

A Jurisprudential-Legal Review of the Government's Civil Responsibility for Citizen's Livelihood; A Look at the Reflection of Stability and Social Justice in Contemporary Graphic Artworks

Abstract

One of the significant responsibilities of the government is to provide the welfare and livelihood of the citizens, one of the main duties of the welfare states and Islamic states at particular. According to Muslim economists, economics based on Islamic principles, whether as an economic system or school, is influenced by the worldview and value structure of Islam. The explanation of the relationship between the value system of Islam and the Islamic economy, as well as the explanation of how these values crystallize in the Islamic economic system, have been the subject of discussion by many Muslim economists. The right to livelihood is also introduced as a principle of Islamic economics, which reflects the worldview and value system of Islam. The present research has been carried out in a descriptive and analytical way by focusing on the data of library and documentary sources. The findings of the research indicate that citizenship rights have had a exceptional consequence on the government that can be categorized in four sections including: civil, political, economic-social and cultural. The existence of relevant laws in this field, such as the Constitution, the Islamic Penal Code, the Civil Liability Law, the Labor Law, the Civil Liability Compulsory Insurance Law, as well as the Maritime Law are indicative of the government's responsibility that ensures its obligation to warrant the welfare of citizens and their livelihood. provided in special circumstances. These laws are based on jurisprudence and legal principles, which remind us of the principle of Islamic justice. Unquestionably, the position of the government should also be mentioned in this context that can fulfill this civic responsibility by collecting taxes, paying subsidies, reforming the ownership system and changing prices. The issue of social justice in the contemporary period is also reflected in works of art such as graphics and is considered one of the imperative social themes.

Research aims:

١. Recognizing the government's responsibility towards people's livelihood from a jurisprudential and legal point of view.
٢. Examining the problem of stability and social justice in contemporary graphic works.

Research questions:

١. What is the government's legal and jurisprudential responsibility for people's livelihood?
٢. How is the issue of stability and social justice reflected in contemporary graphic works?

Keywords: civil responsibility, government, jurisprudence and law, livelihood, contemporary graphics

Introduction

One of the important and basic topics in every school and social system is to explain the duty of the government in the field of economic activities and to provide people's livelihood; moreover, this issue has been the concern of Islamic scholars since time immemorial. In recent decades, Muslim thinkers have explained the position of the government in the economy from various dimensions and have listed it as one of the examples of the government's civil responsibility, in which the government and all its employees, directly or indirectly, are obliged to act on this matter, and any negligence on the part of the government and the employees is a shortcoming (Moussovian, ٢٠١٠: ٥). If the main purpose of the rules of civil liability is to compensate the material and moral damages and repair the damages, the government and administration employees will not be exempted from this rule. Especially in today's society where the government intervenes in all social affairs comprehensively, it is possible that granting the right of immunity and non-responsibility to the government may cause some material or moral damages to natural or legal persons (Rostami, Bahadri & Jahormi, ٢٠٠٩: ٦٩). The issue of civil responsibility is not only limited to compensating the damages and losses caused to the people of the society but includes people's rights towards society. Among these rights, citizenship rights can be mentioned that one of its main features is providing people's livelihood. From the point of view of jurisprudence, in

the Islamic system, in addition to providing essential needs, prosperity is also necessary to achieve perfection and those with faith are responsible for each other due to the commitment of ownership; also, the government must provide conditions for citizens to grow and excel and achieve perfection in life. Also, it should be noted that no hardship or limitation ought to be present and to establish justice is to create social growth and progress and to obtain individual virtues and perfections (Ebrahimi Kiaei, ۲۰۰۹: ۲۱). The human right to livelihood is a right that allows each person to benefit from a basket of goods according to the standard of living of that time which is an indicator of the standard of living, based on the set of facilities and limitations of a society in order to meet the needs. Individual and social needs are determined; thus the right to livelihood covers both individual needs and social needs. Although the limits of the concept of livelihood are fixed and clear, nevertheless, its examples change according to the conditions of time and place.

What will be analyzed in this research is the examination of the government's civil responsibility in providing the welfare of the people, including the provision of people's livelihood. At this point, the question should be raised first, what are the foundations of the government's civil responsibility in providing people's livelihood and what is its juridical and legal status? In answering this question and other questions raised during the research, various legal and jurisprudential sources such as the Nahj al-Balagheh is used. Since the provision of people's livelihood leads to the satisfaction of citizens and the stability of governments, investigating this issue is of great importance. According to the country's constitution, it was the government's responsibility to provide the livelihood of the people, and the government has a civil responsibility in this regard. Considering that the constitution and other legal institutions of the Islamic Republic of Iran are based on Islam and religious teachings, therefore, the examination of this civil responsibility of the government in providing people's livelihood should be examined from a jurisprudential and legal point of view. In this research, the jurisprudence and legal foundations of the government's civil responsibility in providing the livelihood and welfare of the citizens have been examined and the relevant legal articles have been reviewed from this point of view.

The review of the background of the research indicates that due to the importance of the issue of providing livelihood and welfare of the citizens by the government and the civil responsibility of the government in this field, written studies were conducted in this field. Based on the results of the research, few sources have observed the issue of the government's civil responsibility in

providing the livelihood of citizens from a jurisprudential and legal point of view and only a limited number of sources have examined some of its aspects, which will be described in this section: Rahimi and Taraf (۱۳۸۷) in an article entitled "Investigation of the characteristics of desirable justice in the first article of Iran's civil liability law in comparison with John Rawls's theory of distributive justice" have expressed this issue with the book of "Theory of Justice" by John Rawls, and analyzed his view on justice and its implementation as one of the most important theories in the ۲۰th century. Amir-Arjamand and Hemti (۱۳۸۶) in an article entitled "Examination and analysis of guarantees of international economic and social rights (welfare rights) in domestic legal systems", stated that the inseparability and mutual dependence of all rights Humanity is emphasized by important human rights documents; despite this, in the past half century, the existence of a strong theoretical and causal current for the separation of these rights has been observed. Mousavian (۱۳۸۲) in an article entitled "The position of the government in the economy from the perspective of Islam" specified that one of the important issues in any social system is to explain the role and position of the government in the field of economic activities. Salehi Mazandarani (۱۳۸۱) in an article titled "Civil responsibility of the government from a jurisprudential point of view" indicated that in the new legal systems, the civil responsibility of the government is a new idea. Sadeghpour Vajari (۱۳۸۳) in his master's thesis entitled "The right to welfare and social security as one of the indicators of human rights and its consequences in people's lives" expressed the issue that social security and welfare are the rights of everyone, which the government has the duty to provide the above services and financial support to each and every citizen based on the laws from the public revenues and the income from people's participation. Therefore, it creates the responsibility for the government to establish a stable financial source for the people of the society through comprehensive policy making and legislation and to provide the ground for the establishment of social justice.

Conclusion

The right to appreciate social security as an institution to ensure the welfare and livelihood of low-income people in society is one of the basic principles of citizenship rights. The purpose of establishing the right to social security is to support people in times of need, unemployment, childbirth, pregnancy, accidents caused by work and occupational diseases, disability, old age,

death (supporting the survivors of the deceased), unexpected accidents and security and immunity from the effects and dangers caused by them. The government's commitment to these rights led to the establishment of a comprehensive welfare and social security system. Under this issue, it should be said that the right to human livelihood is a right that allows each person to benefit from a basket of goods according to the standard of living of the same age and the standard of living is in fact an indicator of the standard of living, which is based on the set of facilities and limitations. A society is defined in the direction of providing individual needs and social needs. The Islamic society is a systematic society in which everyone is equal in enjoying the right to livelihood. The Islamic state has wide responsibilities and powers. No socialist, capitalist, or social democratic government has the powers that the Islamic state has to run the government. Therefore, because it has wide powers, at the same time, its responsibility is heavier than other economic systems and it has a more effective role in economic development. The Islamic state cannot delegate all matters to the market and is responsible for all social and economic issues of the society and must be accountable. The difference between development in Islamic economy and development in conventional economy is that production relations and distribution of society's facilities are formed based on justice. In general, the abundance of verses and hadiths related to work and efforts to earn a living show that Islam pays special attention to economic activities in material life. In addition to the allocative and stabilizing role of governments, the Islamic state also has a distributional role in providing people's livelihood and welfare based on justice. Without the government's intervention, the income from economic growth is distributed unevenly. In the interpretation (development) from the point of view of Islam, the word perfection can be used instead, and these teachings go to the point where a high and spiritual goal governs each of the individual actions.

The goal of growth and development and fair distribution of welfare in the economic school of Islam is to reach a society where economic justice is established. In Islam, economic development is not the goal, but a means that brings the society to the goal of economic and social justice. The key role in the analysis of development in the Islamic society is the welfare and happiness of the society. Economic and social rights are mere citizenship rights and depend on the conditions of certain societies, and the government has a duty to act in these areas. For example, if the government still failed to create full employment after policy making, considering that the commitment to action is in question, the government cannot be complained about. Nonetheless, such a person needs his basic needs to be provided (through the social security system) for his

livelihood, and the government is committed to the result here and this person can complain to the court if the government fails.

Welfare states have functions and characteristics. The existence of a wide level of social services, provision of minimum wage and standard of living and opportunities for citizens regardless of race, opinion or color and proportional distribution of income for all citizens are among the characteristics of the welfare state. The functions of the welfare state are also divided into two categories: support and welfare. Maintaining sovereignty, establishing law for the sake of maintaining sovereignty, maintaining diplomatic relations, enjoying basic freedoms such as freedom of thought, freedom of opinion and social freedoms, improving health, expanding education, economic security, social services and other features include the functions of the welfare state. In addition, according to the principles of the constitution, which declares the government of the Islamic Republic of Iran as a welfare state, articles of the charter were analyzed to observe to what extent this charter was in line with the realization of the constitution and provided the basis for a welfare state for the people. It was concluded that according to principles ۱۱۳ and ۱۲۱, the president is responsible for the implementation and protection of the constitution. Also, examining the desired themes in contemporary graphic works indicates the issue of justice has been of central importance for the government and citizens.

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