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Good Management in Light of the Competency-Based Administrative System

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Abstract

The administrative system is a means of achieving the goals of political, economic, social and cultural systems of any society. It seems the nature and content of administrative management system affected by the construction and nature of governing system in every society. Thus, there is a proactive relationship between these systems. Therefore Competency-Based Administrative System is Equivalent to the right-based and democratic governing system and the non meritorious-based administrative system is outcome of the totalitarian regime. In this article, we will attempt to explain the normative and institutional principles of the right-based modern state with adapting a descriptive and analytical approach and then analyze the Constituent elements of administrative system associated with such construction of state.

Key words: *Democratic modern state – Representation - Rule of law - Separation of powers - Checks and balances - Meritorious-based administrative system.*

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Introduction

After the Westphalia treaty in 1648, played the role as a connective link between ages before government and the formation of modern government concept, completed the last chain of government body, presenting it as a finished puzzle to the world, a series of considerable changes occurred about its concept and evolution. In this direction a group of critics insisted on the appearance of modern government, for the first time in the "sovereignty" of Western Europe, more precisely a kind of government which played a significant role in transition of society from Feudality into modern political system in the form of basic capitalism, while insatiably concentrating on the source of political and economical power, also made a series of modern changes in the official, ministerial, financial, judicial and educational fields. On the other hand Engels asserts that absolutism is a form of capitalism and in terms of governing reason on political and social negotiations is considered as feudal dynamic (Marx And Engels, 1968, p. 320) which challenged the absolutism of the governments. Therefore, bourgeoisie defending its hierarchical benefits severely attacked the absolutism. The tangible result of this attack was the collapse of absolutism and the emergence of a new form of government under the title of "traditional conservative government". The conservative governments paved the way for the internalization of power in the form of modern rules and norms (Bashirieh, 1374, p304-305). The leading governments of England and France after the revolutions of 1688 and 1789 could be placed negligently in this category.

After the collapse of traditional conservative regimes, in the continuance the changes occurred in the concept of national government, "liberal governments" on behalf of the bourgeoisie overcome the apex of political and social system. Consequently, due to the serious economical crisis of the Europe in 1930, political and economical liberal policies revealed

their inefficiency resulting in the emergence of a new form a government named "welfare state". The pervasive economical crisis of 1970, made the changes in the form of national government inevitable. Thus, "neo-liberal government" foreshadowed the resurrection of liberal government ideas and once again limited the official realm of politics in favor of society and its own role (wisent, 1378, p187). It is worth to mention that official system in different societies was changed consequently after the formation of absolutism in the Western Europe and its evolution to other forms of government. Meanwhile, each of these new governments had its own ideals, aims and strategies, and based on their own constitutions endeavored to create a consistent official system including different appropriate organizations. On this basis, it is evident that a small local government; with a limited number of interventions and territories, in order to fulfill its different aims, requires simpler official settings, and on the contrary, a national government ruling a vast number of people and areas, in order to fulfill its various goals, requires a more sophisticated official system. Conservative government requires a particular official organization as well, and liberal government, welfare state, supervisory government and other kinds of government (rule of law, police state, disciplinary) in accordance with their goals, require a different kind of official system. For instance, the majority of absolute governments, on the way of integrating different aspects and accumulation of power in their sovereignty brings official system and bureaucracy under their control and prevents their total independence. (Polani, 1989,pp 171-172). Therefore, excessive passivity of the office, dependence of official structure on excellent staff office in general, and on the administrative body in particular, making official processes unofficial, strict adherence of managers to their superiors, and in one word, lack of official meritocracy, and establishment of administrative system on the basis of plunder

and stinginess will be the inevitable results of this kind of government (Sardar Abadi, 1386, p320). However, in the democratic regimes, administrative system of official affairs in society, escapes the strict governance of excellent staff office and attains the opportunity for development and activity. In the following text we attempt to explain the key elements and legal principles of structure and norms of modern government with analysis of its corresponding administrative system i.e. meritocracy, and finally discuss the impacts and influences of ruling system structure on formation and nature of administrative system in contemporary Iranian society as a representative example. Constituent elements and legal principles Ruling the structure and norms of modern State In order to establish a meritorious-based administrative system, ruling system should necessarily become limited in terms of its special structure and functions and be situated in special framework. In this direction, the main question is: what are the key legal principles of structural and normal ruling system in setting up an intellect-growing official system? In other words, how and on what principles do the structural and normal areas of administrative system of society become limited? Yes, it seems that representative government, rule of law, separation of powers, supervision and balance, and finally responsiveness and responsibility could be regarded as legal principles of structures and norms of the government and ruling system in order to establish a meritorious-based administrative system, so it is asserted that without achieving the abovementioned principles, formation of administrative pattern based on meritorious-based and intellect-growing system is basically impossible.

A) Ruling through Representation

The idea of representation has a deep root in the history of legal and political thinking. Today the majority of modern governments set up their ruling system on the basis of representation. In modern societies, government does not claim ruling over people, but through

the representatives being elected by the people on their behalves, the government is regarded as people's representative. Therefore, "ruling through representation" should be regarded as a method through which people could rule over themselves. If representation is the means of people's governance over themselves, this ruling is an indirect method to achieve that governance. The meaning of representation lives in the base of public power. Public power is created by representation and that is through representation responsibilities lies with the authorities. Also through representation people become citizens. It can be asserted that from this point of view, public power is generated through representation and is also applied by that. Ruling system is based on the ability of changing people's integration into public unity and establishment of governing body. The system which is established gives bilateral commitments and responsibilities between people and authorities (Lagleen, 1388, p 153). On this basis ruling through representation or indirect democracy is a form of government in which people elect representatives for themselves in order to make political decisions on their behalves and deal with the public affairs (Jacobs, 1386, p38). Evidently, representatives can merely do whatever in concert with the agreements between themselves and citizens, because the meaning of representation is the commitments and responsibilities that authorities have to the people (Fenichel Pitkin, 1967, p. 3). So, representation should be considered as one the significant legal principles governing the structural and normal framework of managing system of society which restricts its eligibility to the limits determined by the agreement between people and representatives. According to this idea, the existence of a ruling system is necessary for people to use their freedom, and this significant issue is merely obtained by means of a government which is the original and real representation of the masses (Friedrich, 1950, p. 462). Considering the reserved and recorded com-

ponents and parameters of the concept of representation (public participation, freedom of participation, pluralism and multiplicity of thoughts and parties, majority opinion and obligation to reserve the minority rights, necessity of alternation and replacement of power, rule of law, efficient separation of powers and operating bodies,...) also by utilization of guiding principles and characteristics stated in the universal declaration of human rights (UDHR) and international treaty of civil and political rights as well, some parts of terms and required characteristics to attain a favorable required election system could be clarified in such issues as vote generality, vote equality, vote freedom, freedom of being elected, and election accuracy. Election¹ in Iranian society acts as the crystallization of representation system and structure of the republic. That is, many principles of constitution of Islamic republic of Iran recognize the establishment of ruling system on the basis of ideas of representation system. Therefore, administration of country affairs based on public polls², determination of the supreme official authority of the country via Council of Experts by election³, election of president by means of public polls⁴, determination of Legislature members by election⁵, election of urban and rural councils members⁶, and also suspension of presidential cabinet with president's proposal and confirmation and approval of representatives in Islamic Consultative Assembly⁷, signifies the participation of citizens in public affairs. Also the temporal limitations of statesmanship including the president⁸, representatives⁹, and local council members¹⁰ are worth to mention in this aspect.

B) Rule of law

Generally the rule of law signifies that the authorities and political institutions should be subject to legal rules and regulations which guarantee the fundamental rights of citizens in particular. The idea of constitutional government represents the inability of administration staff in unjustified restriction of the funda-

mental rights and freedoms of the people. The principle Inspired by the rule of law demonstrates a general and systematic set of criteria that give rise to a right and duty to everyone and prevents the actions and decisions of arbitrary rulers (Meshkati, 1388, p 106) It should be noted that the rule of law, especially when the society is situated in emergency, grants countless powers to the authorities and emphasizes the need to prevent the violation of the rights and freedoms of citizens. (Zarei,1380, p200) Thus when we speak of the principle of non-qualification in public law, it is a logical necessity to clarify the competencies. In other words, in the silent cases, the principle lies upon disqualification. Accordingly, we need resources to determine the limits. These resources are legal norms that originated from the will of legislators and governmental officials and citizens which define mutual rights and obligations. As John Locke asserts, the best institutional guarantee for the protection of the rights of individual citizens, is regarded in the constitutions which oblige executive branch, despite having great authority, to law-abiding legislative enactments. (Strauss, 1375, p 247) John (Jack) Chevalier regards constitutional government crystallized in the governance structure and texture in which, relationship between government and citizens is adherent to a coherent legal regime (John (Jack) Chevalier 1378, p 36).

Generally the rule of law is measured in three formal levels and natural layers. In the surface layer, the principle governs the deployment of the system (the system) which emphasizes on the necessity of a clear hierarchy between the legal and political sources states in the highest legal and political document (constitution). Accordingly, the government requires formal legal plurality and specificity of applying this rule, efficient hierarchy between the resources to effectively monitor the hierarchy compliance. In general, the rule of law, represents a special and distinct nature of political organization that can both society as a whole and in

its parts, is subject to legal rules. In this case, the rule of law, abide by the appropriate governing body is based on the totality of rules. This principle, even activities also include legislative body. To be clear, the law as a symbol of authority of Parliament, only if able to wear the mantle of legitimacy in the framework of the constitution (superior norm) is levied. As well as judicial control by the legislative and executive oversight of decisions and actions are consistent or inconsistent with the constitution, in this context, is analyzed (Zarei, 1384, p 151). Moreover, the rule of law in the lining of the justice system and the judicial community dominated by government forces as well (Hike, 1382, pp171-72).

The organic layer, the rule of law, the supremacy of law is content. The rule of substantive law, requires the establishment of fair rules, clear, clear, consistent, stable, workable public is properly informed citizens and observers future has never not be retroactive. Rule of Law and Fact, with emphasis on principles such as law enforcement, consistent and in line with the fundamental rights of citizens by the board of administration, as a solid bulwark against arbitrary power is considered. Here, because of the need for accountability through mechanisms rulers in the constitution, they follow the rules of human rights is based on a tangible object (Zarei, 1375, p132).

On this basis, it should be noted that the minimum necessary elements for the realization of the rule of law should be specified to limit the power and scope of each of the political institutions, the hierarchy of coherent, clear and be searched. Clearly, the absence of any of the foregoing factors, the causes of the failure to achieve constitutional government provides. It is worth noting the lack of rule of law in administrative actions on increasing uncertainties about the need for a balance between the authority of the administration and citizens' rights will affect.

Thus the modern state power was impersonal and bureaucratic channels by law and based on

pre-determined criteria will apply; In the modern state established order, an order in which the law, nor the ruler's command. In other words, power, belong to your posts, not the parties and the jurisdiction and responsibilities of Posts and controlled by law. In the modern state, in terms of distribution and control of power, people are nothing but specialized posts are not employees under the law and in political relations rather than each other, but they obey the law.

On this basis, the Board Governance and belonging, family, tribal and ethnic political power does not affect them and those based on the law, be replaced. This is where the rules of customary and personal laws are written and seamless as rights (Afzal, 1386, p. 39). State officials, political power is exercised in a lawful manner and in accordance with the constitution and in accordance with the customary rites acceptable to the society does (Pierson, 1996, p. 22).

Thus, the administration of political power on the basis of legal systems, denying the absolute rule to be followed (Adamiyyat, 1387, pp. 92-191) from this perspective, the rule of law, law and order would represent the conflict and the conflict in society and represent an important fundamental legal doctrine that says the government must act according to the law. (Bradley and Ewing, 1997, p. 105)

C) Separation of powers

The principle of separation of powers enjoys a long history in public law. Perhaps the most important principle as the main structural framework of modern state limits. The principle of separation of powers, various government departments have closed in frameworks and to limit the jurisdiction them. The idea of separation of powers, for the first time systematically by the English philosopher, John Locke was raised in the seventeenth century and after him, Charles de Montesquieu French in the eighteenth century took this concept to work. However, some believe that the theoretical origins of separation of powers must be

found in Aristotle's Politics, but explanations about the competence and jurisdiction to determine consultative powers, executive and judiciary by him, not compatible with modern thinker is no separation of powers. (Ghazi Shariatpanahi, 1375, pp. 82-181) should therefore be noted that theoretically the source of the idea of philosophy, political thought of the Renaissance in Europe.

Although John Locke in his "Treatise on Civil Government", to introduce the principle of separation of powers and legislative, the executive and the Federative to explain and describe each jurisdiction, however, the separation of powers mean something close to what is the case today is, by Montesquieu in his book that was theorizing. Montesquieu in this book explores how these issues can be gained political freedom and organized. He divided the ruling authorities to prevent abuses of power, the judiciary and the judiciary also added to the division Locke removes the Federative (Pooladi, 1388, p 87).

Reflecting on book we can see that the most important criterion for the separation of powers Montesquieu, law and duties of the three branches of government and law enforcement shaped, and depending on the situation. Another important point in Montesquieu's theory of separation of powers, he stressed the importance of the balance between the executive and legislative branches. The balance Montesquieu simply states: "To prevent abuse of power, the only power that can be harnessed power and stop" (Montesquieu 1362, p 290). Balance of powers, the possibility of giving a power to destroy another. Meanwhile, the three branches of government can come together into a cohesive unit and placed before the citizens.

It is worth noting along the horizontal separation of powers comment on Montesquieu, Jean Jacques Rousseau said that the power of the legislative branch to the executive branch to the legislative branch and transmitted to lack of iodine concentration of power in the

same person, Duties and Responsibilities device executive in charge are several distinct groups, the vertical separation of powers theory presented (Ghazi shariatpanahi, 1383, pp 168-70).

Yes, a dual interpretation of the theory of separation of powers (absolute or rigid separation of powers and the separation of powers relative or cooperation), led the political regime presidential, parliamentary and semi-parliamentary, in the field of governance and governance patterns manifest.

On this foundation, the theory of separation of powers principles that describe how to distribute or share power; the theory of separation of powers, the governance initiative between groups and distributed to various organs; so that no branch of government, without coordination with other branches of the administration does not have the ability to impose its authority. Accordingly, each of the powers referred to in checks and balances, the exercise of power by the other branches are monitored and evaluated. The division of authority between different forces, a strategy to prevent the accumulation and concentration of power and prevent inappropriate use of it considered.

The logic of separation of powers, diversify political power in both horizontally and vertically. To be clear, in the horizontal plane, the three branches of authority between legislative, executive and judicial divided and in vertical layers, the distribution of power among institutions, organizations, foundations and local councils, municipal and provincial, in the course of engaging citizens in the process of political decisions steps will be taken (Zareim 1380, p65).

Accordingly, the separation of powers today in horizontal, vertical separation of powers of the executive branch, also known as its foundation. At the level of administrative acts of the executive branch is now some sort of horizontal functional differentiation between state institutions are centralized and decentralized.

Decentralized institutions based on legal logic governing the decentralization of administrative acts do things that previously were the exclusive domain of the executive branch. The same concept holds true for the political acts of the executive branch. This means that today the political work inside and outside the judiciary, has led to a new resolution. The role of NGOs in the political parties, the emergence of such a separation is undeniable (Vijeh, 1390, p 207).

Article 57 of the constitution of the Islamic Republic of Iran, by stating that the three branches of the legislative, executive and judiciary under the absolute rule of the Provisional leadership of the community and independently of one another, relative to the structural separation of powers is recognized. In this regard, in accordance with the principles of the fifty-eighth and sixty-two to ninety-ninth of this law, the exercise of legislative power by Parliament and the Guardian Council has, also functions executive body of the sixtieth principles, one hundred and ten and one hundred and thirteenth till one hundred and fifty-one mentioned law, except in cases where it is placed directly by the Supreme Leader, is within the competence of the President and Ministers.

D) Checks and balances

Monitoring, the modern state is not the first or most important constituent element. In fact, a plethora of other constituent elements of the modern state must be provided to monitor are put into operation expected by the researcher and their importance can be connected. Qualifying is very important to provide a long way to travel and to basically be resorted to surveillance. However, at least three elements can be pre-monitored author, representing the government, the rule of law and separation of powers, noting that one of the elements and principles, without a partner, eventually, to the emergence of a political and legal system inefficient lead.

According to the idea of representation, a sys-

tem of government that citizens can do this, your freedom to apply, it is essential and it's important that the government only through genuine representative of all the people, will be achieved. In addition, the rule of law is one of the fundamental political values which, according to the general rules of public affairs, open and future-oriented run. Lack of rule of law in public life meant to vote and asked the sovereignty of the individual. However, the mere existence of general rules in the public domain does not necessarily mean a lack of exclusiveness. Concentration of political power in the hands of one person or group, especially considering the wide range of powers and abilities of government, can general rule but cruel result. So be sure, not all state power in the hands of a person or group. On this basis, various branches of political power analysis and technical terms, the system of separation of powers there.

The story of the modern state does not end here. The demands of social life and the needs of resource management and public affairs, government forces compels each of the functions to take up duties and functions of the main components of which they are entrusted, which clearly are not. On the other hand, the relative separation of the possibility of combining broad powers in the hands of a section of the increases. On this basis, it is essential that the jurisdiction of any of the authorities or institutions of government or other entity controlled by the authorities and the authorities or institutions on the basis of the foregoing, continually reviewed to ensure their legal action. Although all authorities and institutions of the rule of jurisdiction is determined by law, But with all the authorities and institutions can be arbitrary or wrongly applied the law, and even in different ways and contradictory interpretations about the meaning of their legislation. On this basis, no doubt in need of monitoring powers and performance of government officials and institutions remain; With this description, monitoring and

control components on each essential element of the component elements of the modern state government along three elements representing the government, the rule of law and the separation of powers. this kind of monitoring, first and foremost, coordination between power and increased governmental institutions, and secondly, by preventing parallel and overlapping measures, will provide grounds for reducing public spending. Here it is absolutely necessary to mention two things. First, the television like any other action in the power structure must be done in accordance with law. If the principle of the rule of law and other principles and institutions should violate it, then the monitoring component of the rule of law, in turn, should be based on law and based on that must be done. Second, monitoring should be balanced. The need for balance or balance control system for the same reasons the necessity of monitoring is based. What if a component of the political power structure, compared with other components, tasks and greater regulatory powers, this may cause the same problems that the monitoring and control system has been established to resolve them. Unbalanced and uneven regulatory authority in a political power structure, could be slow for some and a challenge in the other part. Thus, in addition to monitoring, element balance must also prevail on the legal system of the modern state (rasekh, 1388, pp24-32). Monitor but always and in all cases, if not in the same way. Check the legal system of checks and balances highlights the fact that there is diversity of monitoring. From public scrutiny by the people who ultimately carried out by the parties and the mass media, to political supervision by the people's representatives in Parliament and legislative control over the content of laws and regulations to ensure the compatibility with the constitution and other laws and judicial, financial and hierarchical. In this regard, the Islamic Republic of Iran, witnesses said different manifestations of political control to handle legislative actions, judicial

review of acts of office, the Financial Supervision Authority on the exercise, the exercise of hierarchical supervision department, criminal supervision of the authorities, social and public supervision of the reign and well.

E) Accountability and responsiveness

Representing the four elements of governance, rule of law, separation of powers and oversight together, to create the necessary conditions and insufficient grounds for the violation of the fundamental rights of citizens and provide an evolution of the modern state. The other necessary condition for establishing fair system is accountability. Responding, the other side is monitored; In other words, the natural result of accepting public responsibility and in political power in modern political systems, accountability of public administration agencies. Each of the authorities should be equal to one or more other authorities and institutions accountable for their decisions and actions. Thereby exceeding the legal authority likely to come down and the field will achieve the objectives of MS Outlook Express; So just how many types and their corresponding monitoring, of the respondents there (Rasekh, 1388, p40). Foundation of public law on the concept of competence, suggesting that government officials and enforcement agencies primarily and essentially lack the authority and initiatives will be eligible only if stipulated in the law. The Foundation, originally on incapacity benefit leaders and sovereignty, jurisdiction task requires explanation or selection is in the statute. Along with the aforementioned principle, fundamental freedoms and fundamental guarantees of all citizens, is considered a mission critical public law. So the principle of the benefit of the citizens of freedom and initiative and only in case of limiting the freedom in-law, the restraints imposed on them. Hence forth, despite the political and administrative authorities are unqualified primary, Along with the aforementioned principle, fundamental freedoms and fundamental guarantees of all citizens, is considered a mission critical pub-

lic law. So the principle of the benefit of the citizens of freedom and initiative and only in case of limiting the freedom -in-law, the restraints imposed on them. Hence forth, despite the political and administrative authorities are unqualified primary, on this basis, the Islamic Republic of Iran saw a clear need for accountability and the need to respond to the diverse manifestations of the administration board members as well. To be clear, clear accountability and the need for accountability to leadership positions in diverse aspects of political, financial and legal responsibility of the presidency and expressed at different levels of moral, political, financial, legal and criminal responsibility of ministers also noted the multiple layers of political, civil, Criminal and financial, judicial and administrative alongside the actions, decisions and policies as well as political and administrative officials monitoring social governance structure, concept and all are imbued with this sense.

Constitutive elements of the Competency-Based Administrative System

After describing the legal principles governing the normative and structural framework of the government administrative system in order to embed must now analyze the constitutive elements of the meritocracy system or voluntary elite engaged. For this purpose it is necessary to first determine the meaning of the administrative system of meritocracy. The purpose of his system, a system where the best people, the best solution and to provide the best conditions to employees of the state (managed) and accordingly task altogether. Also, in the course of duty and service department employees, competencies and capabilities to maintain and increase them on the basis of merit, competence and merit their promotion and promotion of business and thus offer the highest level of operational efficiency. Here we briefly explain and describe the elements contained in the definition of meritocracy system administration will engage.

The best people

The phrase “best people”, it is possible to choose the best from among the applicants, indicating the existing or having the best applicants for employment in the governing body is run. It is worth noting, however, equality, the equality of opportunity in the public service, as two fundamental principles to be considered in selecting the best people. In this regard, the applicant's characteristics and criteria for selecting the best people available can be found in items such as; expertise, coordination of work, commitment, moral, physical and psychological characteristics, age, gender and be recognized. To be clear, professional criteria governing the education and experience that is possible through the racing and testing, interviewing and vetting candidates and be established; As well as the coordination with regard to parameters such as work environment, individual differences, work ethic, responsibility, ability to work in and through interviews may also need. This feature on arrival, Hire Trial and be established in a given period. The characteristics of the commitment , seems to be of practical commitment and loyalty to ideals , objectives and essays, these characteristics may mistakenly governance system through research and interviews at the beginning of employment , disciplinary action during the service and be established.

Accordingly, the condition relating to the commitment and loyalty practices and conduct on the structure of the political establishment, as the notion is justified and defensible course, have any effect on the process of selecting the best people in order to enter into the office relation does not so the domain the inevitably need to respect the existing structure and loyalty to usual and customary norms, is inevitable.

The ethical indexes , the lack of criminal convictions repeated in Article 62 and Article 25 of the Penal Code former law 27.02.1377 02.01.1392 Aslamyalhaqy punishment and indicating the reputation and lack of moral cor-



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ruption not. What does that otherwise, being qualified as necessary to reputation and lack of moral corruption as a condition of employment because of the vagueness and uncertainty on the one hand lacks efficiency index for authentication and provides background and taste Brkhvrdhayhay on the other hand, may require the audit opinion and enter the field of personal privacy, which in this respect, in contrast clear and obvious conflict with Article 23 of the constitution will be the Islamic Republic.

The physical and psychological characteristics of physical and mental ability to perform public service and is not indicative of physical health. Whether otherwise, with Articles 19 and 20 of the constitution, which represents the equality of all citizens enjoy equal legal protection, is in contrast. In the component age should be stated that the minimum age for entry into government service, due to the necessity of having the authority to protect the public interest and ability to realize the fundamental principles of administrative law (public service delivery as the goal and Thfyz rights and fundamental freedoms citizens as the basis) is raised by. It seems, "old growth" in accordance with the case-law of the Islamic Republic of Iran, reaching 18 years is a good benchmark for the minimum age for employment in the administration considered.

The term "maximum age" to enter the public service is the two criteria of physical and mental ability to provide useful services and necessities on the one hand and equality of employment opportunities, in order to ensure of jobs for the young, the other hand, is based. It seems, according to the administrative procedures of the Islamic Republic of Iran, having 40 years of age, a good indication for the maximum age for recruitment in the administration is considered.

It should also be said about gender characteristics , although at the outset it seems that the criterion he should not in principle be employment criteria , because otherwise , with Articles

19 and 20 of the constitution, which represents the equality of all citizens benefit equally from legal support , is in contrast , however, with regard to individual and social power , it may be based on the gender of the individual , sometimes some of the constraints imposed controls for them to keep people coming into government . For example, it seems, work in coal mines, the physical properties Hmsvtr and nursing women, with female characteristics is. However, it should be noted verify these as exceptions, not to other employment opportunities, extended and popularized them.

A) the best combination

He phrases "combination", indicating the human resources composition may be combined with the tools or manpower is manpower. It seems that the best combination of human resources with tools, according to technical competencies, expertise and individual capabilities such as the ability to talk in foreign languages , are able to utilize the computer and operating criteria. Also, the best combination of human resources with staffing, criteria such as the appropriate number (the number of employees less and not more than necessary), complementarily recruited forces, modernization of human resources through a combination of innovation and experience of the elderly and young people areas are treated.

The best conditions

The phrase "best conditions", indicating the supplier may also supply material and spiritual conditions for employees is administered. In this regard, the necessity of providing material conditions necessary to achieve Tyalzkr components; Rights and benefits, including parameters such as: the need for coordination between the rights and benefits of workers employed at the beginning , during and at the end of the career service employee salaries increasing years due to rising temperature and rising inflation. Job security, including parameters such as: the need for continuity of office (continuation of occupation and the existence of clear and effective regulation, behavioral

independence, security guard, security guard possible to administrative decisions, etc., welfare, including parameters such as; the need for employee vacation benefits, insurance, social Security, retirement, recreation necessary As well as the necessity of providing spiritual condition, fulfillment and job satisfaction administrative personnel is inevitable. To be clear, corruption, reduce their administrative management and employees has declined respect, therefore, the need to collapse or reduce corruption in the administration , in order to respect the dignity of executive and administrative authorities, is seen as a crucial condition of their intellectual property rights Thfyz. In addition, the administrative authority of their sense of job satisfaction, fulfillment depends on parameters such as, usefulness, participation in decision-making, development of creativity and more.

Maintain and enhance the competencies of administrative authority over the task

The phrase “protect and enhance competencies bureaucrat”, based on two principles job training and employment opportunities is a fair split.

Promotion based on merits

Realization phrase “promotion based on merits”, the administrative system requires a dual focus on two principles, namely , the need to promote the rule of law and promote and establish evaluation system is safe and efficient. Is noted, promotion, means the security guard in the horizontal direction (inclined) and promotion; means the security guard in the vertical direction is upward.

Highest efficiency

The realization of the phrase “provide the highest level of efficiency “ in the administrative system requires basing his system on the basis of regulations diverse political, financial, legal, judicial, hierarchical and especially necessary monitoring and responses office administrative system as a fundamental criterion of democracy is. Also, in this way, embedding mechanisms are also essential criticism is in-

evitable.

Government action and the administrative system in Iran

In contemporary Iranian society each distinct patterns absolutist state, in order to renew the management body in order to integrate and consolidate administrative and executive power took steps superior his rule. To be clear, the first side employs more than ninety thousand full-time employees who worked mainly in ten ministries, changes in the traditional construction of the office building (Abrahamian, 1379, p 182). It should be noted that at this time, department affiliation to the ruling body, was inevitable, as the government planned to use the educational system, curriculum set a new class of intellectuals and business that specialized in the role of dependents, advertising support regime and nationalist ideology are responsible for it (Banani, 1961, pp. 110-111).

He also divisions while upsetting the Qajar era, control and monitoring of all parts of society to facilitate and deepen the central government. In this context, eleven provinces , forty-nine city and county departments under the Ministry of Interior and lots were created This is the first time that the central government was able to take advantage of hierarchical bureaucracy, counties, cities and even many large villages dominated (Matlabi, 1386,p220).

In this historical moment, financial dependence on the central government deployed staff to turn reduces criticism of the government would have a significant impact on the growth of the administrative state (Azghandi, 1376, p 102). Shah also established in the course of his reign absolutist state, the modernization of the administrative system governing structures, to renew the foundations of the bureaucracy, attempted. The number of members of his government bureaucracy from 12 ministers to 19 ministers upgraded and the number of government employees increased from 15,000 to 304,000 people. (Abrahamian, 1379, p 539) Then, aforesaid, to the nobility in provincial areas, to revise the divisions, the number of



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provinces from 10 provinces to 23 provinces expanded. (Digar, 1378, p272) Transformation of the bureaucracy led to the government through mechanisms such as employee salary along with benefits such as unemployment insurance system, various loans, pensions, and to monitor and control their everyday life for him. Government bureaucracy in remote rural areas as well as the rule of local tribal chiefs, village chief and the affected landowners (Digar, 1378, p 320)

The emphasis on modernization of the administrative system in this period increased to such an extent that eventually led to the supremacy of the executive body of the legislator. Whether in this historical moment not strengthen parliamentarianism in the practical aspects and in front of the Ministry of Economy, the national oil company and PBO were critical nature and impact (Bashirieh, 1382, p 94).

However we should acknowledge that What is the point of absolute royal rule on Iranian society and at the time that the social state based on traditional classes And a group of traditional families and aristocracy was dominant on administration) Does not occur in nature and absolutist bureaucratic system administration and build personal relationships were weightier day Following these developments, in the era of Islamic Republic of Iran , governance , huge struggle for embedding efficient administrative structure and routine meritocracy and administrative policies admirable embedded in the constitution and other laws that were paid in the establishment of efficient office. To be clear, in this era, in addition to the preamble of the constitution, which stressed the need for the formation of an efficient administrative system and accelerate the implementation of administrative obligations emphasized, Section I, Article III Maralzkr law, "the creation of a correct administrative system and remove the formation of non- essential" at the center of goals and the Islamic Republic's military plans in the next office. In this regard, Law joined

the First Development Plan on Economic, Social and Cultural Islamic Republic of Iran, adopted on 11.11.1368 in row 31 the necessity of regulating and administrative reform as one of the aforementioned categories and introduced the objectives of the program. In Appendix 4 Second Development Plan on Economic, Social and Cultural Islamic Republic of Iran approved in February 1372 as well as the need to accelerate the process of reform of the administrative system was actually Abram once again. The above-mentioned strategic and operational plans include the principles to improve the organization of office, By placing the focus on administrative and organizational units such issues in national affairs and governance , lack of administrative and organizational density and state of facilities And according to local needs and administrative decentralization and institutional relying on local affairs, improve human resources department through Clearing forces , restoration of human resources departments, administrative selection, staffing and executive offices ... and finally improving administrative procedures and practices applied using logical methods of management , strengthen human relations between the authorities and the people, the rule of law governance, internal control and hierarchical faith in government affairs , external oversight and judicial administration are. The spirit of the rules first, second and third development programs, cultural, economic and social Islamic Republic "administrative council" aimed at reforming the organization of the administrative system , reduce the size of government involvement, human resource management, reform, methods and regulations administrative, increase productivity and efficiency and the executive agencies established under the chairmanship of President, To the new unit and by modifying the organizational structure of the executive agencies (with the exception of ministries), through a merger, liquidation and transfer institutions out of the center, review the internal structure of the ministry to

create a coherent organizational system and delete tasks similar, parallel and repetitive, set reasonable administrative institutions, separation of duties of field staff, decide on merging provincial and district units affiliated to any of the ministries in an organizational unit, a decision on the transfer of tasks to be delegated to administrative units, municipalities and non-governmental institutions, provided Customer overseeing the utilization of office space, and administrative policies, ideals and governance system to be operational in the field of management and administration. Developments in the event of Iranian society can rise towards establishing a meritocracy system or administrative intellect-growing promising.

Conclusion

In order to understand more clearly the meaning and nature of the modern state and its impact on society and texture of the administrative system, according to various It is important ambiguous and challenging. With regard to the fact that basically any single cause and one-dimensional explanations of complex phenomena, complex and multi-faceted modern state, Missouri is not possible. The introduction of all kinds, shapes and many forms of this enigmatic phenomenon requires a comprehensive approach on diverse areas of human sciences. On this basis, the most modern state various aspects of political, legal, economic, social, etc. can be in the form of absolute government, constitutional government, the Liberal government, the liberal-democratic, one-party state, government regulation, the State Police, Government examined and assessed well-being. These categories, despite having diverse aspects of differentiation and multiple effects and an emphasis on the ideas and characteristics distinguishing different, sometimes overlapping, on this basis, some scholars, in part, one or more kinds of them can be generalized and applied to certain historical period have considered the particular society. With respect to performance management system administration tool for achieving the goals, aspirations,

intentions, mission and policies of the modern state, it should be noted that the establishment of normative principles and structure of government and community representation, the rule of law, separation of powers, checks and balances, accountability, and finally, each of diverse shapes and forms of the modern state in response to the system of governance in the context of their cause, control is embedded pattern of meritocracy and administrative intellect-growing. And so the realization of the fundamental principles of administrative law, which is the protection of individual liberties on the one hand and in front of the public service is to ensure the public interest community on the other hand, is possible. Obviously Otherwise, lack of rule of law in the administrative management of the conflict between the administration and the fundamental rights of all members of society outshines. Administrative law also heterogeneous sources that give discipline within the department's activities would give rise to a right and duty to impose rules and regulations in force for the people and thus may be their way against fundamental rights. In addition, the lack of a clear hierarchy-based, transparent, clear administrative law, as well as the resources necessary and desirable non-compliance with the same amount of hierarchy among indeterminate resources and the lack of judicial review of acts of office, administrative meritocracy system indescribable puts. Also, abuses assignment and selection of executives from the scope of their competencies as well as the existing controversies than ever before will rise; Administrative meritocracy system with the establishment of the government of course has the constitutive elements of the law-abiding, responsible and responsive to the true representative of the people of that nation will be realized foundation and the basis of its founding. In short, gathering the best people, the most suitable combination to provide the best conditions in the body as a government bureaucracy to provide the highest level of efficiency possible



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only within the framework of a democratic political system and will be.

References

Abrahamian, Beruand (1379), *Iran Between Two Revolutions*, translated by Ahmad Golmohammadi & Mohammad Ebrahim Fattabi, Tehran , Ney Publication.

Adamiyat, Fereydoon (1387), Tehran, Kharazmi Publication.

Afzali, Rasool et al (1386), "The Essence of Modern State", *Modern state in Iran*, Qom, Mofid University Press.

Ameli, Bagher (1370), *Iran Prime Ministers from Moshiroddoleh to Bakhtyar*, 2nd Edition, Tehran, Jaridan Publication.

Arastoo, Talis (1358), *Politics*, translated by Hamid Enayat, Tehran, Pocket-sized books Inc.

Azghandi, Alireza (1376), *Inefficiency of Iran's Intellectuals Between Two Revolutions*, Tehran, Ghomes Publication.

Azghandi, Alireza (1376), *Iran's Political Intellectuals Between Two Revolutions*, Tehran, Ghomes Publication.

Azghandi, Alireza (1379), *History of Iran Political and Social Changes*, 2nd edition, Tehran, Samt Publication.

Balavi, Mehdi (1390), *Modern State and Human Rights with An Emphasis on the Islamic Republic of Iran*, PhD Thesis on Public Law, Tehran, Shahid Beheshti University.

Banani, A. (1961), *The Modernization Of Iran 1921-1945*, Standford University press.

Bashirieh, Hossein (1374), *Political Sociology; Role of Social Forces In Political Life*, Tehran, Ney Publication.

Bashirieh, Hossein (1382), *Obstacles of Iran Political Development*, Tehran, Game Nou Publication.

Bradley, Anthony W., and Ewing, Keith D(1997), *Constitutional and Administrative Law*, London, Long man.

Chevalier Jean Jacques (1378), *L'Etat de droit*, translated by Hamid Reza Malek mohammadi, Tehran, Dadgostar Publication.

Dryzek, John S. (2000), *Deliberative Democracy and Beyond: Liberals, Critics, Contests*, Oxford, Oxford University press.

Dyggar, John Pierre et al (1378) *Iran In twentieth Century*, translated by Abdorreza (Hoshang) Mabdarvi, Tehran, Alborz Publication.

English

Falsafi, Hedayatollah (1389), *Eternal Peace and Rule of Law; Dialectic Similarity and Difference*, Tehran, Farhange Nashre Nou Publication.

Fenichel Pitkin, Hanna (1967), *The concept of Representation*, Berkeley, Calif, University of California.

Friedrich, Carl J. (1950), *Constitutional Government and Democracy*, London, Polity Press.

Ghazi Shariat panahi, Abolfazl (1375), *Emergence of Balance of Powers and its degradation, Speeches on Public Law*, Tehran, Dadgostar Publication.

Ghazi Shariat panahi, Abolfazl (1383), *Fundamental Rights Necessities*, Tehran, Mizan Publication.

Gorji, Ali Akbar (1387), "The Rule of Law and Restrictions on Complaining Right in Administrative Court of Justice, Hoghughe Asasi Publication, 5th year, No 9.

Hashemi, Seyyed Mohammaad (1382), *Fundamental laws of Islamic Republic of Iran, 1st vol: Principles and General Basics of the System*, Tehran, Mizan Publication.

Hayek, Fredrich Von (1382), *The Constitution of Liberty*, translated by Ezzatollah Fooladvand, Tehran, Lohe Fekr Publication.

Jacobs, Leslie (1386), *An Introduction To Modern Political Philosophy; Democratic View On Politics*, translated by Morteza Jiriayi, Tehran, Ney Publication.

Laoughlin Martin, *Foundations of Public Law*, translated by Mohammad Rasekh, Teran, Ney Publication.

Locke, John (1388), *A Treatise On Government*, translated by Hamid Azdanloo, Tehran, Ney Publication.

Makilf, *Establishment of Reza Shah's Dictatorship in Iran*, translated by Siroos Izadi, Tehran, Pocket-sized books Inc Publication.

Marx And Engels (1968), *Selected Writing, Lawrence And Wishart*.

Masoud (1386), "Formation of Modern State in Iran", *Modern State in Iran*, the same.

Meshkani, Amir Hossein (1388), *Lawful Govern-*

ment, Sabzevar, Omide Mehr Publication.

Montesquieu, Charles De (1362), *The Spirit of Laws*, translated by Ali Akbar Mohtadi, Tehran, Ami Kabir Publication.

Movahhed, Mohammad Ali (1384), *In the air of Right and Justice; from Natural Rights To Human Rights*, Tehran, Karmameh, Publication.

Nabiloo, Hossein(1387), *Historical Grounds and Legal Demands in Formation of Modern State: with An Emphasis on the Iran*, Thesis of MA in Public Law, Shahid Beheshti University, Faculty of Law.

Pettit, Pb. (1997), *Republicanism: A Theory of Freedom and Government*, Oxford,Oxford University press.

Pierson, Ch. (1996), *The Modern state*, London, Rutledge.

Polani, A.S. (1989), *the State in Transition*, London, Lynne Rinner Publishe.

Poolai, Kamal (1388), *History of Political Thought In The West*.

Rasekh, Mohammad (1385), "Natural and Transverse Features of Law", Majles & Pezhoohesh Publication, Quarterly by Research Center of the Islamic Consultative Assembly, Year 13, No51.

Rasekh, Mohammad (1388), *Checks and Balances in Fundamental Rights System*, Tehran, Derak Publication.

Sardar Abadi, Khalilollah(1386), "Modern Totalitarian State and Lack of Formation of Political Development in Iran", *Modern State in Iran*, the same no.

Shariat, Farhad (1386), *Foundations Of Political Thought In The West*, Tehran, Ney Publication.

Shills, E. A. (1962), *Political Development In The New State*, London, Mounton And Col td.

Strauss, Leo (1375), *Natural Rights and History*, translated by Bagher Parham, Tehran, Agah Publication.

Vincent, Andrew (1378), *Modern Political Ideologies*, translated by Morteza Sabetfar, Tehran, Ghomes Publication.

Vizheh, Mohammad Reza (1387), "The Rule of Governments and Universalization", *International Monthly in Law*, No13.

Vizheh, Mohammad Reza (1390), *Advanced Course of Public Law (1): Basic Theories and Legal State Structure*, Tehran, Jungle Publication.

Weber, M. (1965), *Sociology Of Religion*, London, Methaem and Co. Ltd.

Zarei, Mohammad Hossein (1375), "The Process of Publicization, Accountability and State Management", *Qom Higher Education Institute*, 3rd Year, No9.

Zarei, Mohammad Hossein (1380), *Extra Competencies of Highest Executive Authorities*, Rabbord Magazine, No 20, Summer 1380.

Zarei, Mohammad Hossein (1380), "The Rule of Law in Political Thoughts", *Nameye Mofid*, No 26, Summer 1380.

Zarei, Mohammad Hossein (1384), "Significance and Foundations of Judicial Control", *Tahghighate Hoghughi Magazine*, No42, Winter 1384.