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## Review the General Policies of the System with Public Policy

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**Abstract** The general policies of the system include framework and total orientation basis of the country in all of governmental areas which is determined on behalf of Supreme Leader by first paragraph of 110th principal of constitution and play a role like a binding ring between the principals and goals of the system with the duties of governmental institutions and organizations. The main goal of these policies is introduced as creating disciplines in the country that determines the general geometry of the system as well. The second paragraph of 110th principal of constitution emphasized the necessity of existing a supervising on the implementation of these policies, and knows it as the responsibility of the Supreme Leader. This duty, that manufactures the mandatory feature of policies' nature, makes the importance of policies implementation clear from the perspective of the constitution drafters and is transferred to the expediency council in accordance with the following 110th principle. The present study criticize the present method of supervising on implementation of these policies and emphasized on the necessity of revision on its method after analyzing the concept and nature of system general policies and principal explanation and the importance of supervising on their implementation. If policy-makers think about the appropriate ways of implementing in the time of codification of the policy, the approved policies will certainly not face problems in the implementation. Since the realization of public policies is a sign of their effectiveness, if the prediction of run tools are taken correctly, the policies are executive and otherwise will be unproductive and ineffective.

**Keywords:** general policies of the system, public policy, Iran, France, the government, head of state

### Introduction

Every community requires national strategic policies in addition to the determined legal principles that are able to ensure the relations in community to achieve comprehensive development. Therefore, policy making is essential in any governance system. This case, in addition to the legal principles, is the prerequisite of any society that pays attention to its development (Amid Zanjani et al., 2013: 14).

System general policy is focus on the political philosophy of state and important and strategic issues and is related to the general and directional affaires. Articles 1 and 2 of the 110<sup>th</sup> principle have established a new legal entity as the general policies of the system and explain the approved reference and supervising their implementation (Gholami and Bahadori Jahromi, 2013: 52). These articles have transferred the determination of the Islamic Republic of Iran's general policies to the Supreme Leader after consultation with the Expediency Council. Regarding the content, these policies have high position in the legal position of approving reference and legal source in the legal system of Islamic Republic of Iran. This position find a double importance with the look at the concept of policy making, the nature of politics and the goals of basic policy makers from designing this legal system. The system of policy making in a country is the reflection of dividing penetration power and impacts of groups,

intrastate flows and a policy maker technical look and management level in running and politic as well (Ashtarian, 2010:2).

Understanding the general policies of the system explains the importance of this legal entity; however, the importance of such an institution can be realized in other ways. Studying the concept of policy making and its position and importance in management science, the importance of policy making in the process of society management, the role of general policies in the orientation of country movement to the goals and basic principles of system and the impact of these policies in the movement regulation of various parts of state in various periods are as such (Gholami, Bahadori Jahromi, 2013: 54).

Legal entity of system's general policies has high position and importance in the legal system of Islamic Republic of Iran and is a tool that the ideal goals of the system become closer to the execution stage and the principles of constitution have more flexibility and consistency with variable conditions. In addition, providing discipline in the process of planning and public policy with regard to the temporary nature of the tenure of government officials is accounted from other benefits of such policies (Gholami, Bahadori Jahromi, 2013: 54).

Related topics to the advent literature and background of the concept of frequent policies of the system have importance in this respect that can show the cause of arrival of this phenomenon in the system of Islamic Republic of Iran. With identifying the mentioned cause; some steps can be taken to explain the position of these policies. With regard to the fact that general policies of system include the legal and management aspects and have a lot of importance in order of developing different part of a country, general policies of the system in law have been surveyed in this study.

#### **The definition of public policy**

This knowledge analyzes and studies the acts of states. Public policies are actually a manifestation of governance will in action, and can be considered as structural and related sets included from intentions, decisions and actions that are attributable to the public authority at the local, national and international stages.

Existence of a process or set of activities and decisions of government that are designed to solve a general problem is called public policy.

The necessity of monitoring the implementation of the general policies of the system

The necessity of monitoring the implementation of the policies is a certain affair in the legal viewpoint, because the second paragraph of 110<sup>th</sup> principal of constitution has emphasized the necessity of existing a monitoring system on the implementation of these policies and knows it as the responsibility of Supreme Leader. Viewing the proceedings of the revision council in the constitution in the time of study and approval of this paragraph will be an indicator of its importance and evidence from the perspective of the members of this council.

However, a brief look at the importance of monitoring from the perspective of management science experts in order for the implementation of policies can better explain the importance of appropriate and efficient regulatory system.

Management experts with the definition of monitoring or controlling as a regular effort in order for achieving standard goals, designing information feedback system, comparing the real members with preset standards and finally determining possible deviations and evaluating their values on the running processes in the case of the necessity of combination of monitoring and planning in management believe that achieving favorable achievement in the first place is conditioned to the fact that required actions should be planned to meet goals and the methods of running mentioned operations are predicted more realistically, labor division has been done based on the scientific principals and the acts of different units are coordinated.

But, in finishing such project and in the time of final deduction as well, supervision or control is one of the most important operations that a manager should do doubtlessly and such process will guarantee achieving the designed goals in a plan.

They know planning and monitoring as inseparable and introduce them as political twins of management and believe that unplanned action cannot be monitored because the monitoring means keep standing the activities in the right event in the way of correcting the tipping that is done in plans. In conclusion, the planning provides the criteria of monitoring as well.

In this regard, some experts believe that this belief that a good management depends on having an effective control system is not only an exorbitant belief but is also totally acceptable because management compares the should with what is there, favorable with what exists and predictions with operations. It gives a clear image to the manager until he understands that how much is far from what he has promised to get to. The special role and important job of successful monitoring is to put necessary effect in the viewpoint of system correction.

An efficient manager can get the maximum efficiency and effectiveness in order for achieving the goals of organization only by monitoring the sources and activities of members of an organization in a system. It is just by monitoring that the planner will understand the accuracy of his forecast. Because of this reason, this idea should be accepted that any plans will not be run correctly without monitoring and control and will not find meaning and concept without planning in another expression. The necessity of monitoring is that the manager would be sure about each referred duty to be done completely.

This importance has led the members of revision council in the constitution to assign a separate paragraph to the necessity of existence of monitoring on the implementation of these policies and put it in the hands of the Supreme Leader. The possession of this monitoring in the hand of Supreme Leader is quite logical and is considered along with other principles of the constitution with regard to the 57<sup>th</sup> principal of constitution that Supreme Leader has absolute monitor and overlooking on the triple branches and on the other hand as a leader of system has macro management and orientation to the governance and is accounted as the most capable person for this purpose.

However, it is surprising that some law teachers not only do not believe in the strategy of making this paragraph of constitution administrative but also are assertive for guidance and not being necessary of the principal of these policies despite the immediacy of necessity of monitoring on the implementation of system general policies. Different approaches of these teachers and the attention and more than enough emphasis on the necessity of monitoring on government officials and the prohibition of staying without monitoring of these officials even in the case of silence of constitution are notable in return for the inattention to the necessity of serious monitoring on the implementation of policies that its importance and necessity are obvious in the legal, political and management perspectives.

Regardless of this non-acceptable claim, the importance and necessity of monitoring in order to guarantee the implementation of these policies has led to the repeated emphasis of Supreme Leader in order for thinking on this issue:

"The last point to be considered is the issue of monitoring the implementation of policies. This is very important... we should not be satisfied by the approval of a public policy but then see in action that the different execution organs of triple branches and their dependent parts go another way or even have a little deviation from the public policies. This is not right, the monitoring should be done certainly... another part should do its job by the pursuit or incumbency of expediency council and should go further with an appropriate strategy... the

monitoring should be done in the real meaning and also the intervention in running in the special meaning of executive should not be deducted from it and the leader should know it as well. It means that that the leadership really knows that where this policy was implemented and where was not implemented. We cannot wait for the end of the program to see whether the program is running or not. The presence of these policies should be sensible in the form of a law, approved by government and implementing policies that will be adopted”.<sup>1</sup>

#### **A critique on the method of supervising on the implementation of policies**

As it was stated, the 110<sup>th</sup> principal of the constitution in giving the determination competency of public policy of the system of Islamic Republic of Iran to the Supreme Leader after consultation with expediency council, has given the responsibility of monitoring on implementation of these policies to Supreme Leader in the second paragraph.

In order to monitor the implementation of system general policies, there are different ideas in the negotiations of the revision council members in the constitution and some members know it not only as the authority of leadership but also as his duty. Some believe in the necessity of existence of a representative in order to monitor the speaker or believe in the necessity of creating required organization and facilities in order for doing this monitoring and in return some are opponent of creating wide and cumbersome organizations to do this duty.

Different ideas are stated after the correction of constitution about this topic but less effective special suggestion are offered that are in accordance with the internal fundamental legal system.

Finally, according to the following 110<sup>th</sup> principal of constitution, the leadership could resign this duty to another. The Supreme Leader resigned the duty of monitoring the implementation of system general policies to the expediency council and recommended the council to predict a solution in the council itself until the approved policy in programs and regulations of the country be monitored by the letter in 06.04.1998 (39). In addition, he had written in the introduction of issued policies of the general policies of the Islamic Republic in matters of economic security, energy, water resources, mining, natural resources and transportation sector:

"I put the responsibility of monitoring on the implementation of issued policies on behalf of expediency council according to Article 110<sup>th</sup> of the constitution. That council is ordered to present its monitoring report with approved set up to me”.

In the exercise of this oversight, "the provisions of supervising on the implementation of the general policies of the system" in 10 articles and 6 notes were approved by the council in 11.06.2005 and ultimately approved by the Supreme Leader and was issued in 11.09.2005.

According to Article 9 of this enactment, the highest responsible official in the triple branches, armed forces and Broadcasting is responsible for the implementation of the general policies of the system in related devices. Moreover, the article 2 of this enactment foresees that "monitoring commission" should be formed with certain combinations in order to monitor, evaluate, and incorporate and comprehensiveness of referred matters of the council to supervise the implementation of general policies.

Of course, the monitoring of this committee is passive and in accordance with note 1 of this article, the commission will simply review the received reports. However, according to article 1 of enactment, the intercalary organs in article 9 are ordered to send and provide the annual and five-year cyclical reports of themselves from the running method of general policies and the scale of their realization to the council based on the indexes and winders.

In accordance with note 1 of Article 3, each of the specialized committees of the council, in

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Supreme Leader speech in meeting the members of National Exigency Council, 06.04.2002<sup>1</sup>

the field of their activities, provides the annual report as how to run and develop general policies. These reports will be presented to the council for comment after review and incorporation in the monitoring commission. Finally, in accordance with Article 10, the results of studies will be reported to the Supreme Leader with regard to the observance method and implementation of public policies with actions.

With regard to this monitoring method, the council can have a kind of passive monitoring rather than the actions merely after receiving the arrived reports from the relevant organs and the result of this monitoring eventually leads to the reported results to the leader.

Although this kind of monitoring has a minimum advantage, it does not seem that this kind of method can supply what is considered by the explainers of the constitution approved in 1989 and the Supreme Leader as well with regard to what has been raised about the position of general policies of the system as well as the necessity and importance of serious monitoring on the implementation of these policies.

The only significant case in the approved article 1 states: "laws and provisions include case plan law should be regulated in the related general policies frame work, these provisions should not be in contrary with related general policies in any case, but this article does not have a complete executive guarantee and is implanted in the case of five-year plans laws of development". According to article 7 of enactment, at the mean time with reviewing the five-year plans and its next correction in state and parliament, the monitoring commission of council reviews the content of plan in the terms of conformity and is not in contrary with the approved general policies and sends its report to the assembly council. If the council accepts the commission report based on the contrary of part of the plan with the general policies of the system, the members of the council will bring up the contrary cases in the related commissions of state and parliament. Eventually, if the contrary stays in the final enactment of parliament, the guardian council would act up according to its duties and authorities and based on the opinion of expediency council. In this case, it should be noted that the concept of opinion declaration of guardian council in this article is vague and has not specified whether the guardian council has the right of monitoring the opinion of council and making decision in terms of right or wrong or it is ordered to accept the opinion of council in this case. However, the guardian council merely acts as a notice device in these cases and sends the letter of council by the appendix of their opinion to the parliament and orders the parliament to apply these comments.

Secondly, with regard to the limitation of this kind of monitoring on the law plans, the rest of the approved laws and provisions of legal competent entities are actually out of the supervision of the council and there is the possibility of monitoring the received reports from the devices itself based on the mere implementation of general policies of the system.

While it determines the detailed negotiations of revision council in the constitution as well as reviewing the position of general policies of the system and the foundations of monitoring them, the execution of these policies is a vital and very important affair in the country by all of the basic entities and, in top of them, triple branches the deviation from which would bring up the Islamic society deviation from its main path movement in many dimensions.

Also, implementation of these policies is a necessary affair with regard to the intermediacy of general policies of the system between the goals of the system that are designed and explained based on the system foundations with the execution and practical status in the level of government forces and society in order to achieve the set goals in the third principal of constitution, while adhering to the mentioned principles in Article 2 of this law. There is no doubt that the only way to ensure this implementation and correct orientation of government



forces will be an efficient and comprehensive monitoring.

### **Conclusion**

It became clear in this article that the general policies of the system have a legal and binding nature. Moreover, the following results are obtained from clarifying and defining the concept, nature, position, and enforcement of general policies of the system in Iran.

1. The public policies of the system are not lawful, but are a set of goal-oriented policies and strategies that are determined for the realization of values and goals of the constitution.
2. The general policies of the system are not government commandments because governmental regulations are from the religious orders, but the public policies have the features of "stability, Futurism" "inclusive" statement of ideals, values, culture and civilization in the religious, economic, social, legal, political, scientific and cultural fields.
3. The guardian council cannot reject the approvals of parliament by referring to the general policies of the system; unless this order is given from the Supreme Leader to the guardian council or the Supreme Leader issues governmental verdict because of the violation of parliament from the general policies.
4. A court cannot refer to the general policies of the system because these policies are not lawful and the courts can only refer to the law in verdict.
5. These policies cannot cause the agent of right or duty for citizens directly regarding that the public policies are the legislative bed and are not lawful and the causing agent of right and duty is just the law and religious orders.
6. Administrative Justice Court is not able to enter the hearing by the inconsistent claim of government approvals with the public policies, unless it is delegated by the leadership to the court, because the leadership is responsible for supervising the implementation of the general policies of the system.
7. Parliament is obliged to legislate within the framework of the general policies of the system, because the public policy of the system is from the enshrined examples of the "limits in constitution" in Article 71 of the constitution.
8. Regarding that the general policies has the approval of the Supreme Leader, therefore, they are not contrary to law and since these policies are formed in order to achieve the values and objectives enshrined in the constitution, they cannot be contrary to the principles of the constitution.
9. Guarantee of the general policies of the system is of political guarantee and has guarantees such as the dismissal from position for those who violate it.
10. The general policies of the system are binding for all branches and subsidiary institutions the violation from which brings responsibility.
11. General policies of the system have no contrary with legal sovereignty principal, but they specify the orientation and strategies of legislation and give them orientation on their priority.

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