. Because this concept of national–governance interests, within society, can sometimes conflict with what is presented in foreign policies. This is why the scope of interests and, consequently, the conflicts between internal and external policy interests, has made it difficult to provide a fixed and defined framework for all cases. Despite the ambiguity surrounding this term and the various challenges posed by globalization, the concept remains the core of foreign policy and a guide for politicians. The discourse on the role of national interests and their connection with Islamic principles in governance based on the new Islamic civilization is still subject to debate, and there are varying views on it. There has yet to be a precise consensus regarding national interests among political elites and foreign policy makers, even in the Islamic Republic of Iran. This continues to be one of the most critical intellectual disputes that governance based on the new Islamic civilization faces: how to define national interests (Ramazani & Jamali, 2002).

5.   Conflict of Public and National Interests in Policy Making of Governance

The intellectual direction in any system reflects the "shoulds" and "should nots" and the differentiation between what "is" and what "should be." In the context of governance based on the new Islamic civilization, as the essence of this civilization is derived from Islamic jurisprudence and its intellectual school, the overlap between this perspective and the law in the form of

governance policy-making is a topic that assesses the credibility of the law within the framework of shoulds and should nots available to the public. It also serves as a foundation for either fostering or restricting people's trust in the law. On the other hand, legislative decisions are also a product of justice and fairness, based on the recognition of needs, respect for the will of the people, attention to the development and expansion of behavioral and transactional norms, and, in short, their rights and interests. Some argue: "The work of recognition belongs to human reason, but creating norms or enacting laws is not a cognitive act. The creation of a norm is not the identification of an already existing subject, but the demand to create something that 'should' exist" (Al-Sharif, 2013). According to common perception, legislation and policy formulation in governance is a voluntary act, and the law is the result of what the legislator enacts; therefore, truth and falsity, which are characteristics of factual statements, have no bearing on his activity (Nabavi, 2010). On the other hand, public law in Iran is still not clearly defined in comparison to countries that have had a long history and experience in studying this field. There is still much doubt regarding the existence of public law, in the sense of its complete separation from private law and its specific legal system.

Conflict of interest, as an independent and recognized concept in modern governance, holds great importance. Many key terms in this domain are directly related to the issue of conflict of interest. Gaining public trust and promoting democracy, preventing corruption, improving health and administrative cohesion, transparency, and economic development are all impossible without achieving an acceptable level of conflict-of-interest management. Conflict of interest is an area of significant complexity, political sensitivity, and legal intricacies. As a result, theoretical debates on accurately understanding conflict of interest have continued for some time. While it is always possible that individuals may not prioritize their personal interests over public interests when facing a conflict of interest, evidence suggests that in some conflict-of-interest situations, even if personal interests are not prioritized over public ones, public opinion may still doubt the legitimacy of the actions of public servants, which in turn damages trust in the government. Therefore, in various countries, efforts have been made, with varying degrees of intensity, to establish laws and mandatory measures to first identify areas of certain or potential conflicts of interest and then take appropriate actions to prevent conflicts of interest from arising and manage the conflicts that occur (Gorji Zandriani, 2013).

Imam Khomeini, as one of the founders of the new Islamic civilization, created a foundation for the advancement of public interests over private interests in his works, under the theory of absolute guardianship (Wilayat al-Faqih). In his book Wilayat al-Faqih, he refutes the notion that the government powers of the Prophet Muhammad (PBUH) or the Commander of the Faithful, Ali (PBUH), are greater than those of the jurist (faqih). He emphasized that the concept of Wilayat al-Faqih involves the maximum authority in determining and exercising public interests (Darkhasha, 2001). However, it must be noted that citizenship rights encompass the rights and duties between the citizen and the government. The public interests of citizens are part of the rights allocated to the citizens of a society and establish a reciprocal relationship between the individual and the state, creating rights and duties (Parvin, Human Rights: From Theory to Practice, 2017, p. 250). Therefore, one can argue that the realm of rights between the general public and sovereign rights is absolute, with citizens' rights being defined and outlined within the framework of sovereign rights. This concept also holds true for interests. In policy-making, this issue serves as a priority in decision-making, and in cases of conflict of interest, the same logical relationship applies, placing sovereign and national interests ahead of public interests. This is inherent in the nature of the structure of governance.

6. Conflict of Public and National Interests in the Implementation of Public Law Principles in the Governance of a New Islamic Civilization

Islam, due to its legislative aspect, generates legal provisions and, consequently, has a structured approach to addressing the evolving needs of society over time and space, from the past to the present. Examination and analysis of legislative rulings and interpretative views from various scholars on transactional relations, in light of the generality of some texts and legal principles derived from them, reveal that the purpose of legislation is to consider the public interest. Many of these goals are aligned with reason and reflect rational purposes as well.

The authority of legal rulings concerning transactions and economic relations, and achieving agreements that align with societal needs, is part of Islam's mission, which, through the design of precise principles and rules in accordance with contemporary realities, facilitates the effectiveness and application of these rules in practice. The implementation of a New Islamic Civilization, under principles of logic and justice, such as the principles of authority, continuity, security, rule of law, protection of jurisdictional boundaries, responsibility, and freedom, can lead to conflicts between the interests of the general public and national interests. The entry of expediency as a solution, as well as the focus on the concept of citizenship rights for a government (which governments usually use to distinguish two standards, where the concepts of nationality and citizenship hold specific significance), is essential in explaining the position of the public. Citizenship is essentially the membership and participation of individuals in society, with rights and responsibilities, and the ability to influence policies. Therefore, citizenship should be regarded as more than just a political and legal status; it also has a social role.

However, as stated in policymaking, national and sovereignty interests are essentially broader than public interests, and thus this proposition is clearly reflected in the definition of governance visions. For instance, in Iran's 2025 vision regarding the characteristics of society in implementing the values of the Revolution and Islam, there were criteria set to guide the development of a New Islamic Civilization in Iran. These criteria include: the expansion of society, aligned with its cultural, geographical, and historical needs, based on ethical principles and Islamic, national, and revolutionary values with an emphasis on religious democracy, social justice, legitimate freedoms, the preservation of human dignity and rights, social and judicial security, advanced knowledge, scientific and technological production capacity, reliance on superior human resources and social capital in national production, a secure, independent, and powerful country with a deterrent defense system, healthy and prosperous families free from poverty, corruption, discrimination, and enjoying an ideal environment. These values also emphasize responsibility, selflessness, faith, satisfaction, work ethics, and social cooperation, with a commitment to the revolution, the Islamic system, and the flourishing of Iran, ultimately achieving the first economic, scientific,

and technological rank in the Southwest Asia region. This vision highlights the need for a governance system that preserves the ideological foundations of the New Islamic Civilization, and the management of conflicts of interest in this context involves identifying conflicts in the various sectors outlined above. This identification necessitates the transparency of public officials' assets, income, political preferences, and outside interests. This transparency provides an opportunity for media and other public observers to closely monitor public affairs and, in case of ambiguity, compel public officials to be accountable.

The implementation of public law principles, legislated to protect citizens' rights, is viewed by some scholars as context-dependent or environmentally oriented, as they reflect the diverse conditions and environments in which they operate. Many of these principles are subject to transformation in the humanities and, as such, possess a fluidity that can either serve as an advantage or, in the case of conflicts, become tools for inappropriate exploitation. For example, various and sometimes contradictory interpretations of the concepts of public order or the general interest can arise, which, on one hand, justify strengthening public authority in the name of societal interests and social cohesion, while, on the other hand, limit the scope of public rights and freedoms (Gorji Zandriani, 2013).

7. Conclusion

In explaining governance as the operational framework of government, studies show that the nature of sovereignty is multifaceted, with significant political, social, cultural, and economic changes occurring within it, directly affecting the method of governance. Law, as the backbone of public rights under its legal principles, determines the scope of government authority and grants the necessary powers to relevant officials. Essentially, law determines the rights and obligations within governance, serving as a crucial tool for achieving governmental objectives. Governance is at the core of public law and is a focal point for development in political, economic, cultural, and social fields. At the same time, governance is considered a fluid concept, where the legitimacy of political authority, as the starting point of public law and development, evolves through the application of good governance principles to realize a civilization. Public law, through its tools, can contribute

to ensuring that a country gains the stability required for the achievement of other developmental dimensions. Conflict of interest management is one of the methods for preventing corruption, increasing transparency, effectiveness, accountability, and public trust in government. The conflict between personal and public interests is an issue that many public officials face; thus, it must be properly managed to prevent corruption.

Identifying instances of conflict of interest is the first step in managing these conflicts. The best way to manage conflicts of interest is to prevent actions by the individual involved in the conflict. However, if the individual proceeds with their actions, measures must be taken to negate the impact of their decisions, even before they are made. In Iran's legal system, instances of conflict of interest have long been recognized, with solutions proposed for managing them. However, these identifications are not based on scientific methods and are often sporadic and specific to individual cases. Using a method based on the identification of elements, these conflicts can be systematically identified. In the context of conflict of interest management, the Iranian legislator has not made full use of existing methods. Important strategies, such as the obligation to disclose conflicts of interest and income reporting, have been overlooked, while others, such as prohibiting commercial competition with a principal or banning self-dealing, have not been applied consistently. Therefore, it is recommended that the legislator, in enacting new laws and amending previous ones, first identify the source of the conflict of interest—whether it stems from trustworthiness or impartiality—and then adopt appropriate management strategies based on this determination.

Authors' Contributions

Authors contributed equally to this article.

Declaration

In order to correct and improve the academic writing of our paper, we have used the language model ChatGPT.

Transparency Statement

Data are available for research purposes upon reasonable request to the corresponding author.

Ethical Considerations

In this research, ethical standards including obtaining informed consent, ensuring privacy and confidentiality were observed.

References

Al-Sharif, M. M. (2013). *Logic of Law*. Shekarei Publications.

Bashiri, A., & Shaghaghi Shari, V. (2001). Good Governance, Corruption, and Economic Growth. *Business Review Journal*(48).

Darkhasha, J. (2001). Genealogy of the Theory of Governance in Imam Khomeini's Thought. *Political Science Journal*(13).

Dehkhoda, A. A. (1994). *Dehkhoda Dictionary; Entry for "Civilization"*. Dehkhoda Publications.

Emami, H. (2010). *Civil Law, Vol. 1*. Mizan Publishing.

Farmanesh, T. (2020). *Judicial Independence from the Perspective of Jurisprudence and Law*. Chatrdanesh Publications.

Ghamami, H. (2017). *Encyclopedia of Public Law*. Imam Sadiq University.

Gorji Zandriani, A. A. (2013). *Foundations of Public Law*. Jungle Publishing.

Ibn Khaldun, A. a.-R. (1980). Muqaddimah of Ibn Khaldun.

Imam Khomeini, R. (1989). *Kitab al-Bay', Vol. 5*. Esmaeelian Publications.

Jafari Langroudi, M. J. (1997). *General Introduction to Legal Science, Vol. 1*. Ganj-e-Danesh Publications.

Jafari Langroudi, M. J. (1999). *Expanded Terminology of Law, Vol. 5*. Ganj-e-Danesh Publications.

Jafari, M. T. (1980). *Translation and Interpretation of Nahj al-Balagha*. Islamic Culture Publishing Office.

Katouzian, N. (1986). *Philosophy of Law*. Behshar Publishing.

Katouzian, N. (2004). *Foundations of Public Law, Vol. 1*. Mizan Publishing.

Lateef, K. S. (2016). Evolution of the World Bank's thinking on governance. https://doi.org/10.1596/26197

Mansourian, M. (2015). *Introduction to Concepts of Public Law*. Guardian Council Research Center.

Misbah Yazdi, M. T. (1989). *Society and History from the Perspective of the Quran*. Islamic Propagation Organization.

Motahhari, M. (1999). *On the Islamic Republic*. Sadra Publications.

Nabavi, L. (2010). *Foundations of Philosophical Logic*. Tarbiat Modares University.

Parvin, K. (2017). *Human Rights: From Theory to Practice*. Mizan Publishing.

ISSLP
Interdisciplinary Studies in Society, Law and Politics

Ramazani, R., & Jamali, A. (2002). Foreign Policy and National Interests in the Islamic Republic of Iran. *Strategic Studies Quarterly*(98).

Sadr, M. B., & Espehbodi, A. (1979). *Iqtisaduna (Our Economy)*. Dar al-Ta'aruf Lebanon.

Sari'olghalam, M. (2000). *Research Methods in Political Science and International Relations*. Rozaneh Publications.

Sobhani, J. (1993). *Nizam al-Talaq fi al-Sharia al-Islamiyah al-Ghura*. Imam Sadiq Institute.

Soozanchi, H. (2006). Primacy of the Individual, Society, or Both. *Qabasat Journal*, *11*.

Tabatabai, M. H. (2009). *Nihayat al-Hikmah*. Islamic Publications.

Zeynalu, M., Ahmadi, A., & Nariman, S. (2019). Examining the Factors Leading to Conflict of Interest Among Members of the Islamic Consultative Assembly. *Public Policy Journal*(18).

ISSLP

Interdisciplinary Studies in Society, Law and Politics