The Position of Coordinating Council of Legal Affairs of Province Executive System for Problem Resolving

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ABSTRACT: The present article naming “The position of coordinating council of legal affairs of province executive system for problem resolving”. The coordinating council of legal affairs of executive systems has been established in line with government microeconomic policy and for the creating and strengthening of necessary substructures for the more incorporate province legal union in decision making and terms and conditions in the coordinating council framework. The main question is that “who composed and what the aim of coordinating council of legal affairs of executive systems.” And the hypothesis arising from this question is that “coordinating council of legal affairs of executive systems consists of governor and representative of legal president vice and planning deputy governing and work in order to dispute resolution among executive systems.” The method used in this article is descriptive-analysis and for more investigation, search within legal books and papers and also journals and websites have been used through library method and taking notes. In fact, we can say that the coordinating council of legal affairs of executive systems, in addition to create Precedents, collect and coordinate legal opinions of systems release in legal websites, deal with dispute resolving among the systems in province and terms and conditions framework.

Key words: council, coordinating council of legal affairs, executive systems, systems disagreement

INTRODUCTION

Council is an important thing have considered in Islamic culture, especially. Consult with people on various issues of life and community results in better and more precise solution and avoiding the mistake repeat. Council is of importance that one of the Quran Sura has been named as “Shoura” with meaning of council. We know that council causes that life proceeds correctly. At the Council that advice and deliberation get together, the proper operation is formed. Hence, people consisting of the council should be rely on other opinions and obey the law all the times.

Coordinating council of legal affairs of province system is one of the most important council in every province. This council has some powers and duties such precedents creation in main issues of province, help for the absolute formation of government legal organization and dispute resolving between the systems and identification of legal shortcomings and legislative proposals for the removing of them. Governor is of the main members of this council responsible for president of council. Council meetings are held in governor building and then in other province sections.

Definition of Key Words:
In this section, before entering the main discussion, the key words of this study is defined briefly and then the main discussion is studied.

Council
Council (Shoura) was arised from Share-Al Asal and is meaned removing of honey from the hive and abtaining the pure honey. This word, so, means obataining the correct way through wise comments.
**Coordinating Council of Legal Affairs**

A council is formed for effective coordinating among the legal unions of executive systems and standardization, role, status, duties and circulation way and is under the Vice President for Legal and Parliamentary Affairs and it is chaired by governor and its secretary is legal advisor of governor or General Director of the Inspector Office and Legal Practice Management Branch County.

**Executive System**

Every systems of article 160, law of 4th economic, social and cultural development plan of the Islamic Republic of Iran-approved in 1383-is under executive branch and generally divided to subset and province systems in terms of regulations and staff system.

**Systems Disagreement**

The disagreement of executive systems is in interpretation of the laws or disagreement arised from their legal tasks interference and also their disagreement in cattles and financial law.

**Council and Incorporation Importance in Terms of Islam and Quran**

One of the believer's properties is consult with each other. They consult for obtaining the correct opinion and use the clear sighted comments. It is clear that the consult is very useful and necessary in both personal and social affairs. Muhammad, the prophet of Islam, says that "No man does not talk to anyone unless it is driven to the growth". Council and consult are so important that one of the Suras of Quran have been allocated to council (Sura of Shoura). We know that with the council, the life proceeds in correct and proper way. In a council and consult in which expedient and thought are together, based on quran, proper operation takes place. In everyday life, we have seen our wrong actions. With an analysis, It is found that council works have better framework and methodology in terms of structure and mode of action.

Therefore, the members of council should rely on comments of other people, themselves and obey laws framework in all of times. It have been seen in Nahjollasahae that foresight is consult with wise and behaving according to it's him. Islam insists on council status. A lot of Verses and Hadith imply this issue such Verse 38 of Shoura sura that says: “Those who obey God’s command and pray and consult with each other and give to the poor what we give them” and Verse 159 of Al-Emran is recommendations of prophet to believers: “forgive them and consult with them and when you decided, trust God because God loves those who trust”.

The prophet and Imams emphasize doing the works with consult and council. For example Imam Ali have a lot of commands about council such “Who will consult with other people, is partner in their wisdom” and in elsewhere, he said that Consultation would be far from oppression as “The man who put her in counseling, have been distanced from tyranny”

**Council and Corporate Management**

Council and consult is a principle of rational before is a political issue. Just remember that human is a social being to accept the rationality of council and consult. Nevertheless, there are a lot of course in Scripture and Tradition of Islam that endorse this principle of rational.

In history, we deal with popular cases for council's approach to community governance or form of government. For example in Roman Empire, Roman Senate was responsible for managing community and its members, i. e. senators, have high power. During the rule of the Church in the middle Ages, much of the community was ruled by the Church Council and when even kings were under the influence. Entering the era of modernity and industrialization of societies, these councils showed themselves as parties, unions and other manifestations of the council. In some countries, especially European ones, these unions have high power and have formed party for them and have representatives in parliament and even after winning the elections, set up the government.

In our country, because of the importance of council and consult in religious and historical doctrine, the soviet approach in society management is of importance. The seventh principle of the constitution in line with these commands provide: Based on Quran, councils such Islamic parliment or province, city, town, area, village, etc. councils is of decision-making and country management. Formation of councils, the powers and duties are determined using this principle and other arisen one (Constitution, V. 1.1).

**Coordinating Council of Legal Affairs of Province Systems**

After council description and also importance and status in Islam, in this section first, we introduce coordinating council of legal affairs of province systems, then dissert about their goals, duties and status.
coordinating council of legal affairs of province systems are formed and managed in line with the government's macro policies and for creating and strengthening infrastructure and conditions for Maximum participation of the provincial law in decision-making and achieving the effective goals of regulation and in the framework of the guidelines of coordinating council of legal affairs of province systems for doing assigned duties.

**Duties and Powers of the Council**

- Creation of precedents
- Bulletins making and legal periodical journal for problems statement
- Call to identifying systems problems and necessary steps to resolve them
- Help for full formation of government legal organization through:
  - Data recording of claims in comprehensive system of claims
  - Facilitate the registration of immovable property informations of systems
  - Assist in the preparation and utilization of funds for legal information systems
  - Dispute settlement between systems in the province within the framework of laws and regulations
  - Distribution of legal works published by deputy legal and authentic legal publication
  - Accounting of interdisciplinary research in universities for generation of science and documentation of oral knowledge of systems.
  - Collection and coordination of legal opinions of systems and online publishing of legal authorities
  - Log in to system rules and regulations of Islamic Republic of Iran when having circulars and provincial regulations
  - Identification of legal defects in the corresponding areas and executive proposals for elimination of defects
  - Participation in the training of legal capital of the province

**Composition of the Council of Legal Affairs**

After determination of Duties and powers of the Council, now we should know who is entitled to attend and vote at the council

- The members of coordinating council of legal affairs of executive systems include:
  - Governor as Chairman of the Council
  - Legal representative of the Vice President as the Vice Chairman of the Council
  - Planning Deputy Governor
  - Vice President of Administration and Human Biographies County
  - County Law Director or Legal Adviser as Secretary of the Board
  - Legal director of the provincial executive, however, if there are no legal director, expert or legal adviser
  - Three experienced legal secretary, Proposed by the Secretary and approved by the Council president

It is necessary to note that council secretary can invite chief justice, director of province inspection, Director General of Audit Court, provincial administrator and President of the State Bar Association to council meetings as guest (no right to vote).

Counsel Secretariat Located in the County and The council secretary is responsible for convening the meetings of the Council, including Schedule of meetings and codifying council agenda and Convey to others and send to planning affairs and monitor the performance of legal unions of executive system, coordination with the Governor or Vice- Chairman of the Council.

Presence of Vice President of Legal Representative in all of council meetings is necessary (Style Coordination Council of Legal Affairs of executive systems, 1390).

It should be note that Regular meetings of the council are held once every two months with the secretary council official invitation.

The council meetings will be held based on annually schedule with coordination of Vice President and Approved by Council President.

The first meeting of coordination council of legal affairs of province systems will held in county and next meetings, based on previous schedule, will be held hosted by other provincial systems.

Council decisions, within maximum of 10 days after meeting holding, impart to members and related systems.

The council secretary is required to report results, quantity and quality of meetings, regularly, to Vice President of Legal Representative and Planning and supervision of legal department of executive systems of presidential.
Specialized Commissions

In order to properly perform the duties and powers, contained in Article 2 of style sheet, the council secretary is required, coordination and approved by Vice President and validation of council president, to form specialized commissions of legal affairs and provide requirements to support the decisions of coordinating council and achieve the required tasks:
Expert Committee on Legal Affairs (economic, infrastructure, industry and environment)
Expert Committee on Legal Affairs (scientific, cultural, social and E-government)
Expert Committee on Legal Affairs (Judicial, legislation and agreements)

Commission members and their tasks include:
- Responsibility of coordinating, organizing and holding meetings of specialized commissions of legal affairs contained article 4 is for council
- Commission members consist of legal executives of related systems regarding to provisions of the civil code states
- The preliminary review and comment on systems disputes and Interfere with the legal obligations referred to council secretary
- Tasks reference contained in article 2 for expert reviews for the preparation of the issue for approval by the coordinating council of legal affairs
- Finally, It should be noted that Governors across the country and director of planning and monitoring the performance of law enforcement devices are responsible for monitoring of proper implementation of this style sheet.

Government Policy towards the Council’s Legal Affairs Executive

With regard to Specialized approach in order to stabilize, strengthen and rehabilitate the legal unions of executive system of country and multiple missions of this department for strengthening the legal systems of government in the provinces and important legal duties granted to the County and the need to provide legal system to the Governor to determine the legal principles of the province and doing affairs related to coordination council of legal affairs of provincial executive systems, highlighting the legal role and duties in the county is necessary to achieve the legal government policy.

Since duties and missions of county inspections of country include operation assessment, inspection and investigation of protests and achievement of these issues require law enforcement practices and conversancy of units managers with Terms and Conditions and indispensable regulations and implementation of considered issues with legal sentences caused to decision on matter finally, and on the other hand, management offices should be conversancy with Legal Structure of the government Organization and other powers and well perform duties especially Inspection and evaluation of performance with respect principles of people and government rights and other legal principles of laws and in addition, in the government directives, tenure of legal offices is by people possessing at least a bachelor's degree in law and in notifications, inclusion criteria of status, duties and methods of work in legal affairs have been emphasized as duties of Vice (Badaghi, 1391)

CONCLUSION

The consultation is so important that one of the Suras of quran have been dedicated to it and there are a lot of Hadith about this. The members of council should trust in result of consultation and obey regulations. In our country, Because of importance of consultation in society management, principles of the constitution have considered it. Coordinating council of legal affairs of provincial systems has been formed in order to achieve effective goals within the guidelines and regulations.

Beside from creation of precedents and bulletin making and participation in the training of legal capital of the province, the main tasks of council is resolving disputes between executive systems in provinces in the framework of law.

And finally about handling and resolving disputes can be concluded that first, qualification of dispute resolution reference regarding to the regulations is investigated and in cases where disputes inspection is not in the area of work, the plea is rejected with declaration because lack of Jurisdiction.

If necessary, based on comment of dispute resolution reference, a copy will be sent for systems or related systems. If you require the parties to explain and address the issue in the meetings, dispute resolution reference invites parties to the meeting by invitation containing date, place and agenda of meeting. Absence of each party will not cause to do not hear the other side’s statements. Summary of topics is recorded in the minutes and signed by representative of parties and chairman of meeting.
In cases where continuation of administrative process in dispute, based on comments of following officials, irreparable damage will be caused, comply with the rules, the following procedure shall be done:

In cases where dispute resolution reference is chief of staff, with his command, existing administrative process is stopped.

In cases where the issue is inspected in county, possessing the legal authority of governor will be acted according to his commands and if you need to make another decision, the issue will be referred to the deputy for appropriate action.

In case where the issue is inspected by deputy and parties having not agreed for stopping existing administrative process, the issue will be done based on commands of deputy.

Suggestions
Regarding to the previous section and analysis of stated topics, the following can be suggested:
Introduction of people to duties of coordinating council of provincial legal affairs through social media
Holding of related conferences in counties or universities for advance in council goals in society
Publishing of law book related to coordinating council of legal affairs of executive systems and presentation for people and students.

REFERENCES
Ahmadi A. 2010. The importance of Council and Partnership in Qurasn and Islam approach, Iran, Tehran magazine.
Bodaghi F. 2012. Style handle and resolve disputes between the executive, Legal Vice President, Tehran.
David P. 2007. Regulations resolve the dispute between the government apparatus with The mechanism of the executive, Vice President Legal affairs executive style Coordinating Council of Provinces (2011). Approval of the Legal Vice President and Secretary of the Interior style handle and resolve disputes between the executive (2008). Vice President of Legal Affairs of the House, Tehran
Tebyan. 2010. The importance of partnership in Islam, Iran magazine, Tehran.
The constitution of the Islamic Republic of Iran