

## عنوان مقاله:

مطالعه ی تطبیقی حق اداره ی خوب در کد اروپایی رفتار خوب اداری و نظام حقوقی ایران با تأکید بر دو اصل قانونی بودن و تناسب

## محل انتشار:

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## نویسنده:

زهرا رحمانی - حقوق عمومی، دانشگاه آزاد اسلامی، بندر انزلی، ایران

## خلاصه مقاله:

Abstract As the individual's rights play a central role in the modern administrative systems around the world, addressing the concept and analysis of the content and legal nature of the good administration is of particular importance. The Right to Good Administration perceived as one of the fundamental right of individuals to protect them against administrative bodies which was first introduced in the Charter of Fundamental Rights of the European Union. In this regard, the adoption of the "European Code of Good Administrative Behavior" by the European Parliament in 2001 is an important source for understanding the meaning, principles and axes that European Courts are trying to comply with. To clarify the importance of good administration, special attention should be paid to the principles of good administration, each of which is one of the basic guarantees against the abuse of power. In this research, two crucial principles "lawfulness" and "proportionality" is addressed. The findings of the present research, which have been studied descriptively and analytically, are that in the European Code of Good Administrative Behavior, these principles is explicitly mentioned and therefore in the structure of EU member states to practiced and considered. However, in the Iranian legal system, due to the lack of administrative code, some of these principles have not been identified and implemented although in the procedure of the Court of Administrative Justice, in some cases these principles have been considered.

## کلمات کلیدی:

اصل تناسب، اصل قانونی بودن، حق اداره ی خوب، رفتار خوب اداری

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