

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

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1. Round 1

1.1. Reviewer 1

Reviewer:

In the first paragraph of the Introduction, the authors state that “Iranian laws have adopted an inconsistent approach to compliance with this principle.” This is a central claim, but it is presented before the analytical standard for identifying inconsistency has been developed. The manuscript should specify what constitutes legal inconsistency: contradiction between constitutional and statutory provisions, inconsistency among ordinary statutes, divergence between legislation and administrative regulations, inconsistency in the jurisprudence of the Administrative Justice Court, or unequal implementation by executive agencies. The authors should then formulate a structured framework and examine each form of inconsistency separately. At present, examples concerning gender, grade-point averages, local-residency requirements, and administrative directives are grouped together even though they raise different constitutional and administrative-law questions. A table identifying the legal measure, affected group, stated governmental objective, legal basis, equality concern, judicial response, and the authors’ assessment would substantially improve the analytical rigor of the study.

The paragraph in the Introduction that lists deficiencies in the national administrative system is excessively broad and insufficiently connected to the research question. The sentence beginning, “An examination of the current administrative system reveals numerous deficiencies, including a lack of accountability and transparency...” proceeds to enumerate more than a dozen administrative problems, including budgeting, urban management, information technology, remuneration, innovation, and productivity. Most of these issues are not subsequently analyzed in relation to equality. The authors should either remove this extensive catalogue or explain how each deficiency affects equal access to public services or public employment. A more

focused Introduction should concentrate on discriminatory recruitment criteria, unequal access to services, administrative impartiality, merit-based selection, and judicial control. The current formulation creates the impression that the article evaluates the entire Civil Service Management Law rather than the narrower question of citizens' equality.

The final paragraph of the Introduction states that the study "addresses the question of whether all citizens enjoy equal rights under this law." This research question is too broad and normatively absolute. No civil-service statute grants literally identical rights to every citizen because lawful distinctions are commonly based on age, qualifications, nationality, professional competence, security clearance, disability accommodations, or the inherent requirements of particular positions. The research question should be reformulated to ask whether the Civil Service Management Law guarantees equal access and equal treatment under comparable conditions and whether its distinctions satisfy constitutional standards of justification, legality, necessity, and proportionality. The authors should also formulate subsidiary questions concerning equality in access to public employment, equality in the receipt of administrative services, employee impartiality, and the legal validity of statutory exceptions. Without this refinement, the analysis risks treating any differentiation as evidence that citizens do not enjoy equality.

The manuscript does not contain a distinct methodology section, although it repeatedly makes interpretive, comparative, and evaluative legal claims. The authors should add a separate section explaining the doctrinal research design, the legal sources examined, the criteria for selecting statutes and judicial decisions, and the method used to interpret constitutional and statutory provisions. It should be clarified whether the research follows descriptive-analytical legal methodology, doctrinal analysis, jurisprudential analysis, or comparative public-law analysis. The period covered by the study should also be specified, particularly because the Civil Service Management Law was initially experimental and subsequently underwent extensions and legal developments. The manuscript should explain how obsolete, amended, or superseded provisions were treated. In addition, the authors should identify the Administrative Justice Court decisions analyzed and explain how those decisions were located and selected. Without methodological transparency, the study is difficult to reproduce or evaluate.

In Section 1.1, the paragraph beginning, "Citizens' rights constitute a relatively recent subject within the political and legal discourse of contemporary societies," should distinguish more carefully between citizenship rights, human rights, constitutional rights, and the rights of service users in administrative law. The manuscript currently moves between these categories as though they were synonymous. Human rights generally arise from human dignity and apply irrespective of nationality, whereas citizenship rights may depend on membership in a political community. Administrative rights may also extend to foreign nationals, refugees, legal persons, and service users who are not citizens. This distinction is directly relevant to the later discussion of nationality as a condition of public employment. The authors should clarify whether the principle of equality examined in the article protects only Iranian nationals or all persons subject to administrative authority. The conceptual section should also explain which administrative rights are citizenship-dependent and which must be guaranteed universally.

The historical discussion of the French Constitutions of 1791 and 1793 in Section 1.1 is lengthy but only marginally connected to the study's central issue. The paragraph beginning, "Some legal texts have adopted an expansive definition of citizenship," provides detailed descriptions of French citizenship criteria but does not explain their relevance to equality under Iran's Civil Service Management Law. The authors should either substantially shorten this passage or use it to develop a meaningful comparative argument concerning nationality, naturalization, and access to public employment. In its current form, the discussion appears descriptive and disconnected from the later analysis. If retained, the authors should verify the historical propositions carefully and distinguish constitutional citizenship, active citizenship, political rights, and nationality. The relevance of these historical provisions to contemporary administrative law should be made explicit.

The analysis of constitutional provisions in Section 2.1 is primarily enumerative. The paragraph beginning, "The principle of equality is addressed in several provisions of the Iranian Constitution," lists Articles 3, 19, 20, 29, 30, 34, and 43 but does not systematically interpret their legal relationships. The authors should explain which provisions establish general equality, which guarantee specific social rights, which impose positive duties on the government, and which are directly enforceable before administrative or judicial institutions. It is also necessary to examine the relationship between Article 19, which prohibits privilege based on ethnicity, race, language, and similar characteristics, and Article 20, which guarantees equal legal protection subject to Islamic criteria. The manuscript should discuss whether these provisions establish formal equality, substantive equality, or both. A doctrinal analysis should also address how the Administrative Justice Court has interpreted these constitutional norms in concrete disputes.

In Section 2.2, the discussion of Administrative Justice Court Decision No. 666 is insufficiently documented. The manuscript states that the Court annulled a resolution concerning automobile assistance centers because discriminatory allocation of facilities among similarly situated individuals violated equality. The authors should provide the decision's date, issuing body, subject matter, legal grounds, relevant statutory provisions, and the specific discriminatory distinction identified by the Court. They should also explain whether the decision established a general doctrine of equality, relied on constitutional principles, or merely found that the administrative body had exceeded its legal authority. A single judicial decision should not be used as evidence of a stable jurisprudential doctrine without comparison to other decisions. The authors should analyze a representative body of Administrative Justice Court case law and identify consistencies, divergences, and doctrinal development over time.

The paragraph in Section 2.3 asserting that the Constitution "does not give preference to any particular group or adherents of any specific religion" is too categorical and conflicts with later parts of the manuscript that acknowledge religion-based eligibility conditions for the presidency, judgeship, and certain public positions. This internal inconsistency must be addressed. The authors should distinguish general equality guarantees from constitutionally authorized religious qualifications and examine the tension between them. Rather than denying the existence of preferential or restrictive provisions, the manuscript should analyze whether these constitutional distinctions are exceptions to the general principle of equality, how they should be interpreted, and whether ordinary legislation may expand them. This issue is central to the article and should not be avoided through broad assertions of universal constitutional equality.

Authors revised the manuscript and uploaded the document.

1.2. Reviewer 2

Reviewer:

The paragraph describing T. H. Marshall's three categories of citizenship rights should be more accurately integrated into the analytical framework. The sentence, "T. H. Marshall identified three categories of citizenship rights that are now widely accepted," is followed by civil, political, and social rights, but the manuscript does not explain where equal access to public service belongs within this classification. Public employment may involve political rights, civil equality, socioeconomic opportunity, and institutional participation. The authors should clarify whether access to public employment is treated as a political right, a socioeconomic right, or a distinct administrative right. Furthermore, the manuscript should avoid suggesting that Marshall's classification is universally accepted without qualification. The theoretical limitations of the model, especially its state-centered and historically specific character, should be acknowledged. The discussion should then connect the theory directly to the article's legal analysis.

In Section 1.2, the paragraph invoking Ronald Dworkin requires conceptual correction and stronger sourcing. The manuscript states that "certain rights require fully equal treatment of citizens" while other rights require only a "presumption of citizens' equality." This formulation does not clearly reflect the distinction between the right to equal treatment and the right to treatment as an equal. The authors should accurately present Dworkin's conceptual distinction and explain how it applies to public-service allocation and public employment. For example, equal concern may justify differential allocation where citizens have different needs, whereas equal treatment may be required in voting or access to impartial adjudication. The manuscript should not use Dworkin merely to support a general distinction between absolute and nonabsolute equality. It should demonstrate how the theoretical framework assists in evaluating specific statutory criteria such as age, nationality, religion, gender, disability, or local residency.

The historical statement in Section 1.2 that "the Athenians were among the first peoples to address this concept in classical antiquity" requires revision for accuracy and relevance. The original Persian text appears to contain a chronological problem by associating the Athenians with the fourth century CE rather than the fourth century BCE. The English translation avoids the date but retains a broad historical claim without sufficient precision. The authors should verify the historical chronology and identify whether they are referring to isonomia, democratic citizenship, or equality before the law. They should also acknowledge that Athenian equality was limited to a restricted class of male citizens and excluded women, enslaved persons,

and foreigners. This qualification would prevent the historical discussion from presenting ancient equality as universal. More importantly, the authors should connect the historical evolution of equality to modern public-law standards rather than treating it as a detached narrative.

Section 2 states that “Hayek justified equality within the framework of social justice.” This proposition appears conceptually questionable because Hayek is widely associated with a critique of distributive or social justice and with support for equality before general rules rather than substantive equality of outcomes. The authors should reconsider this attribution and accurately distinguish Hayek’s position from theories that affirm distributive social justice or substantive equality. If the intended theorist is another scholar, the attribution should be corrected. If Hayek is retained, the manuscript should explain his emphasis on general and abstract rules, legal equality, and the dangers of centrally imposed distributive outcomes. This point is important because the article later distinguishes formal, substantive, practical, and functional equality. The theoretical foundations of these distinctions should not rely on inaccurate representations of major legal and political theorists.

In Section 2.1, the manuscript states that “all members of society must enjoy public services on an equal basis.” This proposition requires qualification through the concept of comparable circumstances. Public services frequently involve lawful differentiation based on need, urgency, vulnerability, geographic conditions, income, disability, or professional status. For example, healthcare triage, progressive social benefits, and targeted services for disadvantaged groups do not necessarily violate equality. The authors should revise the discussion to distinguish equal treatment of similarly situated persons from justified differential treatment of differently situated persons. The principle of proportionality should be introduced as a method for assessing whether a distinction pursues a legitimate objective, is suitable to achieve that objective, is necessary, and does not impose excessive burdens. Without such a framework, the article may incorrectly equate equality with identical treatment.

Authors revised the manuscript and uploaded the document.

2. Revised

Editor’s decision: Accepted.

Editor in Chief’s decision: Accepted.