

## **The Principles of Good Governance in Light of Iran Administrative Court of Justice Vote**

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### **Abstract**

Since the late 90 's the international institutions, expressed good governance method as a key for development and solving the challenges facing Governments. The main issue in good governance is how to achieve a Government which makes sustainable human development and democracy. Good governance implies the need for a platform of democratic values, because people's rights and freedom is better identified and respected. One of the government's dimensions that the unrest and protecting citizens' rights is significant, is administrative acts dimension. Because the administration with possessing qualifications and authorities can violate or provide the rights of individuals. To avoid this issue, supervision the department activities find out a special place. One of good governance important goals is to guarantee human rights and its implementation. In Iran, this type of supervision is performed by the Administrative Court of Justice. This article aims to evaluate that according to good governance aims and administrative court of justice great responsibility, where is the place of good governance principles in the Court. At the end it looks like that good governance criteria is not performed comprehensively yet.

**Key words:** Good governance- governance criteria- justice supervision- Administrative court of justice

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### **Introduction**

From ancient times the Government's performance has been divided into good and bad. In the sight of Ancient Greeks, the goddesses that were the epitome of war and irregularity made bad governance and this group of goddesses were lacking father and were born directly from the darkness. Although this story is just a tail but leads the mind to the belief that good and bad governance is a deniable reality. 1-1- Sensitivity and the concern of the Government's performance and increasing power has been always of concern so, many different theories have been delivered about the role and size of Government. 2-1-1 one of the theories regarding concern about the government increasing power is the theory of minimum governance. The theory was the result of first modernity flow. According to this theory, the government is the product of social contract and people's agreement and the affairs appliance should be on the people who have themselves made the community according to the contract and know their best of affairs better (Hadavand and others, 2012, p26). The government has no right for intervention in the Affairs except with the law permission. 2-1-1 with the formation of the minimal Government the problems emerged little by little and social welfare government was formed and all were waiting for Government increase its supervision on economic and Social Affairs because of problems. This way another flow of modernity started ( Kheir khahan, Meydari, 2004, p43). In this approach, the economic, social and cultural right formed. The government was expected to establish the social justice and fixing poverty and inequality. 3-1-1. previous theories inapplicability caused change in views and a comprehensive model on the topic of governance and good governance was discussed. In new theory, unlike former theories, discussion was not about changing the dimensions of the Government was enabling states and institutions and structures related to a community. In this new approach, Governments were obliged to create stability and sustainability in the community. In this pattern, the state's role was defined for policy making, markets regulating and making rules. In good governance method, unlike former theories, the target is not economic improvement but sustainable improvement which will accompany with economic improvement.

### **Government concepts- governance and being good**

To understand the importance and the role of good governance in social, economic and political development, at first we must go to the difference that is between the Government and governance. It should be known that there is a big difference between Government and Governance and if we refer to them as two synonym words, we will be misled. In LA land dictionary the government means the organizations which the authority performs ruling according them (Ghazi, 2006, p101). Government can be referred as the screen for common authority performance. In ancient Greece which is called Democracy base, people used to gather in the city square and talked about the current problems and at the end it led to voting and making plan according to majority of votes. In ancient era the government was referred as a process not a constitution. Government can be defined as: A constitution for applying the decided policies and making correlation between different parts of a society. Governance is not a new concept but an old one. As soon as people gather and make a community, due to different ability and talents, two groups of leader and obedient forms (Hadavand, 2005, p56). In Oxford dictionary, Governance is synonym to Government. The description which is not accepted today. Political masters in 1980 used the Governance word to differentiate between governance and government. World Bank with the help of improvement cooperation committee and international organization improvement, have defined the governance

as follow: A complicated system of coordination between structures, traditions, performances and implications. Governance is not specialized for the government and not its synonym. But government is a part of governance. For a better definition of good governance we should go through analyzing the word (good). In moral philosophy, descriptions are understood and defined in two ways: Moral style descriptions and moral coarse description (Dabagh, Nefri, 2009, p12). Moral style descriptions are descriptions such as: goodness, badness, ugliness, beauty, satisfying and unsatisfying. Moral coarse descriptions are the words and descriptions such as: thankfulness, ingratitude, fulfillment, un-fulfillment, faithfulness, telling lies, morality, un-morality and ....and the moral style descriptions are of worth concepts which are relative and not implicit and this worth changes by judging it. About the good governance, the question is that if the word good is really a valuing description or not? Now if we refer to the word Good as a valuing concept in governance, undoubtedly this method will be good for a community and bad for another. And even in some communities it leads to the current system downfall. The word good has another meaning beside governance and good governance descriptions and today good or satisfying governance is a universal description which can make the countries close to the permanent development and its goodness is accepted by all. Now as the amount of a country's development increases, goodness concept will find a better meaning in that country. But it does not mean that good governance method and its goodness and its descriptions are good in a country and bad in another one. But this goodness is good and satisfying in all countries and the best pattern, but a community structures and constitutions 'competence made the society to what extent use it. Goodness in good governance refers to urban, cultural, social and political rights fulfillment in a community.

### **Identifying good Governance and it's components.**

In the late 80 's and early 90 's the theory of good governance was discussed by the World Bank and its emphasis was on the plans and acts which provides the possibility of impact on the countries' economic performance. Good governance was introduced for the first time as a pattern for African desert countries and was referred as the main factor for economic development in eastern and southern Africa. In this report there was no mention of changing in the size and role of the Government but on empowering and strengthening the state. The discussion of good governance was on attention in 1980 formally and with the approval in General Assembly of the United Nations in 1995 became universal.

#### ***Good governance concepts***

Regarding good governance different definitions were delivered by institutions and constitutions and experts which we refer to some in the following. The World Bank in 1989, for the first time defined it's governance as public services, efficient, reliable judicial system and responsive administrative system( Sharif zadeh, Gholipoor, 2003, p99-103). United nation un-habitat center published under the name of The World in urbanization. Where the Government is good, consists of private sector, civil society and they participate together in the management of public affairs and constitutions in Consumer Affairs, democratic institutions are responsive to the needs and priorities of citizens and have been able to increase hope of life from 10 to 15 by improving living conditions. ([www.unhabitat.org](http://www.unhabitat.org)). Good governance has a new look at the government relation with the other sectors. According to the late traditional approach, there has been always a conflict between private and public sectors in the community because each was seeking their benefits. Governmental sector seeking public benefits and private sector seeking personal benefits. New governance stands on the approach that negotiation and interaction should be established.

#### ***Good governance components***

##### ***The civil society (NGO):***

Civil society has been always the thinkers' studies axis as it plays an important role in political society coherence against the government. Civil society is on the axis of human individuals' coalition. In the society, individuals do not have the ability to resist against the government but with being together there will be a situation that authorities see themselves face with a systematic substitution under the name of civil society. Therefore civil society refers to any spontaneous constitution independent on the government and out of governance and the government's critic. Civil society organizations can contribute to people with economic, political and cultural activities and arts, and play an important role in guiding and organizing the participation of people. Civil society is a group broker between the Governmental power and the individuals 'freedom which establishes the balance between power and freedom by its measures. The circle of civil society activities goes to the structure of the Government and democratic institutions. The Government has a regulator role not an owner and employer, but must have the necessary cooperation with other elements so that good governance will take shape and becomes as one of the rings of the chain. But in previous theories, the government played the main role so to proceed, increased or decreased the State intervention in the Affairs. In previous theories, the market and government could not be effective alone but faced with the disadvantages of poverty, inequality, monopoly and swelling and...In good governance the private sector with the admission provided by the Government, through correcting the deficiencies and support of healthy competition and preventing from monopoly can generate wealth, job creation, and economic boom. As far as this sector has high capacity for creating independence, improvement and economic income creation. In good governance three components of government, private sector and civil society have a close activity and relations together and this makes the affairs being managed effectively.

#### ***Good governance targets***

The United Nations Millennium Declaration is for new age and was adopted in September 2000 in New York attended by leaders of 147 countries. In millennium declaration different targets were adopted by the United nation's General Assembly: - Maintaining the values and basic principles such as the principles of equality, equality, development and poverty eradication-the freedom of men, women and children, being free from hunger,

participation of people in the Government and such purposes. In the millennium declaration, persistent development and good governance are of the countries targets and purposes and have been defined as the precondition of achieving these goals. In 1968, a declaration was adopted by the United Nations regarding development right in which interdependence of human rights and the development was referred and has entered the organizations related to human growth and development (Zerayee, 1999, p57-62). Therefore good governance can be referred as the condition for persistent human development and human rights realization. Good governance is an approach based on democratic values and aims to achieve sustainable human development. Good governance and sustainable development: Development basic meaning goes to the 16 century when a number of thinkers and researchers expressed their concerns about environment destruction by human being behavior (World Bank development report). The United Nations development program: to promote the "the development right" and joining human rights to the sustainable human development program is subject to the priority of such right compare with the Government program and ideal government has the specifications such as clarity, participation, public satisfaction, effectiveness and being responsive. Therefore there is dependence between human sustainable development and governmental rules (Zerayee, 1999, p57-62). Good governance is a theory based on sustainable human development which emphasizes on decreasing poverty, economic development, sustainable welfare and training.

### **Human rights and good governance**

Human rights may be defined as a set rights and privileges of every single person in the community and human individual benefits from it because of being human and in relation with his kinds and the ruling power. The content of human rights principles is giving information and awareness and these principles by providing a set of standard actions, make the Government responsible for protection and implementation of human rights. (www.united Nation Human Right.org). The question is that what is the relation between good governance and human rights? Human rights are the standards of good governance and of third Millennium Declaration goal. In 1993 a conference was held for integration and being un-dividable. It emphasized on the point that all human rights are un-dividable and united nation should perform the human rights in all parts of the world equally and fair and the governments' responsibility is to promote and support human rights without paying attention to political, economic and cultural supervision (Hadavand, 2005, p55). Therefore all human rights are universal and un-dividable and united nation should support the basic rights to improve democracy. In the resolution 2000/64 the human rights' work Commission for a better relationship between good governance and democratic institutions, delivering public services, governing the law, combat with corruption and bribery and transparency and accountability to fulfill the prerequisite of it. Good governance with its components strengthen human rights and human rights principles itself is a functional solution for good governance as good governance is nothing more than the interaction between the three main sectors of society and earning the highest satisfaction of citizens and to achieve sustainable development.

### **Defining good governance indicators**

With a brief and short look at international documents it gets clear that the components of good governance in different texts, are different but the ruling spirit over them is same and all follow a target and this plurality of votes does not prevent multiple perceptions of good governance. Some of good governance indicators are for strengthening the governments' and some for supporting citizens' rights. But at the end all are active in the way of reaching human rights and sustainable development. If the government's strengthening indicators be performed appropriately, a suitable condition will be for getting to citizens' rights. There is a close relationship and interaction between good governance indicators that all should be applied so good governance and sustainable development will be achieved.

### **Good governance indicators and government's empowerment**

#### **Rule of law**

Rule of law is an idea rooted in political and judicial thoughts. It roots from Great Britain political history that in 2015 supported people against the government rogues (specific-2011, p140). Rule of law by its most basic meaning can be called as a set of rules and regulations that ruling the authorities and institutions and the community individuals, and the public are required to comply with it, and inhibit the arbitrary and despotic use of power. Rule of law has a great difference with the rule by law. In rule by law, the rules are as tools and instruments in authorities' hands and they use the rules for governing people and do not comply with it. The law should be the showroom for public equality as far as the base and of law is justice. The law which does not perform justice is not law but a dangling standard. Transparency: Transparency is one of the subjects and a keyword for better governance and strengthening people's partnership. Transparency is a tool and instrument for good governance implementation and strengthening public partnership in social and political affairs. Availability of information: Today availability of information and documents is of importance and is a basic right for human. Information availability make people receive their basic right which is supervision the managers' performance. 2-2-1-2. The limits of information availability: Regarding the information availability and studying international documents, the base is on the necessity of publishing information and maximum information. In this regard undoubtedly some limitations should be applied but to the extent that no block being made in free flow of information. Applying the limitations should have specific conditions: Should be clearly broadcasted. The declaration of specific conditions should be urgently. 3-2—1-2. One of the important aspects of transparency in society is fighting against corruption and rent swing. The first concept lightening in the mind about the fight

against corruption is minimizing the speculation and rent swing among power and wealth owners (Hadavand and others, 2012, p718). Corruption can be defined as power abuse and the position in order to obtain personal benefits or third parties or pressure groups or a direction apart from public interests or actions inconsistent with the spirit and purpose of the rules. The corrupt government can't make available all information to public or make barrier for publication of the information.

**Responsibility principle (Responsibility):** One of the distinctive and obvious features of any government is its responsibility towards commitments and actions and its performance. Responsibility is of human consciousness and discretion. A kind of ethical behavior that is accompany with the necessity and obligation. But this responsibility is not in contrast with the human freedom. Responsibility principle is the rule of law result. According to the principle of the law pursuant, its implementation is obligatory for everyone and according to the principle of law enforcement, violation of it makes responsibility. If in a society responsibility fails, autocracy and corruption will cast on the acts of the authorities and the people's rights will be desirable.

#### **Good governance indicators and the effects of governments' empowerment**

**Accountability principle:** Accountability means to inform, explain, justify, and notify. Accountability is a tool for responding and the authorities' response to explain their decisions and actions for their actions and decisions and accountability tools should be searched for in the people governing societies.

Accountability is a kind of supervision tool on administrative and managing mistakes of authorities to clarifying and rule of law. Accountability strengthens democracy (Reif, 2014, 32). Accountability can be assumed as constitutional- judicial and political. The consensus orientation principle: One of the effective principles in good governance realization, is consensus orientation principle. If the freedom of expression of thoughts and the equality for everyone in the community is observed undoubtedly different practices and trends and will be born. In no society people have the same sentiment and the coterie and the interests of the political, economic, social and cultural visions and this variation is a natural criteria. But the decisions and actions should be a balance of the majority of the society individuals' needs in such a way that a kind of unity and integrity being created and above all it make the opportunity available for all the community groups. Effectiveness and efficiency: The basis of efficiency and effectiveness principle in good governance is that three parts of the society being active in such a way that satisfy the members of the community and meet their problems. The necessity of a government's efficiency and effectiveness, is having a coherent and high-efficiency administrative structure.

#### **Good governance indicators and citizens' rights**

**Equity:** The human rights Universal Declaration declares in article one: all human beings are born with dignity and the same rights. Everyone benefits from wisdom and conscience and everyone should behave towards others by spirit of brotherhood. In some countries, the right of accessing to Justice is expressed clearly. If this fundamental right is not specified in the law, justice is the most ultimate goal of government and public rights. The justice principle is of the components of good governance. Because the equality or justice sometimes means injustice but should fits anyone as he desires. **Participation:** Citizens' participation is one of the effective factors in realizing good governance from bad. One of the ideas for good governance rose since past, is democratic government pattern. Participation is a two sided relationship between people and the government. The partnership is preparing appropriate condition for citizens to their participation right in order to communicate with the authorities and participating in decision making and applying policies.

#### **Court of Justice Judicial supervision and principles of good governance**

Administrative law is a branch of the public law science. Administrative law can be referred to the order and certain norms be imposed on the administration (Hadavand, 2012, p43). Administration by its classic concept has the responsibility of providing public safety and regularity. Today the administration's responsibilities does not limit to providing public services and one side relationship. Judicial control is of the most important supervising tools in administrative law and means that the government activities are reviewed judicially. Judicial supervision on administration activities seems necessary and clear. The purpose of judicial supervision is accountability in public decision makings and judicial reviewing is not limited to controlling the performing administration (Hadavand, 1997, p281-822). Administrative law guarantee and supports the society's basic values and principles' performance (Agah, 2010, p23). Therefore the presence of a supervising institution on the administration's performance is a need and necessity. The idea of formation of a specific reference for handling administrative law claims has been inspired from France system. One of the results of the 1979 revolution of Iran, was applying the progressive law of France State Council Executive that was unperformed the previous Government. The Administrative Court of Justice rose with the approval of the Constitution of the Islamic Republic of Iran in 1979. The legal position of administrative justice court with the approach of creating a correct administrative system and elimination of any kind of tyranny and despotism and monopoly has been rooted in the article, 170 and 173 of the Constitution law. In Iran's law system, administrative proceedings is a judicial matter and outside the Executive administration. We try to find that the Court of justice by its performance, how much has recognized the principles of good governance with its own judicial case control.

#### **Justice Court votes and good governance**

##### **Rule of law principle**

The Administrative Court of Justice has called the guarantee of upholding the principle of the rule of law enforcement with various words in different votes. Against the law-lacking legal credibility and lack of legal validity and such words like these are as the annulment of decisions and actions of the authorities and brokers. Breach of the rule of law principle has been considered from various angles in the vote of the Court that in the following a part of it has been specified:

Not to comply with the superior norm by the lower- withdrawal from jurisdiction, opposition with the spirit and target of ruler-domain change subjected to the law. Any of mentioned items above refer to rule of law principle observance. Because rule of law means that the authorities' performance should be completely in accordance with a legal article. Issued votes: The comment 387 of General Court of Justice of Administrative Board, regarding that article 19 of the State companies employment law provisions if the employee of the company in addition to duty office hours does extra time, his overtime that it is equivalent to one hundred and 60 of monthly ticking his additional working hours would be paid to him. And in decree dated 1/11/2001, legal Counsel and salaries unlike mentioned item inconsistent with regard to pay the overtime rate of 35% in the mentioned Decree. This decree has been recognized against the law and is annulment. Judgment No. 193 dated 17/6/2002, the General Court of Justice: according to the principle 57 of the IRIB Constitution that has called the ruling powers of Islamic Republic of Iran's as legislative, Executive and the judiciary and refers to the principle that these powers are independent of each other. So the approval letter No. c 49454 T 23269 dated 3/11/2000 Council of Ministers in the judicial affairs section under the title of the third economic - social and cultural development plan strategies of Islamic Republic that guarantees the specified rules for the judiciary in order to perform specific tasks because of logging to a specific area out of Executive responsibilities in the legislation is detected and annulment. According to judicial no 400 the Administrative Court of Justice General staff declared that the law performer in protection of workers who had worked 20 consecutive years or 25 years of hard work and have put risk in the body and their lives, by accounting their retired time, every year of their hard work will be regarded as 1 and half year and the worker's death before his retirement application does not change this law and his family salary will be calculated the same way. Efficiency and effectiveness principle: Speed in handling and meeting is one of the criteria for the efficiency of the administration. Judgments no 654 dated 6/8/2007 of public official in respect of recruitment of students committed to serving in education says: According to articles 6 and 8 of the law about responsibility of serving in the Ministry of Education Act of 1990 is that students committed to serving the mentioned law who have begun serving in the Department of education receives the rights and salary and by acquiring relevant job qualification required for entry into the formal education courses and roughness will be hired in the Department of education formally. Eligible people are referred as formal employees. Therefore, the direction of application of the directive, paragraph 42 signified number 9 set tasks that deny mentioned right about the eligible workers. Accountability principle: Judicial no 103 General staff Court annulment of Directive 1- 11682 dated 21/3/2000 environmental organization with the stance of accountability to the Organization of inspection of entire country under article 8 of law forming the Organization of inspection of entire country and its executive regulations amendment article 16, all related authorities in the organizations and institutions and governmental units and offices have to deliver the necessary documentations and information to the supervisor and answer the written and verbal Correspondence and stalemate. Considering that the provisions of Directive No. 1-11682 dated 1/3/2000 the EPA's lack of correspondence and comment and respond directly to the country's general inspection organization and performing it through the Office of supervision and inspection of environmental protection agency or the aforementioned unit after the impact against the explicit Decree rule maker on the obligation of authorities to conduct the aforementioned assignments subject to inspection units to the modality is urgently. Therefore the mentioned circular is rejected.

### **Transparency principle**

The abuse of the powers is one of the principles of administrative justice court revision. Abusing is more related to the administrative person purpose. In the Court of administrative justice procedures the votes under the name of explicitly and transparency or free informing cannot be seen. The vote of approach unity no 412 dated 13/11/2002 says that: Although the Government's employees demand to change the geographical location of their consent or according to administrative requirements in case of community of conditions and effective factors in the field is of management authorities, but changing the geographic location of government's employee according to paragraph (e) article 9 of law handling administrative infringements Act 1993 has been considered among the administrative punishment and apply it shall be subject to the issuance of the definitive vote on behalf of the staff tending to administrative violations, so the management authority appliance in order to change the location of the offending Concierge service in order to change her with attention to the limitation of the powers of administrative punishment in management is not legal. Administrative justice court with issuing improper unity goals no. 412 emphasizes on bad purposes on decision making. Refers to it as examples of abuse of authority and is annulment. Participation principle: Judicial no 38 dated 28/1/ 2005 the complaint subject: Annulment of article 9 of act of leave, complainant- Mohammad Hassan Askari, The plaintiff submitted a petition to the description of the uses article 47 employment law that gives absolute right to government employees to use a year off using the salary. Calls for the annulment article 9 regulations for leave. General Board votes: complaint to article 9 of leave regulations citing article 47 employment laws is annulment. Justice principle: Judicial no 396 dated 7/10/2004 by General Board of the administrative justice court regarding the annulment of the administrative justice court procedure article with the subject to determine the multiplicity of lawyer in the Supreme Court of Justice, under article 699 of the civil law that requires it to do whenever two or more persons as Deputy Attorney, none of it cannot be without the other or others involved in the Administration unless each have an independent mandate. In this case, each of them would make it alone and in article 31 of civil procedure law the multiplicity of the Attorney is permitted so disobeying as prescribed in article 6 of the administrative justice court, is removed.

### Conclusion

The Constitution of the Islamic Republic of Iran has predicted some rules in order to protect and safeguard people's rights and the rule of law that establishment of administrative justice court is one of the most important and necessary ways. The Administrative Court of Justice established, shows the importance that legislator may for the safeguarding of citizens' rights and ensuring the health and correct functioning of the Executive administrations. In the constitution law two basics for rule of law and getting individual rights have been specified for court of justice function. It looks like that the original and primary action by Court should be performed to defend the rule of law and the traditional control approach that is the same legality of the practice of the Executive devices, matching or dis-matching with the law or given that the Executive devices escape to this amount of law, it is less expected to assume the actions of the Executive devices rational and warranted and put issuing votes on their attention. The judicial supervision of court is one of the three types of performance supervision of Executive administrations and this variety of votes and violation on citizens' rights indicates that Iran's administrative system should be shifted and the adoption of the country services' management law also failed to help Iran complete transformation of administrative law. As long as the Executive system is not entitled to the good functioning and have a long distance to good management put its functioning based on taste aversion and act according to its interests and tasks, the Administrative Justice Court approach will be entirely passive. The Administrative Court of Justice, according to understanding of its major position in health and transformation of the administrative system of Iran, has done valuable measures with the issuing of voters in various fields. Administrative Court of Justice has failed despite of hard trying benefits from all of its capacity in the field of good governance and that is not just because the poor functioning of the Court, but a set of factors including lack of administrative law, the performance of the Executive administrations, lack of acceptance of culture and lack of empowering the Executive administrations. As a whole filling-up good governance with respect to the current difficult situation seems difficult. But because in good governance method the base is that any country with respect to the existing institutions and structures benefit from this universal pattern, can't ignore the effective administrative justice court measures by issuing votes. Although there still is a long way ahead.

### Reference

1. Agah, Vahid, 2010, basic rights and public rights basics, Tehran, Jangal pub-, 2004, good governance the base of development, Kheir khahan, Jafar, Meydari, Ahmad.
2. Ghazi, Abolfazl, 2006, basic rights necessities, Tehran, Mizan pub
3. Vije, Mohammad Reza, 2011, Theoretical concepts and law government structure, Tehran
4. Hadavand, Mehdi, Nejat khah, Morteza, Aghayee, moslem, Shams, erfane hemmati, mojtaba yazdani, hormoz, jam, farhad, mashhadi, ali, 2011, Tehran, khorsandi
5. Hadavand, Mehdi, 2011, administrative rights, first ed, Tehran, samt pub
6. Hadavand, Mehdi, 2011, administrative rights, second ed, Tehran, samt pub
7. Dabagh, sorosh, nefri, neda, 2009, defining goodness in governance, governmental management, third ed
8. Aarayee, Mohammad hossein, 1999, governmental management, no 44
9. Sharif zadeh, Fattah, gholipoor, Rahmato Allah, 2003, the government's role in good governance, organizational culture management, no4
10. Hadavand, Mehdi, 2007, governing the power and its change in administrative law, no8, summer.
11. Good Governance How Dose it Relate to human Right ([www.unitednationhumanright.org](http://www.unitednationhumanright.org))
12. Reif, Linda, 2014, the ombudsman Good Governance and international Human right system, international, studies in human right, 79

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