



Police of Situation Term of Citizenship Rights with an Emphasis on Urban Security

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ABSTRACT

Citizenship rights are among the constellation of the rules and regulations of which all the citizens of a country should have identical quotients in terms of such aspects as civil, political, social, cultural and judicial. Although the citizenship right has been recently proposed in the law literature of our country, it dates back to long ago. The investigation of the citizenship right philosophy helps us get familiar with the principles and the qualities of this branch of law so as to make both the citizens and the governmental functionaries, especially the police force managers due to the sensitivity of their occupation, acquainted with such an issue more than ever before as citizens' rights including culprit arrestment, describing the charge, paying attention to the principle of innocence and so forth and then it would be possible to know the exact stance of the citizenship rights so that efforts can be made to institutionalize and uphold it. Urban security means feeling free from any sort of threat, abuse to the rights and legitimate and legal liberties of the citizens in an urban environment. In this regard, the police force can play a highly accentuated and considerable role in preserving the citizens' safety as well as the social security. The current research paper takes advantage of descriptive-analytical methods to gather relevant topics so that the citizenship rights can be straightforwardly clarified.

Keywords: citizenship rights, urban environment, urban security, police force, the police force of the Islamic Republic of Iran.

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INTRODUCTION

An indicator of a favorable society is the existence of security and feeling it by the individual society members and it is remembered as an index of citizenship right. Preservation of security and observation of citizens' rights are given the foremost priority after the satisfaction of the preliminary human needs. Citizenship rights are inter alia the rules and regulations that are identically granted to the citizens of a country in such areas as civil, political, social and judicial rights; and, in return, the society members are obliged to responsibly assist their political society (government) (Mousavi Bojnourdi, 2012). Safeguarding and guaranteeing the individuals' citizenship rights is the duty of the governments and it is usually carried out by the police force in various countries. Nowadays, in the majority of the countries, the relationship between the police and the people is evaluated as an important index of the citizenship rights and human rights (Mojtahedi, 2011). The culprit's citizenship rights are among the issues the smallest compromising of which in the crime discovery stage and preliminary investigations provides for the wastage of essential liberties and, in some cases, abuse the culprit's rights.

One of the vast aspects of security is the public security and its preservation. Security is defined as the peacefulness of the mind based on which the

individuals living in a society carefully respect the others' rights to live, honor and material as well as the spiritual rights. Security, more than being a definable topic, is a perceivable

and sensible phenomenon (Bouzan, 1999). Safeguarding the security is an obligatory responsibility of the government that is usually practiced by the police force as the legal representative of the government and it is mostly carried out within the format of certain duties and assignments so as to cause immunity (the absence of crime and infringement) and peacefulness of the mind (feeling secure) in the society members in their daily social and local activities, business and their coming and going, their private life, social interactions, adherence to the religious and national values, securing of the welfare and comfort and finally promotion of the society members' social position in the social interaction network (Karima'ee et al, 2010).

The current research paper deals with expressing the police's organizational duties and the necessities of citizenship rights and tries to offer a clear-cut perception of the citizenship rights in the duties and authorities of the police according to the extant rules and regulations and the norms generally accepted by the society.

1. Study Background:

Bayranvand et al, in 2010, investigated the duties of citizen-oriented police in line with the observation of the culprits' citizenship rights and they came to the conclusion that the culprit's citizenship rights have been taken into account in the constitutional laws and ordinary regulations by the legislator; but, the police's duties need to be more vividly specified in some of the cases regarding the preliminary investigations and, of course, the culprit's citizenship rights as well as some other cases have been more transparently clarified in the new bills (Bayranvand et al, 2010). Abazary, in 2010, evaluated the role of citizens in having a good city and society (Abazary, 2010). Karima'ee et al, as well, dealt with the investigation of the

police force in securing the social security in 2010 (Karima'ee et al, 2010). Eskandary et al, in 2011, dealt with the survey of the citizenship rights' position in the police force's duties and authorities (Mojtahedi et al, 2011). Eskandary et al studied the considerations of people-driven complaints and reports by the police force in respect to the observation of citizenship rights among the staff members of the Islamic Republic of Iran's police stations in 2013 and they came to the conclusion that people-driven reports and complaints' considerations by the police force have a positive effect on the preservation and enhancement of citizenship rights by the staff members of the Islamic Republic of Iran's police stations (Eskandary et al, 2013). Toriki et al, as well, in 2015, dealt with the investigation of the effect of making use of media on the rate of citizens' feelings of security with an emphasis on the police activities (Toriki et al, 2015).

2. Study Method:

The study method applied here in is a descriptive-analytical research of the documentary and library research type that have been undertaken through taking notes from the books, articles and law journals and the study of the international rules and documents related to the topic of citizenship rights.

3. Citizenship Rights:

Human community is the necessary but not enough condition for citizenship. The individuals are called citizens when they realize their rights and duties and fulfill them. In such a case, a city is formulated and citizen finds a meaning. Therefore, the citizens as the formal members of a city and a country are to fulfill certain duties that guarantee their respect and position (Shokri, 2007).

Citizenship is an extensive collection of social and individual rights and duties. These rights and duties, though being of an individual nature, contribute to the social status advancement. The same holds for the participations in economical, public service, voluntary activities as well as the other social activities that are effective on improving the entire citizens' quality of life. In fact, such a look, meanwhile pointing to the codified and legal citizenship rights, adopts a more holistic approach to the social and ethical behaviors that the society expects its citizens to perform. A good perception of these citizenship concepts needs an appropriate environment for conversation between and participation by the people having different ideas and under public supervision.

4.1. Citizenship Rights Scope:

Citizenship rights, in its general meaning, incorporate the rights and the duties of the citizens in respect to one another, the society and the government. Citizenship rights, in a more specific sense, encompasses how an individual is benefited from the observation of citizenship rights by everyone as well as how s/he can benefit the others (NAHJ AL-BALAQA, tr. Shahidi, 1989)¹.

The followings are but some examples of citizenship rights' benefits:

- 1) Protection of lives, properties, professions, jobs, rights and security of the citizens is the duty of the police, judiciary and armed forces as well as the other parts associated with the government.
- 2) Hygiene and healthcare: healthy food and water, inspection of the milk and meat, and maintaining order in the hospitals.
- 3) Education: schools and public libraries.
- 4) Construction, repair and maintenance of roads, highways and streets.
- 5) Protection and guarding the natural resources, jungles and environment.
- 6) Protection of the savings through inspecting the banks and guaranteeing the bank accounts.

4.2. Foundations of Citizenship Rights:

In brief, two foundations are cited for the citizenship rights in the west (human rights and border-bound citizenship, *Ibid*, p.134): one is the liberalism-based perspective and the other is republican-based perspective.

In liberal-based perspective, the citizenship rights are in whole considered as a collection of concomitant rights and duties and every member of the society enjoys it identically meaning that every citizen, meanwhile expecting individual security and freedom and the right to vote, has to also provide military service.

In republican perspective, besides the above-mentioned ones, the idealism mindsets are also concealed in the citizenship rights concept and it is comprised of four elements:

First, there is no doubt that the citizens should enjoy a system of rights.

Second, along with these rights, the citizens are also to shoulder certain duties.

Third, citizenship necessitates taking steps in line with the implementation of the rights of the other members of the political community.

Fourth, the tendency to fulfill the others' rights can be actualized based on a general ideal consensus.

4.3. Citizenship Rights in Islam's Teachings:

Citizenship rights are among the positive human achievements that have been in a great many of the cases confirmed by the undoubted religion of Islam. Such rights as the right to live, the freedom of expression and criticism, the right to determine one's destiny, the right to have security, parity and indiscriminate rights and others of the like are all affirmed and underlined in Islam. One of the most important teachings common in all the divine religions is proving the human veneration. The rights in Islam either stem from human constitution or the nature. Of course, these elements do not play equal roles in the evolution of human rights and constitution is more valued in a conflict between the two roots of the human rights and it guides the human beings to their ultimate goal, perfection.

4.4. Citizenship Rights in Iran:

Ancient Iran is known as the founder of the citizenship rights in the world. The charter issued by the Cyrus, the Achaemenid king, emphasizes a great many of the primary basics and foundations of human rights and citizenship rights. prohibition of slavery and captivation of the free individuals, observing the workers' rights and providing proper work conditions, prohibition of genocide (in attacking Babel), equality before people and others of the kind can be observed in the discovered documents from the then time and even some opine that this same charter is the same writing that is now being called "human rights declaration" (Junaidi, 1999).

¹ In one sermon by His Highness Amir Al-Mu'menin Ali (peace be upon him), there is made a beautiful reference to the rights and the duties of the governors and the people: "People, you owe me some rights and I owe you some rights. It is my duty not to withhold benediction from you and return to you the right you have in the treasury house, teach you so as not to stay ignorant and instruct you the rites so as to become aware but the right you owe me is staying loyal to your allegiance and be benedictory in public and in private and respond to me when I call upon you and accept and fulfill what I order you..."

One of the most famous documents pertaining to the citizenship rights in the contemporary era is the command issued in Naser Al-Ddin Shah by Amir Kabir. The command largely emphasizes on the observation of the people's rights by the governors and their agents².

His Highness Imam Khomeini (may Allah sanctify the sacred soil of his tomb), in 24/12/1982, that was about four years after the victory of the Islamic Revolution, orders an eight-article command addressing the judiciary and the entire executive organs regarding the citizenship rights and indicated that these rights are part of the Islamic Republic of Iran's discourse and not in conflict therewith. In the first article of the command, the preparation of the canonical regulations and enactment and announcement of them is pointed out. The second and third articles pertain to the personal qualifications of the judges. Based on the article four, "nobody has the right to even for a short period of time arrest another person without it being ruled by a judge through referring to the canonical rules, arresting and summoning to a court by force are crimes and necessitate canonical punishments". Corresponding to the article five: "nobody has the right to interfere in and take possession of another's personal possessions, both movable and immovable properties, as well as in the other's rights or confiscate and seize them unless otherwise is ordered by the canonical ruler and this latter has to be done after precise investigation about the verdict's proofs from canonical regulations point of view). The article six of the command points to the privacy of the houses and workplaces. His Highness Imam's command regarding the revocation of the selections on the same year falls in the same framework. In the meantime, the use of the term "citizenship rights" during the recent years by the jurists and the law and legal circles found a more comprehensive dimension. In 2004, a law called "respecting the legitimate freedom and preservation of the citizenship rights" was passed by the Islamic Consultative assembly and it was made into a circular named "citizenship rights" and was placed in the agenda of the judiciary's branches. The main topics of the law were connected to the methods of allegation and prosecution and forbiddance of torture and the way the culprit should be treated by the judiciary's law enforcers and executives.

5. Security:

Literally, security means the absence of threatening to the values, interests and objectives in a mental aspect and the lack of fear for the national foundations of values, interests and objectives being endangered (Tajik, 2002, pp.46-47). The necessity and requirement of security in the society originates from the human rights and the prerequisite to the legitimate rights and freedoms is the society members' immunity from abuses and keeping them safe from the dangers and invasions.

2 (At this time, as it was mentioned in the complaints that were presented to the king, the governors of the states repeatedly torture the servants of the God either for the confession of the guilt they have perpetrated or only for revealing the place they have hid their properties. Such an action is against rules of manliness and canonical verdicts and also contrary to the king's honorable order. For the same reason, we, hereby, declare forbidden any torturing of the culprits; after the culprits' guilt were documented and proved, then they can be punished legally and canonically for what they have committed. The aforementioned states' rulers should not torture anyone and they have to be careful that if a single person performs that s/he will be reproached and punished. As it is common, the person who is found with a guilt and abuse should not be punished for more than it is sentenced by the judges (25/04/1845).

The human communities' security can be categorized to five sets in a general classification: military, political, economical, bioenvironmental and social.

5.1. Legal Security:

Nowadays, the principle of legal security is extensively used in law as well as in political discussions. The principle of legal security has a prominent standpoint in the legal systems and it is the main pillar of the legal government. In other words, one of the governmental requirements, surrounded within the framework of the law (the legal government), is the citizens' awareness of their legal rights and obligations. In every legal system, the primary duty is the protection of the citizens' rights and freedoms in such a manner that the other aspects of the legal system are defined according thereto. Legal security is manifested with the actualization of the citizens' awareness of their rights in judicial trials and even before that as a guarantee for the stability and transparency of the legal system (Vijeh, 2011).

5.2. Types of Security:

In social sciences, security is today classified to different categories and it is usually utilized in its specific sense.

A) **Personal and Individual Security:** that means every individual should enjoy security in his or her life, including the healthiness of the body and psyche as well as the security in fame within the framework of the provisions stipulated by the law.

B) **Public Security:** it is the duty of the government whose goal is establishing security inside a given country and the activities related thereto guarantee the works and the actions of social and civil defense, regulation of the traffic, observation of the public rites and extinguishment of the fires. Establishment of security is a necessary characteristic of the public comfort and production.

C) **Social Security or Social Safety:** it is used in two senses the first of which pertains to the general public's being immune and safe from the threats or outlaws' offences against the law and against the individuals, groups and/or the government and the second deals with the prediction and procurement of the governmental aids for meeting the people's needs in such circumstances as ailments, unemployment and old-age (Aghbakhshi, 1995, p.319).

D) **National Security:** by national security the ability of a nation for protecting its domestic values against the foreign threats is intended. The national security is a concept that handles the way the countries apply policies and decisions required for the protection of the domestic values against the foreign threats. The prerequisite for the actualization of national security is the realization and persistence of domestic and public security and these two are closely interconnected.

5.3. A Glance at the Security in Islam School and the Constitution:

The type of security that is of value in Islam is a full-scale one. Islam knows any sort of insecurity as being inauspicious and any type of creating terror and horror in the heart of the innocent Muslims who have not perpetrated any offence is accordingly deemed inadmissible. The holy Quran enumerates security as one of the goals of divine sovereignty establishment and the succession of the good-doers and proposition of imamate. Security, in Islamic law, does not exclusively incorporate the life, properties, rights and freedoms related thereto rather it encompasses the individuals' personalities, honors and dignities. The Islamic Republic of Iran's constitution in the Act 22 stipulates that "the honor, life, personal possession, rights, housing and occupation of the

individuals have to be kept safe of any abuses unless otherwise is provisioned by the law".

6. Police Performance and the Foundations of Citizenship Rights:

Nowadays, paying attention to the citizenship rights and guarding them have been turned into one of the most widely supported discourses in the area of domestic rights and even international rights. Delimiting the guaranteed citizenship rights can considerably contribute to the resolution of the challenges with which the police force is faced. It has to be explained that if it is made clear when the citizenship rights should be respected and how part of or the entire citizenship rights have to be taken away from certain citizens then a clear response can be provided to the issue with which the police force will be always remained confronted. The police and the disciplinary forces are considered as the security forces the duty of which is establishing order and social security. On the one hand, it shoulders the duty of safeguarding an important part of the citizenship rights such as preservation of the individuals' lives and personal possessions and the citizens' rights and security and, on the other hand, they are likely to take measures in performing their duties, due to their direct contact with the citizens that might be truly or untruly be considered as right or wrong.

6.1. Police Duties in the Light of Citizenship Rights:

There is no doubt that observation of citizenship rights by the police is feasible via paying attention to the canonical and legal foundations and the society expects the police, as the enforcer of the law, not to violate the legal principles and rules. So, the police force has not right to unilaterally intervene, expand and waste the inclusion circle of crimes and interpret the criminal rules and it has to solely fulfill its duties within the framework of the law (Sayyed Taj Al-Dini, 2010: 66).

Corresponding to the constitution, the police force law approved in 1990, criminal procedure enacted in 2013, the single article declaring the veneration of the legitimate freedoms and the preservation of the citizenship rights enacted in 2004 and the other related rules, the police force has been assigned with certain duties and the police officers are required to adhere to the citizenship rights when fulfilling their legal duties. The police system of every country, as the force responsible for discovering and gathering the elements constituting a criminal file or the topics necessitating investigation, can play a considerable role in formulating an illegal and unjust accusation in such a manner that even the judicial system can be led to an unwanted trend. Therefore, teaching the police and security system of a country and requiring them to adhere to the principle of innocence from crime in promoting and expanding the feeling of security by the individual society members, the legal-orientation culture and the reduction of the costs and the quantity of the accusations and files made in relation thereto are of a great importance for the judicial system (Shamloo, 2004: 275).

6.1.1. Police Challenges in regard of Citizenship Rights:

The substantial part of the police's challenges in confrontation with the citizens emerges from the police's fulfillment of its duties. The rights of a citizen who is arrested by the police as a culprit are where the challenges arise. On the one hand, the culprit and even the convict possess particular rights that are derived from the citizenship rights and, on the other hand, the accused may not be a criminal and the sole accusation of the individual should not pave the way for ignoring the citizenship rights. To identify and defend the accused person's citizenship

rights that are to be observed by the police, the indispensable rules enacted in this regard should be taken into consideration.

6.1.2. The police's Respect to the Citizenship Rights:

The observation of the people's veneration and reverence by the police officers is inter alia the aspects and indices of politeness and respect. These variables are veneration of the citizens' honor and dignity, treating the citizens well, honesty in treating the citizens, accountability before the citizens, trustworthiness in regard of the plaintiff, defendant and witnesses' complaints, taking the citizens' suggestions into consideration, observing the citizens' rights in discovering and suing crimes, standardization of the police behavior, preservation of the citizens' rights in their privacy and in public, avoiding violence in treating the citizens and so on. Originally, the indices pertaining to the police's veneration of the citizenship rights can be divided to two sets: obligatory and privative. Enjoyment of security, veneration and equality, the right to have access to information, the right to defend one's life, properties and honor and the right to file lawsuits are among the obligatory indices of the police's veneration of the people's rights. Contrarily, the privative indices include the followings:

- 1) **Discrediting:** answering for another person, interrupting a person, disregarding the others, humiliation, not listening to the others and mocking the others;
- 2) **Terror:** threatening, horrifying, bullying and barbing;
- 3) **Criticizing:** fault-finding, reprimanding, negating and nagging;
- 4) **Re-Inspecting:** preventing one from making independent decisions, despotic behaviors, domineering and imposition of beliefs, wants and needs;
- 5) **Judging:** instigation of the feeling of guilt and shamefulness in an individual;
- 6) **Defaming:** slandering and libeling, divulging and disclosing;
- 7) **deceiving:** telling lies, deviating and cheating;
- 8) **Betraying:** being unfaithful and disloyal
- 9) **Insulting:** being arrogant, vituperation, annoying;
- 10) **Misbehavior:** verbally, emotionally and physically harming the individual's feeling of security and individuality, beating, shouting and affronting;

- 11) **Any change in tone of voice:** cues and changes in the face that convey the idea that "I am more important than you" (Jahaniyan, 2014: 119).

If the police force, as made exigent by its duties, make the individuals working in the police system, particularly the personnel that is in direct contact with the citizens and likely to ignore the citizenship rights, familiar with the citizens' rights and remind them of the necessity to observe such rights, then it can bear witness to a very few cases of citizenship rights wastage by its employees. On the other hand, if training for the citizenship rights to the citizens is carried out by the police force and if it is reminded that the citizens' rights are protected to the extent that the others' rights and freedoms and the social security is not abused, then the police interventions, that are apparently against the citizenship rights but actually in line with the securing of the citizenship rights, will not be objected and criticized (Ibid, p.60).

7. The Police Force's Role in Safeguarding The Urban Security:

Crime and disorder bring about the grounding for the wastage of the physical and social environment of the cities and provide for the social decline and intensification of insecurity, especially in regions known as crime-prone areas and impose considerable challenges on the development of safe cities. These factors influence the social correlation and quality of social life and expose the communities' potential for the independent implementation of social control mechanisms to negative effects (the European center for safer cities, 1996). The essential principles of the optimized control of the affairs should be directly applied in any urban security strategy the objective of which is the reduction and prevention of general issues of crime and insecurity.

The police force will always be responsible for the preservation of order and law as envisaged expedient even if they perform their duties in a democratic society that gives a high value to the human rights. They are always forced to sue the infringers and surrender them to the judicial authorities and they have a special duty for combating the national and international organized crimes (Glowacki *et al*, quoting the European center for urban security, 1996).

National, metropolitan and urban police forces can contribute to the coordinated efforts by the local authorities and their partners in creating safe cities and districts. The police pursue of its missions, if prepared for the urban framework, can only be useful under the responsibility and supervision of the city authorities and therefore it can be more effective and coherent in a local level. The police's intervention in cooperation with various social institutions and groups for the purpose of making the urban environment safer should also be a reflection of the public objectives. This intervention is considered as a measure taken through adopting a legitimate and people-oriented approach and corresponding to the human rights. The results of this measure can be evaluated in terms of more reduction in crime rates and more increase in feeling of security by the citizens.

8. CONCLUSION

Citizenship rights are the privileges granted to the citizens for their political attachments like citizenship and nationality and hence they have these features in common with the human rights; the citizenship rights are rooted in the human rights. In fact, the human rights are the essential privileges given to the mankind disregarding their temporal and spatial positions; while, the citizenship rights are negotiable in the domain of the governments. So, there is put forth a unilateral relationship regarding the granting of rights in human rights and there is posited a bilateral relationship regarding the rights given and the duties required in the citizenship rights. The historical background is indicative of the idea that the citizenship rights, like the other topics of the social sciences, in the west should be sought in the ancient Greece but it has undergone certain changes and evolutions in the west and developed into such areas as civil, political, economical, social and cultural rights. However, the citizenship rights' history from the perspectives of the Holy Quran and the Immaculate Imams in respect to governing the Islamic society is far older and it can be discussed under such titles as the rights of the governors over the people and the rights of the people over the governors. In our country, as well, this branch of law has undergone a lot of changes in such a manner that Cyrus's charter in ancient Iran is one of the documents that has implications on citizenship rights; moreover, in the contemporary era and in the time of Naser Al-Din Shah's kingship, a command has been issued that signifies prohibition of torture and performing trials based on canonical rules. Also, after the Islamic Revolution an eight-article order by His Highness Imam Khomeini (may Allah

sanctify the honorable soil of his tomb) and the adoption of Islamic approach towards the constitution and the other ordinary rules and, more recently, a single statutory article regarding veneration of the legitimate freedoms and preservation of the citizenship rights, enacted in 2004, are proofs indicative of the legislator's too much care for the observation of citizenship rights and emphasis on adhering thereto by the governmental officials. This historical look at the evolution trend of the citizenship rights up to the current point in time can help us better explore the citizenship rights' philosophy through gaining a better and more comprehensive understanding thereof in such a way that it can be said that every society that has paid greater attention to the preservation and observation of its citizens' rights has a more brilliant and valuable history therein while the way the issue has to be taken into consideration can be clearly perceived from the immaculate Imams' ways of conduct.

The evidences are suggestive of the fact that government is apparently devoid of any value before the immaculate imams leave alone the government that tramples the people's rights; rather, it is essentially acceptance of the caliphate that is derived from a divine order. Therefore, a philosophical aspect of the citizenship rights pertains to the actualization of the citizens' rights and, subsequently, expansion of Islamic justice. Its other aspect that contributes to the persistence of the governments and, consequently, the useful performance in managing the police force is the observation of citizenship rights because if the police managers accept with all their hearts the issue of citizenship rights the way they are specified in the Islamic principles then they can play a significant role in institutionalizing the citizenship rights in their subordinates, especially in the employees working in executive branches and positions. The history indicates that the societies having paid inadequate attention to the citizenship rights have not lived long and, in the meanwhile, from the perspective of His Highness Imam Ali (peace be upon him), paying attention to citizenship rights causes sublimity in religion, solidification of the religion-society bind and the persistence of the Islamic government.

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