

Safeguarding Citizens' Rights in the Administrative System: An Examination of the Principle of Equality in Public Services and Public Employment

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The principle of equality is one of the most fundamental principles of public and administrative law. Under this principle, all citizens must enjoy equal access to rights, opportunities, and public services without discrimination, unless differential treatment is based on legitimate and legally justified grounds. The present study aimed to examine the principle of equality among citizens under the Civil Service Management Law and to clarify its position within Iran's administrative legal system. Using a descriptive-analytical method and drawing on documentary and library-based research, the study explored the various dimensions of this principle. The findings indicate that the Civil Service Management Law addresses the principle of equality in such areas as equality in recruitment, access to public employment and services, administrative impartiality, continuity and adaptability of public services, and fairness in service delivery. Nevertheless, an examination of the relevant laws and regulations reveals that, in certain cases, statutory exceptions and restrictions have limited the full implementation of this principle, and the legislator's approach to safeguarding equality among citizens has not always been uniform or consistent. Overall, the realization of the principle of equality within the administrative system requires the effective implementation of meritocracy, the elimination of unjustified discrimination, stronger oversight of the performance of executive agencies, and adherence to citizens' rights. These measures can facilitate the achievement of administrative justice and enhance public trust in the governance system.

Keywords: *Equality of Citizens' Rights, Civil Service Management, Administrative Law.*

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1. Introduction

The principle of equality in administrative law means that all citizens enjoy their rights and assume their obligations without regard to discriminatory or biased grounds such as gender, religion, race, or ethnicity. The principle of equality constitutes the ultimate objective of protecting citizens' rights. Equality in access to public service, or equality of access to public employment, is one manifestation of the

principle of equality in administrative law. This principle requires that all citizens, irrespective of their gender, religion, race, or ethnicity, have the opportunity to obtain public employment based on the qualifications and competencies required for each position. Iranian laws have adopted an inconsistent approach to compliance with this principle. In Iranian administrative law, despite the Civil Service Management Law's explicit requirement to create equal opportunities for all individuals seeking public employment, the inclusion of certain conditions in



recruitment announcements issued by executive agencies—such as gender requirements, differentiation between the grade-point averages of applicants graduating from different universities, and local-residency requirements—as well as administrative directives and resolutions adopted by executive agencies, has generated inequalities in citizens' access to public service (Jalali & Heydari, 2014). In recent decades, extensive research and continuous debate among public administration scholars have focused on identifying the most appropriate methods and strategies for revitalizing and innovating managerial processes in public organizations. Selecting new management frameworks compatible with each country's culture and constitution, in a manner that facilitates developmental policies and measures, is not merely an objective but an unavoidable necessity for all countries, particularly developing countries. An examination of the current administrative system reveals numerous deficiencies, including a lack of accountability and transparency; excessive centralization in the administrative and financial systems; the absence of an integrated urban management system; failure to implement performance-based budgeting; failure to distinguish sovereign functions from operational functions; a lack of innovative orientation; inadequate determination of the government's policymaking, planning, and supervisory roles; the absence of a comprehensive, continuous, and results-oriented performance management system; inequity in the remuneration system; inadequate and noninclusive use of information technology; insufficient attention to citizens' rights in their interactions with public institutions; ambiguity in managerial promotion systems; the limited comprehensiveness of laws; low administrative integrity indicators; the absence of merit-based selection in the appointment of managers and employees; and low productivity indicators. In recent years, these conditions prompted national authorities to place the drafting of comprehensive legislation for resolving the problems of the administrative system on their agenda. Such legislation was expected to identify all relevant factors in an integrated manner and propose appropriate solutions based on cultural and religious concepts, national considerations, modern management theories, and the beneficial experiences of other countries (Tehrani et al., 2014).

In the late 1980s and early 1990s, significant transformations occurred in the public sectors of developed countries. The rigid hierarchical and bureaucratic model of public administration, which had dominated throughout much of the twentieth century, was replaced by more flexible and market-oriented public management. This transformation was not merely a simple revision or minor alteration in managerial methods; rather, it constituted a comprehensive change in the role of societal management, the relationship between the government and citizens, and, consequently, the relevant legal foundations. In Iran, although with some delay, institutions and organizations were established to improve and strengthen the administrative system, and the necessary programs and laws were formulated and implemented. Superior policy documents and legislation, including the Development Vision Document, the General Policies of the State, administrative transformation programs, development-plan laws, the Law on the Implementation of the General Policies of Article 44 of the Constitution, and, in particular, the Civil Service Management Law, which plays a central role in the country's bureaucracy and administrative system, emphasized the participation of civil society and nongovernmental organizations in societal governance and the transformation of the government's role from direct administrator to supervisor, supporter, facilitator, and policymaker. In this context, the Civil Service Management Law was enacted as the most comprehensive and significant legal instrument governing the administrative system. After 40 years of the State Employment Law enacted in 1966, this law sought to advance administrative transformation within the national bureaucracy. It was initially enacted for a five-year experimental period, which was subsequently extended in two stages, upon the approval of the Parliament and the government, through March 20, 2015. Given its significance for the quality of public services and the fact that its revision and conversion into permanent legislation were placed on the agendas of the government and Parliament, it deserved comprehensive and expert consideration by the responsible authorities (Tehrani et al., 2014). Accordingly, in the relationship between citizens and the administration, the principle of equality has manifested itself in various forms within countries' administrative-law systems. Under the constitutional principle of

citizens' equality, all citizens, whether women or men, are equal before public administrations and the law and enjoy equal rights. Public administrations must refrain from all forms of discrimination, particularly discriminatory treatment or the imposition of discriminatory restrictions or prohibitions on the exercise of citizens' legally recognized rights and freedoms. Therefore, the present study examines the principle of citizens' equality under the Civil Service Management Law and addresses the question of whether all citizens enjoy equal rights under this law.

2. Conceptual Analysis

2.1. Citizens' Rights

Citizens' rights constitute a relatively recent subject within the political and legal discourse of contemporary societies. They are among the products of modern society and are closely associated with human rights. The rights of individuals in their interactions with public administration form part of their citizenship and social rights. Citizenship rights are, in fact, established by virtue of nationality. Accordingly, citizenship rights constitute a relatively broad concept encompassing both political and nonpolitical rights, including civil rights and individual and social entitlements that do not necessarily have a political character. Citizenship rights may therefore be understood as incorporating all three generations of human rights recognized in legal doctrine: civil and political rights, economic and social rights, and solidarity rights (Abbasi, 2009). Some legal texts have adopted an expansive definition of citizenship. For example, under the French Constitution of 1791, citizens included not only those born in France to a French father or a foreign father, or born abroad to a French father, but also persons born abroad to foreign parents who had resided in France for at least one year and worked there, owned property, or had a French spouse. The French Constitution of 1793 offered an even broader definition, under which one year of residence in France was sufficient. It also recognized additional categories of citizenship, including a person who adopted a child, supported an elderly person, or was a foreign national whose humanitarian merit was recognized by the legislative body (Abbasi, 2009).

Citizenship rights may be divided into three categories: first, civil rights, which refer to legally recognized

individual rights and include the freedom to live in a place of one's choice, freedom of expression and religion, the right to property, and the right to equal adjudication before the law; second, political rights, particularly the rights to participate in elections, vote, and stand for election; and third, social rights, which concern an individual's natural entitlement to a minimum standard of economic welfare and security and include healthcare benefits, social security, minimum-wage protection, and similar guarantees (Razavi & Khazaei, 2008).

Two instruments relating to citizenship rights have been adopted in Iran. The first is the Law on Respect for Legitimate Freedoms and the Protection of Citizens' Rights, which was approved during the public session of the Islamic Consultative Assembly on Tuesday, May 4, 2004. The second is the Draft Charter of Citizens' Rights, prepared by the Legal Affairs Office of the Presidency in cooperation with the Presidential Center for Strategic Studies in November–December 2013 and subsequently promulgated by the President. However, neither instrument provides a principled definition of citizenship rights; instead, they merely identify certain instances of such rights (Asefi & Habibnejad, 2017).

If the foundational idea of citizenship is understood as the right to self-determination, citizenship rights seek to guarantee each person's ability to determine their position and destiny within their society and to recognize rights and interests arising from their status as a citizen. Citizenship and the realization of citizenship rights are therefore closely linked to citizens' participation in determining their political, economic, social, and cultural destiny. Such participation must enable individuals to pursue their objectives within the framework of a social contract in which all persons possess equal rights and obligations. The holders of rights in the citizenship system are the state's nationals or citizens, on the one hand, and the state itself, on the other. The relationship between them is dual in nature because it is reciprocal and structured around both rights and obligations. Citizenship is, in effect, the design of a social system intended to limit the state and regulate social administration. Membership constitutes the fundamental element of this system, in which rights are accompanied by social responsibilities such as defending the country, paying taxes, and complying with the law. A citizen's social responsibility is not confined to the state;

it also extends to other citizens. In other words, all individuals bear responsibilities toward one another.

In general terms, citizenship rights mean the enjoyment of all civil, political, and social rights, access to economic opportunities, and the attainment of equality and justice. These rights begin with the right to vote, participation in the advancement of one's city, village, and country, and the preservation of security, and extend to healthcare, education, trial by jury, trade unions, and respect for the rights of minorities and ethnic communities. Citizenship rights are concerned not merely with normative prescriptions regarding what ought or ought not to be, but with the actual existence or nonexistence of such rights.

The fundamental idea underlying citizenship rights and the activation of citizens' right to self-determination is that this right is exercised by individuals themselves. It is one of the most fundamental moral and, ultimately, legal rights in the sphere of civil and political rights. The rights to elect and to be elected constitute prominent manifestations of the right to self-determination. This right is rooted in the moral principle that every human being is an end in themselves and may not be treated merely as an instrument. Because human beings are equal in their humanity, it is morally unacceptable for some individuals to claim the authority to govern others and restrict their freedoms without their consent and choice. In other words, it is impossible to speak simultaneously of human beings as morally responsible agents and of a just social order while denying their freedom of choice. Citizenship rights therefore refer to the set of rights and freedoms whose implementation the state secures and guarantees for its nationals under domestic law, although the substantive content of these rights may differ from one country to another (Tabatabaei Motameni, 2011). Citizenship rights may also be defined as all rights enjoyed by a citizen under the laws, regulations, and shared values of a country. These rights are particularly relevant to the relationship between public authorities and members of society and must be observed and respected by the former. In the Constitution of the Islamic Republic of Iran, they are addressed under the title "Rights of the Nation," primarily in Chapter Three, from Article 19 through Article 42. Article 20 provides that all members of the nation, whether women or men, are equally protected by the law and enjoy all human, political, economic, social,

and cultural rights in conformity with Islamic principles (Hashemi, 2005).

T. H. Marshall identified three categories of citizenship rights that are now widely accepted:

1. Civil rights, including freedom of expression, the right to property, equality before the law, and related rights.
2. Political rights, including the right to vote, participate in forming a government, and establish political parties, political associations, and professional organizations.
3. Social and economic rights, including economic welfare, various forms of insurance and social security, housing, urban planning, and related entitlements. These categories were first systematically explained by Marshall in London in 1949 in his essay *Citizenship and Social Class*. In modern political thought, the protection of citizens' rights is regarded as a central duty of governments. In fulfilling their mission, governments must therefore codify citizens' rights in law and present them to both their own people and the international community, which is increasingly concerned with human rights, thereby establishing themselves as rights-oriented governments and enhancing the position of both the state and the nation in the international community (Azardad, 2010).

2.2. The Concept of Equality

Equality is another fundamental concept that occupies a central position in understanding human rights. To examine this concept more effectively and understand its status and value in human-rights instruments, it is necessary to consider its meaning and theoretical justification and to analyze one of its principal manifestations. Equality, as the backbone of justice, has always been one of humanity's fundamental aspirations; nevertheless, human history demonstrates that it has never been fully realized. Considerable reflection is required to determine what equality actually means, because treating everyone as mathematically identical in all contexts may itself constitute injustice and discriminatory treatment. The classic definition provides that equals in equal circumstances must be treated equally. This definition nevertheless contains ambiguities: who or what counts as equal, what

constitutes equal circumstances, and what forms of conduct qualify as equal treatment? With respect to the first question, human beings are regarded as equal under human-rights law because they possess the same nature and dignity. Equal circumstances may be understood as situations in which citizens occupy comparable positions and therefore reasonably expect equal treatment. For example, when a person reaches the age of 18 and satisfies all other statutory conditions for voting, that person must enjoy an equal right to participate in elections. Some legal scholars rely on Ronald Dworkin's theory to clarify the ambiguity surrounding equal treatment. According to Dworkin, certain rights require fully equal treatment of citizens. A secondary category of rights, however, cannot necessarily be administered through identical treatment; in such contexts, it is sufficient that citizens be regarded with equal concern. Rights such as freedom of expression, freedom of belief, and the right to vote, which are directly connected with self-determination and personal autonomy, require absolute equality. In contrast, with respect to certain social and economic rights that are not directly linked to self-determination, it may be sufficient to proceed from a presumption of citizens' equality. In brief, equality as a human-rights concept requires citizens to be treated as equal subjects and prevents legally irrelevant characteristics, such as race, gender, ethnicity, religion, or language, from influencing legal treatment. This interpretation reflects a transcendental conception of the human being, focuses on humanity as such, and rejects distinctions based on incidental characteristics. It embodies the doctrine of nondiscrimination reflected in Article 2 of the Universal Declaration of Human Rights and Article 2 of each of the two International Covenants (Hashemi, 2005).

Equality is also one of the fundamental principles of Islam, from which the Constitution has drawn inspiration in several of its provisions. The first article in Chapter Three of the Constitution, which concerns the rights of the nation, states that the people of Iran, regardless of their ethnic group or tribe, enjoy equal rights and that color, race, language, and similar characteristics do not confer privilege. Thus, under the Constitution, racism in all its forms is rejected and invalid, and no one may invoke superficial differences to establish superiority or privilege for one person, class, or group over another. From the Islamic perspective, all

human beings are equal by virtue of their human creation and common humanity, and no person enjoys superiority over another except through piety. The Qur'anic conception similarly emphasizes that all human beings were created from a single soul (Javan Arasteh, 2005). Furthermore, paragraph 9 of Article 3 of the Constitution requires the government of the Islamic Republic of Iran to eliminate unjust discrimination and create equitable opportunities for all in every material and spiritual sphere. Paragraph 6 of the same article identifies the elimination of all forms of despotism, authoritarianism, and monopolism as another governmental duty. Accordingly, the people of Iran—and indeed all human beings—are equal by virtue of their common creation, and no person possesses an inherent privilege over another. Consequently, all people are equal before the law, and no one may obstruct the law's protection of the rights of members of the nation, claim superiority over others, or evade the application of the law (Javan Arasteh, 2005).

Equality means that citizens, regardless of individual characteristics such as race, gender, religion, or social class, are governed by a uniform legal order. In the Western tradition, the Athenians were among the first peoples to address this concept in classical antiquity. Equality before the law was subsequently recognized in Roman law. However, it was in the writings of Jean-Jacques Rousseau that the ideal concept of equality lost its purely abstract character and entered the legal domain, later finding expression in Article 1 of the 1789 Declaration of the Rights of Man and of the Citizen. Equality was not regarded as an absolute value to be implemented at any cost. Rather, the right to be different was recognized alongside it, marking a significant development in the realization of equality. Careful analysis reveals that equality and difference are interdependent concepts, both of which must be respected by society.

3. Expansion of the Concept of Equality in the Fields of Public Law

The incorporation of equality into the legal domain attracted scholarly attention to the development of its theoretical foundations. Hayek justified equality within the framework of social justice and considered equality of opportunity necessary while recognizing differences among human beings. Nevertheless, the principal

domain in which the concept of equality is reflected and realized is public law, particularly public-law theory and constitutional law. Equality is therefore one of the foundational principles of public law. It has a profound relationship with democracy and constitutes its underlying structure. Among the three ideals of liberty, equality, and fraternity, equality is the closest to the theoretical essence of democracy. Indeed, democracy may be considered genuinely realized only where equality exists. In administrative law, equality initially applied to users of public services but was subsequently extended to all public functions. Another important domain is equality in bearing public expenditures, particularly taxation, which remains highly controversial and continues to generate new legal mechanisms intended to implement tax equality. Equality of citizens' access to public employment is also a particularly significant issue (Vijeh, 2011).

3.1. The Principles of Equality and Impartiality in Public Services

The principle of equality is one of the principal foundations of the Constitution of the Islamic Republic of Iran and represents the ultimate objective of protecting citizens' rights (Vijeh, 2011). Under the principle of equality in public services, all members of society must enjoy public services on an equal basis. Political, ideological, racial, or ethnic criteria must not determine eligibility for or priority in access to such services. The government may not discriminate among citizens on these grounds, deprive individuals of public services, or grant special privileges to particular persons in the use of such services (Emami, 2010).

In light of the foregoing explanation of equality in public services, the principle of impartiality is likewise recognized as being aligned with, and derived from, the principle of equality. Under the principle of impartiality, any form of favoritism that results in discrimination in the provision of public services is prohibited and contrary to equality. Administrative employees may hold any personal views or beliefs; however, when delivering public services, they are prohibited from discriminating among service users on the basis of political or religious beliefs (Abbasi, 2010).

The principle of equality is addressed in several provisions of the Iranian Constitution, including Article 3, paragraphs 3, 9, 14, and 15; Articles 19 and 20; Article

29; Article 30; Article 34; and Article 43. These provisions recognize different manifestations of citizens' equality. Articles 19 and 20 address the equality of all members of the nation in the enjoyment of human, political, economic, social, and cultural rights and recognize all Iranians as equally entitled to these rights. Under these provisions, the people of Iran, regardless of ethnic group or tribe, enjoy equal rights, and color, race, language, and similar characteristics do not confer privilege. Moreover, all members of the nation, whether women or men, are equally protected by the law and enjoy all human, political, economic, social, and cultural rights in accordance with Islamic principles.

In general, the constitutional provisions associated with equality in public services may be summarized as follows: free education and physical training under paragraph 3 of Article 3, Article 30, and paragraph 1 of Article 43; elimination of unjust discrimination and creation of equitable opportunities for all under paragraph 9 of Article 3; comprehensive protection of the rights of women and men and equitable judicial security, including the right of access to courts and public justice as a traditional public service, under paragraph 14 of Article 3 and Article 34; equality before the law; equal enjoyment of social, economic, political, and cultural rights under Article 20; access to social security and health and medical services under Article 29; provision of basic needs, including housing, food, clothing, healthcare, treatment, and education under paragraph 1 of Article 43; and provision of appropriate working conditions and opportunities for all under paragraph 2 of Article 43.

Two general points must be emphasized regarding equality under the Constitution. First, equality is articulated in broad terms, and the Constitution is not explicit regarding certain specific manifestations of public-service equality, such as equality of access to public employment and equality in taxation. This lack of specificity may, in some cases, leave certain institutions with excessive discretion. Second, any permissible differential treatment must be established by law. In numerous decisions, the Administrative Justice Court has clarified the distinction between justified and unjustified discrimination under Article 3, holding that any differential treatment must rest on reasonable and legitimate grounds and must be authorized by the legislature. Accordingly, the existence of legitimate

reasons and valid grounds of distinction depends on an explicit legislative provision (Hashemi, 2005).

3.2. *The Principle of Equality in Access to Public Service*

The most concrete manifestation of equality in administrative law is equality of access to public service. As a general rule, discrimination or preferential quotas in admission to public service, including public employment, are prohibited unless legally justified. Any exception to this principle must be interpreted narrowly and must cease once the necessity supporting it no longer exists. The most significant manifestations emphasized in the jurisprudence of the Administrative Justice Court include equality in access to government employment, equality among candidates for academic positions, and equality among applicants. All persons enjoy equal rights in accessing public and administrative services. One application of this principle in judicial practice is the equality of users or beneficiaries of public facilities. For example, in Decision No. 666, the Administrative Justice Court held that discriminatory allocation of facilities among persons in equal circumstances violated the principle of equality and annulled a resolution adopted by the committee responsible for organizing and supervising automobile assistance centers. Just as citizens are equal in their enjoyment of public services, benefits, and advantages—the positive dimension of equality—the same principle must apply to public burdens, disadvantages, and undesirable consequences. Accordingly, the costs and burdens arising from public affairs must affect citizens in an equitable manner (Mohammadnejad, 2016).

3.3. *Legal Sources of the Principle of Equality*

The Constitution of the Islamic Republic of Iran is the fundamental legal source of the principle of equality. Its preamble contains several references to the rejection of monopolism, despotism, and exploitation. The elimination of monopolies logically entails equality among citizens in access to social resources and opportunities. Paragraph 9 of Article 3 identifies the elimination of unjust discrimination and the creation of equitable opportunities for all in material and spiritual fields as governmental duties. Equality of access to public employment may be considered a prominent manifestation of this provision. Paragraph 14 of the same

article refers to the comprehensive protection of the rights of women and men and the equality of all before the law. Equality before the law, and consequently equality before justice, constitute dimensions of the broader principle of equality. Article 20 is the Constitution's principal provision on equality; it emphasizes the equality of all citizens before the law and extends legal protection to all rights recognized for them. In addition to the foregoing provisions, Articles 11, 13, 14, 19, 22, 28, 29, and 30, as well as Articles 31, 32, 33, 34, 35, 37, 41, and 48, recognize the equal status of the nation and do not give preference to any particular group or adherents of any specific religion. Otherwise, individuals who do not belong to the recognized minorities and religions identified in Articles 12 and 13 would be excluded. Where a constitution recognizes these rights for all citizens, violations cannot and should not be disregarded. Equality may therefore be regarded as one of the principal and foundational values of the Constitution of the Islamic Republic of Iran and as the ultimate objective of protecting citizens' rights. Under French constitutional law, equality is similarly regarded as one of the natural and inalienable rights of human beings (Hashemi, 2005).

3.4. *Manifestations of Equality in Law*

Although scholars and theorists have proposed different views regarding the scope and manifestations of equality, a common conception may be derived from these perspectives. Equality, as grounded in human rights, is a deep-rooted, authentic, and enduring concept informed by diverse philosophical and intellectual schools and supported by rational, ethical, and religious justifications. Equality is a legal and political principle under which persons must be treated equally in all social matters unless sufficient and specific reasons justify exceptional treatment of certain individuals or groups. This principle is based on the assumption that all human beings are fundamentally equal in their natural rights. Accordingly, all members of the nation possess equal rights and obligations by virtue of their humanity. Equality is first an inherent characteristic of human rights, which are conferred equally upon every person. Under this definition, the administration of the country and the right to participate in public affairs belong equally to all citizens. The eligibility of applicants for public positions is determined through political

representation, examinations, competitive procedures, and other scientific methods. All citizens, by virtue of human dignity and regardless of color, race, or similar characteristics, are equal in law and subject to the same legal order. No privilege other than a legally recognized distinction based on merit and competence should serve as a basis for preferential treatment (Gorji Azandaryani & Moradi, 2014). Merely incorporating equality into legal rules is insufficient to secure the principle. Equality also requires that individuals be equal before the law and that laws be applied uniformly to all. Equal protection and uniform application of the law to all members of society, regardless of their social or political status, constitute the foundation of equality before the law (Hashemi, 2005). Unlike equality within the law, which concerns institutions responsible for establishing legal norms, equality before the law concerns institutions responsible for applying those norms (Vijeh, 2011).

3.5. Substantive and Practical Equality

One of the principal components of the rule of law is citizens' equality before the law. Equality before the law represents a formal conception of equality. Formal equality emphasizes that all persons must be equal before the law and rejects individualized exceptions, exemptions, privileges, and the concealed granting of special immunities to particular persons or groups. The law must be applied to everyone without favoritism or prejudice, and any departure from this principle results in injustice. Equality may be understood in several senses. One meaning is the equal status of all members of society in terms of rights and obligations, which may be described as substantive or structural equality. This meaning is closely aligned with justice. Another meaning of equality, also closely associated with justice, is equal access to the opportunities and resources necessary for the enjoyment of substantive equality; this is referred to as practical equality. In other words, when equality means the equal distribution of primary social resources, equality of opportunity, and the elimination of discrimination at this stage, it closely approximates justice. Contemporary discussions of equality generally invoke one of two conceptions. The first is substantive and structural equality, under which benefits and opportunities are made equally available to all citizens without arbitrary restriction or allocation. The second is practical equality, meaning citizens' actual capacity to

benefit from the opportunities and resources necessary to realize substantive equality (Gorji Azandaryani & Moradi, 2014).

3.6. Functional Equality

Another meaning of equality is functional equality, which refers to the impartiality of officeholders, nondiscrimination, and the exclusion of personal friendships and hostilities from the conduct of officials occupying executive and judicial positions and judges who possess authority over the allocation and distribution of public benefits. Functional equality is closely related to justice. Thus, where equality refers to impartiality and unbiased decision-making in policymaking, implementation, and judicial or quasi-judicial proceedings, equality and justice substantially converge. Outside these three dimensions, however, any conception of equality may become synonymous with injustice; such a conception is sometimes described as absolute equality. Just as justice may be differentiated according to its functions and fields of application, equality may be similarly categorized. In legislation and substantive justice, justice means proportionality rather than strict sameness, and different entitlements must therefore be respected. In other words, legislation must maintain a balance and proportion between the totality of individuals' rights and obligations. In the application of law, by contrast, the law must be enforced uniformly in relation to all persons. Consequently, equality and justice may coincide in some contexts, while in others they may diverge. The distinction between equality and justice must therefore be carefully maintained, because conceptual confusion between them obscures accurate analysis (Gorji Azandaryani & Moradi, 2014). Equality does not invariably correspond to justice. Mathematical equality involves dividing something into two identical portions, whereas proportional or geometric equality allocates each person's share according to a specified criterion, such as need, work, entitlement, or merit.

4. Citizens' Equality in Administrative Services under the Civil Service Management Law

4.1. The Civil Service Management Law and the Objectives of Its Enactment

An examination of the administrative system reveals numerous deficiencies, including a lack of accountability

and transparency; excessive centralization in the administrative and financial systems; the absence of an integrated urban-management system; failure to implement performance-based budgeting; insufficient separation of sovereign and operational functions; a lack of innovation; inadequate specification of the government's policymaking, planning, and supervisory roles; the absence of a comprehensive, continuous, and results-oriented performance-management system; injustice in remuneration; inadequate use of information technology; insufficient attention to citizens' rights in interactions with public institutions; ambiguity in managerial promotion systems; the limited comprehensiveness of laws; low levels of administrative integrity; the absence of merit-based selection in the appointment of managers and employees; and low productivity indicators. These circumstances led national authorities to prioritize the adoption of comprehensive legislation capable of resolving the administrative system's problems. Such legislation was intended to identify all influential factors in an integrated manner and formulate appropriate solutions by considering cultural and religious concepts, national requirements, modern management theories, and the useful experiences of other countries. To achieve this objective, one of the first measures adopted by the Seventh Parliament was to require the government to prepare a bill possessing these characteristics. The government prepared the Civil Service Management Bill on May 14, 2005, and submitted it to the Islamic Consultative Assembly for approval. Following several specialized sessions of the Joint Parliamentary Commission responsible for examining the bill, the law, comprising 15 chapters and 128 articles, was promulgated to the President on October 16, 2007, for implementation during a five-year experimental period. Its chapters address the government's role, strategies, and technologies for carrying out public functions; the organizational structures of executive agencies; the human-resource management framework of public institutions; a new model of employee remuneration and benefits; selection and appointment systems; evaluation and performance management; social security; and retirement. In addition to introducing a new legal package for administrative reform, Chapters One and Two address the manner in which the country is administered and the role and size of government.

Chapter One offers a new definition of executive agencies and categorizes public affairs into sovereign affairs, social, cultural, and service affairs, infrastructural affairs, and economic affairs. Chapter Two revises and limits the strategies and methods through which governmental functions are performed. Some experts maintain that the Civil Service Management Law does not occupy a sufficiently superior position within the hierarchy of laws to determine the government's role, size, and governing model and should be confined to matters relating to the administrative system, including recruitment, appointment, training, remuneration, and benefits. Others argue that the historical and theoretical context in which the law was enacted justified addressing the role and size of government (Tehrani et al., 2014).

4.2. Civil Service Management and Good Governance

In recent years, administrative law has become connected with new concepts. Unlike in the past, this branch of law no longer performs only restrictive and controlling functions. It is now associated with concepts such as good governance, effectiveness, efficiency, results orientation, and goal orientation, each of which seeks to establish an effective, efficient, results-oriented, and purposeful administration. Administrative law can no longer operate solely through restrictive mechanisms and rigid supervisory structures. To achieve these objectives, it must empower the administration and administrative authorities by granting them discretionary powers.

However, where such powers lack clear boundaries and frameworks, the adverse consequence of administrative law, despite its valuable and innovative features, may be the violation of citizens' fundamental rights and freedoms. Discretionary powers without clear standards may lead to arbitrariness, unilateralism, and inconsistency in administrative decision-making. Iran does not have a general administrative statute or administrative-procedure law comparable to those enacted in many other countries. The development of administrative law, which would promote the reform and transformation of the administrative system, therefore requires the identification of administrative-law values and norms. Such values and norms may nevertheless be identified within the existing legal system. The Constitution, interpretive opinions of the

Guardian Council, decisions of the Administrative Justice Court, and ordinary laws and regulations relating to administrative law are useful and valuable sources for identifying many administrative-law principles, although the need to enact a general administrative law remains (Hedavand & Kazemi, 2013).

Under Article 90 of the Civil Service Management Law enacted in 2007, employees of executive agencies are required to perform their duties accurately, promptly, honestly, faithfully, courteously, fairly, and in compliance with the general and specific laws and regulations governing their respective institutions. They must treat all service users equally and remain accountable to the relevant agency. Disregard for citizens' affairs and noncompliance with general laws and regulations are prohibited. Citizens may complain to the relevant executive agency or competent legal authorities where employees treat them improperly or neglect their duties (Hedavand & Kazemi, 2013).

Good governance is one of the concepts most closely connected with administrative law and its functions. Despite its frequent use, no single universally accepted definition has been developed. Good governance is often contrasted with government or governing. It has been argued that the adjective "good" is used for emphasis because governing may be either good or bad, whereas governance, as a modern language of industrial development, refers to the knowledge-based management of governmental structures with a view to increasing the legitimacy of the public sphere and is regarded as a necessary precondition for sustainable development. Its principal requirements include the efficient provision of public services, an independent judiciary, accountable administration, adequate public resources, responsible and accountable auditing, an effective legislative system, respect for the rule of law and human rights at all levels of government, pluralistic organizational and institutional structures, and a free press. In legislation and regulation, transparent, rational, and participatory rule-making and decision-making are indispensable components of governance. Good governance therefore provides a valuable standard for evaluating the legitimacy of domestic law and its instruments. In a 1989 report, the World Bank associated good governance with effective and efficient public services, a reliable judicial system, and an administration accountable to the public. Ultimately, judicial review,

which contributes to the accountability of decision-makers at both domestic and international levels, stands among the foremost indicators of good governance. On the basis of these considerations and other relevant documents, the principal elements of good governance include the rule of law, transparency, accountability and responsibility, efficiency and effectiveness, participation, consensus orientation, and commitment to justice (Naghbi Mofrad, 2010).

At the end of the twentieth century, the concepts of governance and good governance attracted considerable attention among social scientists, humanitarian organizations, aid institutions, and civil society. Their popularity resulted from their applicability to a broad range of issues, relationships, and institutions involved in the management of public and private affairs. However, because the concepts of governance and good governance emerged simultaneously and were often used interchangeably, and because good governance was sometimes treated as equivalent to governance or law-based governance, the ambiguity surrounding governance extended to the concept of good governance. Governance refers to the activities of administrative, political, and economic authorities in managing a country's affairs at all levels, whereas good governance concerns the processes and structures through which political, social, and economic relationships are directed (Khani Giyashi, 2010).

All governments—or, more accurately, many governments—seek to design and implement programs and policies through which they can advance the development of their countries and populations and promote prosperity and welfare. The history of human civilization is filled with efforts directed toward these objectives, although many have failed to produce their intended results. The twentieth and twenty-first centuries have their own particular characteristics in this regard.

One critical perspective maintains that good governance is a roadmap developed by dominant and Western countries for developing countries and that following this roadmap primarily serves the interests of dominant states. According to this view, good governance and the indicators defined by international institutions cannot necessarily constitute an ideal model or program for the advancement and development of human society, particularly developing and Islamic countries. First, such

indicators are based on a materialist worldview. Second, good-governance models have, at different historical moments, been associated with political, social, cultural, economic, and military crises in the West and its surrounding world (Naghibi Mofrad, 2010).

From the perspective of the United Nations Development Programme, good governance is governance characterized by participation, transparency, accountability, effectiveness, equality, the promotion of the rule of law, and the determination of economic, political, and social priorities through broad consensus, with particular attention to the voices of the weakest and most vulnerable members of society in decision-making and resource allocation (Naghibi Mofrad, 2010). From the perspective of the United States Agency for International Development, good governance is democratic, transparent, inclusive, participatory, representative, and accountable governance focused on strengthening legislative institutions, decentralized and democratic local government, combating corruption, establishing appropriate civil-military relations, and improving policy implementation (Khani Giyashi, 2010). From the perspective of international development institutions, good governance involves seven key competencies:

1. Developing participatory policies.
2. Reducing poverty and promoting economic stability.
3. Implementing policies that support disadvantaged groups.
4. Providing essential services effectively and equitably.
5. Ensuring individual safety and security.
6. Managing national-security mechanisms accountably.
7. Developing an accountable and trustworthy state (Naghibi Mofrad, 2010).

Good governance may also be assessed through dimensions such as external accountability and stakeholder voice, political stability and the absence of violence, crime, and terrorism, governmental effectiveness, regulatory quality, the rule of law, and control of corruption (Naghibi Mofrad, 2010). These definitions generally refer either to indicators and attributes such as accountability, transparency, and participation or to their consequences, including development, security, poverty reduction, and economic

stability. They do not, however, adequately address the principal actors of good governance—the state, the private sector, and civil society. Considering these and similar definitions, good governance may be defined as the institutions, including the state, the private sector, and civil society, as well as the processes and methods through which decisions are made, power is exercised, and citizens express their views and demands (Khani Giyashi, 2010).

Good administration is another concept used in administrative-law doctrine to evaluate administrative and executive institutions. Its requirements include processes such as judicial and quasi-judicial review of administrative decisions; prompt decision-making, particularly in financial matters; appropriate consideration of the public interest; proper attention to citizens' legitimate interests and expectations; and legal certainty. The Civil Service Management Law addresses several indicators associated with good governance. Article 114, for example, identifies the objectives underlying the establishment of the Supreme Administrative Council by referring to the promotion and protection of human dignity and the achievement of an efficient, productive, value-creating, accountable, transparent, corruption-free, nondiscriminatory, effective, results-oriented, and democratic administrative system. Article 115 identifies the Council's duties and powers, including reforming the organizational structure of executive agencies; restructuring such agencies to promote organizational coherence and eliminate parallel, similar, and repetitive functions; reforming and reengineering systems by simplifying administrative procedures; increasing citizens' satisfaction; and approving programs intended to improve productivity and human-resource efficiency. The Supreme Administrative Council may therefore play a useful and effective role in establishing standards for reforming the administrative structure and creating uniform rules for coordinating national administrative affairs (Emami & Ostovar Sangari, 2010).

4.3. Examination and Explanation of the Principles Governing Public Services under the Constitution

The theory of public service emerged from the necessity of providing public services within social life and has undergone substantial transformation over time. Public services have been defined in various ways, but all

definitions share a common focus on satisfying society's public needs. Public services may therefore be understood as activities performed by public or private institutions under the supervision of public authorities to meet collective needs. Under this conception, administrative law appears as the law governing public services, and the legitimacy and continued existence of governmental authority depend substantially upon the state's ability to provide those services. In recent years, the public-service theory has become linked with privatization and regulation. The emergence of regulatory institutions has fundamentally transformed the character of public services. One of the principal concepts associated with this theory is the set of principles governing public services. These principles explain the operational framework and binding mechanisms through which the theory of public service is implemented. Because public services play a crucial role in social life, they are governed by principles that constitute established foundations of administrative law and provide justification and legitimacy for many administrative-law rules.

1. The concept of principles governing public services: The articulation of fundamental principles governing public services originated in the theories of French legal scholars, with Louis Rolland being the most prominent theorist in this area (Musazadeh, 2009). Some scholars regard these principles as the foundation of administrative law. Because public services seek to satisfy collective needs and protect the public interest, they are based on principles that constitute the foundation of administrative law (Emami, 2010). The importance of these principles across different legal systems may be observed in their recognition as fundamental administrative-law values and standards in many countries. In French administrative law, they are regarded as foundational values and criteria. In Anglo-Saxon legal systems, including that of the United States, they have developed as components of public-law principles. In Iranian administrative law, they similarly occupy a prominent position and are regarded as principles of public law (Novin, 2007).
2. Categories of principles governing public services and their treatment under the Constitution: Because public services seek to satisfy collective needs, and because the concept of public service is relative, there is no entirely fixed or exhaustive list of principles governing this theory. Continuity, priority, adaptability, and equality are generally regarded as the principal governing principles. Impartiality and the gratuitous provision of certain public services are also of considerable importance. Because impartiality is a consequence of equality in the enjoyment of public services, it may be examined alongside equality as a single broader principle. The foregoing principles are therefore considered below in relation to the Constitution.

A. Equality and impartiality in public services: Equality is one of the principal foundations of the Constitution of the Islamic Republic of Iran and represents the ultimate objective of protecting citizens' rights. Under the principle of equality in public services, all members of society must enjoy public services equally. Political, ideological, racial, and ethnic criteria must not determine entitlement or priority in access to these services. The government may not discriminate among citizens on such grounds, deprive individuals of public services, or grant special privileges to certain persons in the enjoyment of public services (Emami, 2010). In light of this understanding, impartiality is recognized as aligned with, and derived from, equality. Any favoritism that results in discriminatory delivery of public services is prohibited and contrary to equality. Administrative employees may hold personal ideas and beliefs; however, when providing public services, they may not discriminate among service users on the basis of political or religious convictions (Abbasi, 2010). Equality is recognized in several provisions of the Iranian Constitution, including Article 3, paragraphs 3, 9, 14, and 15; Articles 19 and 20; Article 29; Article 30; Article 34; and Article 43. These provisions address various manifestations of citizens' equality. Articles 19 and 20 recognize the equality of all members of the nation in the enjoyment of human, political, economic, social, and cultural rights.

4.4. *General Conditions for Citizens' Entry into Public Service under the Civil Service Management Law*

Article 42 of the Civil Service Management Law enumerates the general conditions for employment in executive agencies through several separate clauses and thereby specifies the general conditions of entry into public service. Article 43 expands these conditions by authorizing executive agencies to continue applying additional requirements contained in the earlier laws and regulations governing them. This unspecified expansion of eligibility requirements is open to criticism.

4.4.1. *Age Requirement*

Paragraph (a) of Article 42 of the Civil Service Management Law establishes a minimum age of 20 and a maximum age of 40 for permanent employment, with a maximum age of 45 for specialists holding doctoral degrees. Establishing minimum and maximum ages for entry into public service is generally reasonable and justifiable. The minimum age was increased from 18 under the State Employment Law to 20, an age at which an individual may ordinarily have completed the minimum level of university education required for entering public service and acquired sufficient intellectual and physical maturity to assume administrative responsibilities. Note 5 of the same article exceptionally permits the employment of individuals below this minimum age under specified conditions and with the approval of the Council of Ministers. The justification for a maximum age is also apparent: younger persons are generally considered to possess greater learning capacity, responsiveness to training, and productivity than older applicants. Furthermore, the required length of service and mandatory retirement ages established in Notes 2 and 3 of Article 104 necessitate recruitment at an age that enables employees to complete an average of 25 or 30 years of service before retirement. The wording of the provision may suggest that its minimum and maximum age limits apply only to permanent employment and not to contractual employment. However, Note 3 of Article 45 provides that the age of a contractual employee at the end of the employment contract may not exceed 65, or 70 for specialized positions, thereby establishing a maximum age for contractual employees. Moreover, the general university-education requirement in paragraph (f) of

Article 42 also applies to contractual employment and supports the same justification for a minimum age. The phrase "for permanent employment" in the provision therefore appears to relate more directly to the maximum age of 40, whereas the minimum employment age also applies to contractual employment ([Rostami, 2010](#)).

Under the Law Amending the Maximum Age of Employment Applicants dated May 12, 1992, the maximum age for entering public service could be increased by taking into account such factors as service at the war front, periods of captivity, status as a family member of a martyr, disabled veteran, former prisoner of war, or missing person, for up to five years, prior service in political office, and full-time nonpermanent service. Following the entry into force of the Civil Service Management Law, the continued validity or repeal of this earlier law and its provisions permitting increases in the maximum employment age became uncertain. Article 127 of the Civil Service Management Law repeals all general and special laws and regulations inconsistent with it from the date of its implementation. Accordingly, the earlier law is repealed to the extent that it conflicts with the Civil Service Management Law. Nevertheless, its rules regarding increases in the maximum age for veterans and their families remain valid under Note 3 of Article 44, which provides that their employment is governed by their specific legislation. Furthermore, under Note 2 of Article 46, the contractual service history of contractual employees who are accepted for permanent employment is counted as permanent service ([Rostami, 2010](#)).

4.4.2. *Nationality Requirement*

Paragraph (b) of Article 42, like paragraph (b) of Article 14 of the State Employment Law, identifies Iranian nationality as a general condition of employment in executive agencies. Nationality may be original or acquired, and the general wording of the provision encompasses both categories. Accordingly, persons who acquire Iranian nationality may enter public service unless they fall within the exceptions specified in Article 982 of the Civil Code. Under that article, persons who acquire Iranian nationality enjoy all rights accorded to Iranians but may not hold the following offices: President or Vice President; membership in the Guardian Council or the position of Head of the Judiciary; ministerial office,

acting ministerial office, governorship-general, or governorship; membership in the Islamic Consultative Assembly; membership in provincial, county, or municipal councils; employment in the Ministry of Foreign Affairs or appointment to diplomatic office or mission; judgeship; the highest command positions in the Army, the Islamic Revolutionary Guard Corps, and the police; and sensitive intelligence or security positions. Under Article 82 of the Constitution, the government is prohibited from employing foreign experts except where necessary and with the approval of the Islamic Consultative Assembly. Note 1 of Article 42 of the Civil Service Management Law similarly provides that the temporary employment, remuneration, and period of service of foreign nationals are governed by their specific laws and regulations (Rostami, 2010).

The requirement of belief in Islam or one of the religions recognized by the Constitution of the Islamic Republic of Iran constitutes a positive innovation of the Civil Service Management Law and is considerably clearer than the former requirement of having no conviction for corruption of belief under paragraph (c) of Article 14 of the State Employment Law, which had created practical difficulties because of its ambiguity. Nevertheless, this religious-belief requirement may be regarded as inconsistent with equality of access to public service and therefore requires legal justification. The method of determining compliance with a belief-based condition, which concerns a personal and internal matter, is unclear. It appears that an individual's declaration and acknowledgment should be sufficient (Rostami, 2010).

4.4.3. *Citizens' Equality in Access to Public Service and Employment*

Admission to public service constitutes the gateway to public employment. Because public positions are intended to provide public services and maintain public order, the legislature must establish binding conditions and procedures to ensure merit-based selection and the recruitment of the most qualified individuals. Compliance with these requirements is mandatory for both the administration and applicants, and the parties cannot alter them through agreement or mutual consent (Abolhamd, 1991). Entry into public service is governed by Chapter Six of the Civil Service Management Law, which addresses the general principles, general conditions, and procedures for entering public service in

four articles, Articles 41 through 44. Entry into public service and public employment are interrelated and constitute central subjects of public-employment law. The Civil Service Management Law introduced many reforms and innovations in these areas, while also retaining ambiguities and deficiencies. Its positive developments include the articulation of general principles governing entry into public service, particularly the principles of merit and equal opportunity, and the correction of certain defects in the previous eligibility conditions. The law also introduced a new employment policy under which permanent employment is reserved for permanent positions involving sovereign functions, clarified the rules governing different forms of employment and the use of human resources in executive agencies, and sought to reduce the negative consequences of the conventional permanent-employment system. If the relevant deficiencies, shortcomings, and legal ambiguities are addressed through implementing regulations and directives, these reforms may significantly improve the national employment system. However, the law's ambiguities and general formulations, particularly its failure to clarify the status of earlier legislation, continue to expose the legislature's approach to criticism.

4.4.4. *The Principle of Equal Opportunity in Entry into Public Service*

Under the Constitution of the Islamic Republic of Iran, equality of opportunity is one consequence of equality before the law. Equal opportunity means that all individuals who satisfy the statutory conditions may enter public service and that no person in such circumstances may be excluded from governmental structures. The principle of nondiscrimination may be examined in relation to both legal discrimination and discrimination in practice. Equality, in its general meaning and its various dimensions, has been emphasized in numerous international instruments, demonstrating that equality remains a global concern. In contemporary public law, equality is interpreted in light of society's social conditions, and absolute equality may sometimes produce injustice. Concepts such as affirmative action or protective differentiation, where constitutionally authorized, do not necessarily undermine equal employment opportunity but may constitute legitimate limitations upon it. Canada, for

example, enacted dedicated employment-equity legislation in 1986. Employment equity is a comprehensive process through which employers identify and eliminate discriminatory factors in employment practices. Articles 19, 20, and 28 of the Iranian Constitution address equality. Article 28 requires the government to create equal conditions for all persons to obtain employment. The Civil Service Management Law permits executive agencies to continue applying conditions contained in their previous governing laws and regulations in addition to those specified in Article 42. This legislative method appears inconsistent with the predictability of the legal order, which is an element of the rule of law and the protection of citizens' rights (Ghahvechian, 2014).

Equal employment opportunity, or the principle of equal admission to public service and the prohibition of discrimination in employment and occupation, constitutes an important human right. Article 21(2) of the Universal Declaration of Human Rights recognizes that everyone has the right of equal access to public service in their country. This right is also emphasized in Article 7 of the International Covenant on Economic, Social and Cultural Rights and in the fundamental conventions of the International Labour Organization concerning discrimination in employment and occupation. Article 28 of the Constitution of the Islamic Republic of Iran likewise affirms this principle. Its explicit recognition in Article 41 of the Civil Service Management Law as a governing principle of entry into public service, particularly as an indication of the state's commitment to equal opportunity in public employment, is one of the law's positive features. However, the law does not establish precise mechanisms for ensuring compliance, which constitutes a deficiency. Iranian law nevertheless recognizes exceptions regarding the employment of women and religious minorities in certain positions. Women may not be employed in military positions within the armed forces, except in the police, or occupy judicial positions involving the issuance of judgments. Religious minorities may not serve as President because Article 115 of the Constitution requires the President to adhere to the official religion, and they may not serve as judges because the judicial-employment laws require judges to be Muslim. Under the employment laws governing the armed forces, religious minorities are also excluded from such employment.

These general eligibility conditions are not necessarily inconsistent with the principle of equal opportunity because all applicants must satisfy them (Emami, 2010). Article 28 of the Constitution of the Islamic Republic of Iran recognizes individuals' freedom to choose an occupation and requires the government to create equal conditions for members of society to obtain employment. Article 21 of the Universal Declaration of Human Rights similarly provides that everyone has the right of equal access to public service in their country. The obligation derived from these provisions is generally recognized in administrative law as the principle of equal access to government service. Members of society must therefore enjoy equal conditions for obtaining public employment. Gender-based, ethnic, racial, religious, political, and similar forms of discrimination that violate this principle should be eliminated from public-employment systems. For example, the prohibition on women serving as judges with authority to issue judgments under Iranian law appears inconsistent with equal employment opportunity and requires legislative reconsideration.

4.4.5. *The Principle of Equality in the Civil Service*

Jean-Jacques Rousseau regarded equality as the ultimate objective of legislation because freedom cannot be realized without it. At the same time, equality also facilitates other freedoms and may therefore be considered the foundation of liberty. Equality is one of the foundations of public law, a principal foundation of the Constitution of the Islamic Republic of Iran, and the ultimate objective of protecting citizens' rights. Although equality has many forms in law, three distinct manifestations are particularly relevant to the relationship between citizens and the administration: equality in bearing public expenditures, equality in public and administrative services, and equality in administrative treatment. The first concerns equality in taxation and similar public burdens. The second and third are particularly important in the citizen-administration relationship. Citizens' equality in access to public services is accepted as a general principle of administrative law and extends to the conduct of public officials responsible for delivering those services. This form of equality encompasses the impartiality of public authorities in public-service delivery (Vijeh, 2011). Administrative bodies must observe impartiality in their proceedings and decisions. A decision affecting

individuals' rights and interests may be regarded as legally nonexistent or invalid where the principle of impartiality has been violated. This principle resembles the common-law principle requiring the absence of bias. Public employees must perform their assigned duties without prejudice and with complete impartiality, and the unlawful exercise of influence may entail criminal liability (Musazadeh, 2009). Equality in this sense is functional equality and refers to the impartiality of officeholders, nondiscrimination, and the exclusion of personal friendships and hostilities from the conduct of executive and judicial officials who possess authority to allocate public benefits (Naghibi Mofrad, 2010). Like legality, equality and impartiality are incorporated in similar terms into many administrative statutes. These principles occupy a prominent position not only in ordinary laws and regulations but also in the Constitution and constitute important foundations of the Constitution of the Islamic Republic of Iran. Under paragraph 9 of Article 3, the government must use all available resources to eliminate unjust discrimination and create equitable opportunities for all in every material and spiritual sphere. Article 19 similarly provides that the people of Iran, regardless of ethnic group or tribe, enjoy equal rights and that color, race, language, and similar characteristics do not confer privilege. Article 90 of the Civil Service Management Law requires employees of executive agencies to treat all service users equally and remain accountable to their respective institutions. This article clearly expresses citizens' equality in the use of public services. Article 27 likewise provides that persons in equal circumstances enjoy identical rights in accessing the services of executive agencies. The explicit language of these provisions demonstrates that Article 27 incorporates equality in public services, while Article 90 incorporates employee impartiality. Article 114 further identifies the achievement of a democratic administrative system free from corruption and discrimination as one of the objectives of establishing the Supreme Administrative Council. Other relevant laws include the 1936 Law on the Punishment of the Unlawful Exercise of Influence. Under that law, public, municipal, or national employees and persons entrusted with public services who permit the influence of others to affect their administrative acts or decisions may be disqualified from public employment for two to five years. Where the relevant act or decision

results in the loss of a right belonging to an individual or the government, the offender may be permanently dismissed from public service, unless the conduct is subject to another criminal statute. The Law on Administrative Violations likewise identifies discrimination, bias, or the use of nonadministrative relationships in applying laws and regulations to individuals as administrative misconduct under paragraph 7 of Article 8 (Hedavand & Kazemi, 2013).

5. Conclusion

The principle of equality is one of the fundamental principles of administrative law. It may be regarded as one of the most controversial and complex principles of public law. From the perspective of this principle, what is fundamentally important is that human beings are born equal and that their lives therefore possess equal moral value. In the contemporary world, citizenship rights constitute established individual rights that governments must recognize in their constitutions and whose implementation in public administrations they must supervise. Respect for citizens' rights in public organizations is an important factor in realizing social justice. In many contemporary societies, public awareness of established rights has consistently constrained the exercise of oppression and injustice by those in power. Through knowledge of their individual and social rights, people have been able to secure their legitimate entitlements and continue their social lives with greater security. Equality in administrative law means that citizens equally enjoy their rights and perform their obligations without regard to discriminatory grounds such as gender, religion, race, or ethnicity. Equality constitutes the ultimate objective of protecting citizens' rights. Equality of access to public service or public employment is one manifestation of equality in administrative law. It requires that all citizens, regardless of gender, religion, race, or ethnicity, have the opportunity to obtain a position on the basis of the qualifications and competencies required for that position. Iranian legislation has adopted an inconsistent approach to this principle. The present study examined citizens' equality under Iran's Civil Service Management Law.

Equality is a fundamental concept occupying a central position in understanding human rights. To examine it and understand its status and value in human-rights

instruments, it is necessary to consider its meaning, theoretical justification, and principal manifestations. Equality, as the backbone of justice, has always been a fundamental human aspiration, although history shows that it has never been fully realized. Considerable reflection is necessary to determine its meaning because mathematically identical treatment in all contexts may itself constitute injustice and discrimination. The classic definition provides that equals in equal circumstances must be treated equally. In administrative law, equality initially applied to users of public services but subsequently extended to all public functions. Another important field is equality in bearing public expenditures, particularly taxation, which remains a contested domain and continues to generate new legal mechanisms for implementing tax equality. Citizens' equality of access to public employment is also of particular importance. Equality is a legal and political principle requiring equal treatment in social affairs unless sufficient and specific reasons justify exceptional treatment of certain persons or groups. It is based on the premise that all human beings are fundamentally equal in their natural rights and therefore possess equal rights and obligations by virtue of their humanity. Equality is an inherent characteristic of human rights, which belong equally to all persons.

The principle of equality and impartiality in public services requires all members of society to benefit equally from public services. Political, ideological, racial, and ethnic criteria must not determine eligibility or priority in access to such services. The government may not discriminate among citizens on these grounds, deprive individuals of public services, or grant special privileges to particular persons. The Iranian Constitution addresses equality through several provisions, including Article 3, paragraphs 3, 9, 14, and 15; Articles 19 and 20; Article 29; Article 30; Article 34; and Article 43. These provisions recognize different manifestations of citizens' equality. The principle of continuity of public services means that public services, because of their role in continuously satisfying collective needs, must not be interrupted. It imposes an obligation upon public and administrative authorities to ensure the proper continuity of administrative services. This principle arises from the necessities of social administration and is particularly important in areas such as security and health and medical services. Public services must be

provided continuously and without interruption because they concern society as a whole and address people's daily needs. Employees of public-service institutions are consequently subject to special obligations and restrictions regarding the performance of services and attendance at the workplace. Although the Constitution does not explicitly articulate the principle of continuity of public services, it may be inferred from Articles 63, 68, 119, 130, 131, 132, and 135.

8. Research Recommendations

1. The present study examined only the principle of citizens' equality under Iran's Civil Service Management Law. Future researchers are advised to adopt a comparative approach and compare the principle of citizens' equality under the civil-service laws of two different countries.
2. The present study examined the principle of citizens' equality under Iran's Civil Service Management Law only in the period following the 1979 Revolution. Future researchers are advised to examine the principle of citizens' equality under public-employment legislation before the 1979 Revolution and compare it with the post-revolutionary legal framework.

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.

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Declaration of Interest

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

References

- Abbasi, B. (2009). Constitutional Law in the Era of Absolutism. *Constitutional Law Journal*, 4(8).
- Abbasi, B. (2010). *Administrative Law* (1st ed.). Dadgostar Publications.
- Abolhamd, A. (1991). *Administrative Law in Iran* (1st ed.). Toos Publications.
- Asefi, S. H., & Habibnejad, S. A. (2017). Citizenship Rights and the Administrative Justice Court. Fifth International Conference on Research Approaches in Humanities and Management.
- Azardad, L. (2010). *The Place of Citizenship in Quasi-Judicial Authorities* (1st ed.). Javedaneh Publications.
- Emami, M. (2010). *Administrative Law* (2nd ed., Vol. 1). Mizan Publications.
- Emami, M., & Ostovar Sangari, K. (2010). *Administrative Law* (12th ed., Vol. 1). Mizan Publications.
- Ghahvechian, H. (2014). Examining the Legal System of Entry into Government Service in Iran. *Administrative Law Biannual Journal*, 1(4), 115-142.
- Gorji Azandaryani, A. A., & Moradi, M. (2014). Links between Public Law and Literary and Artistic Property Rights: An Introduction to the Theoretical Foundations. *Medical Law Scientific-Research Quarterly*.
- Hashemi, S. M. (2005). *Human Rights and Fundamental Freedoms* (1st ed.). Mizan Publications.
- Hedavand, M., & Kazemi, D. (2013). A Reflection on the Modern Principles of Administrative Law in the Civil Service Management Law: Analysis of Article 90 of the Civil Service Management Law. *Strategy Quarterly*, 22(67), 63-93.
- Jalali, M., & Heydari, F. (2014). The Principle of Equality and Entry into Public Services in Light of the Decisions of the Administrative Justice Court. 3(8), 41-60.
- Javan Arasteh, H. (2005). *Social and Political Rights in Iran*. Maaref Publishing.
- Khani Giyashi, R. (2010). *The Civil Service Management Law in Light of Good Governance* [Master's thesis, Allameh Tabataba'i University, Faculty of Law].
- Mohammadnejad, H. (2016). The Theory of Public Service and Its Governing Principles in Iranian Laws and Judicial Practice. *Administrative Law Biannual Journal*, 3(10).
- Musazadeh, R. (2009). *Administrative Law (1 and 2)* (11th ed.). Mizan Publications.
- Naghibi Mofrad, H. (2010). *Good Governance in Light of the Globalization of Human Rights* (1st ed.). Shahr-e Danesh Institute for Legal Studies and Research.
- Novin, P. (2007). *Comparative Administrative Law* (1st ed.). Tadriss Publications.
- Razavi, M., & Khazaei, S. A. (2008). Citizenship Rights in the Crime Detection Process. *Police Knowledge Quarterly*, 9(4).

- Rostami, V. (2010). A Legal Critique and Review of Entry into Service and Employment in the Civil Service Management Law: Chapters Six and Seven. *Critical Research Journal of Humanities Texts and Programs*, 10(2), 17-47.
- Tabatabaei Motameni, M. (2011). *Administrative Law* (15th ed.). SAMT Publications.
- Tehrani, M., Maleki, M., & Ghofrani, F. (2014). The Civil Service Management Law: Principles, Foundations, and Proposed Strategies. *Parliament and Strategy Quarterly*, 21(79).
- Vijeh, M. (2011). *Theoretical Foundations and Structure of the Rule-of-Law State* (1st ed.). Jungle Publications.