



The Function of Social Security Organization in Reducing Crime

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Abstract

In order to prevent the outbreak of devastating war, international documents have considered social justice as a necessary condition for lasting peace, and in order to establish social justice, they consider the expansion of social security to be necessary and essential for all citizens around the world, and international documents hold governments responsible for establishing appropriate social security for all their citizens, regardless of gender, color, race, or religion. Social security has been recognized as a human right in international documents (such as the Universal Declaration of Human Rights, the United Nations Charter, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Labor Organization Conventions and the Philadelphia Declaration.

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Introduction

The right to social security has been considered in the second generation of human rights texts, and then the position of the right to social security in some of the most important international documents was examined and researched. In the presented materials, it was stated that all the international documents in question have considered the governments as obliged and responsible for establishing social security for women, children and other citizens. (Izdakh, 2012: 42).

The implementation of the right to social security requires state intervention. This intervention is legally a kind of "commitment" of the type of "commitment to the result". These commitments are implemented by states in three stages: "respect for the observance of the right", "protection of the right", and "implementation of the right". Therefore, the Covenant on Economic, Social and Cultural Rights states in paragraph 1 of article 2 in the general nature of these commitments: "States Parties to the Covenant undertake to take steps, through their own efforts and through international cooperation and cooperation, particularly in the economic and technical fields, to the maximum extent of their available resources, with a view to achieving progressively and fully the rights recognized in the present Covenant by all appropriate means, in particular legislative measures." Therefore, each state has obligations in the field of implementing the right to social security and supervising it, as well as guaranteeing this right, within its territory and also in the international arena.

The mechanisms of the position of social security in international documents and the position of social security in international documents and the Iranian legal system must be clarified. The right to social security in the legal system of the Islamic Republic of Iran has shortcomings, and today many countries are witnessing a change in the nature of the right to social assistance from a reflexive right or legitimate claim to a personal right or legal right. In our country, social assistance is not yet considered a legal right. (Badini, 2011: 24).

-1-1 Concept of social security

The International Union for Social Security has defined it as follows. "Social security is a set of efforts and activities of some social organizations and institutions in order to achieve social welfare" (Fadaeli, 2014: 63). The International Labor Organization's Convention No. 102 states: "Social security is the protection provided by society to its members against social and economic hardships resulting from the cessation or severe reduction of income due to illness, pregnancy, accidents and occupational diseases, unemployment, disability, old age, death, as well as from increased medical and family care costs".

The first article of the Social Security Law approved on 3/4/1354 states:

Article 1: In order to implement, generalize and expand various types of social insurance and establish a coordinated system that is appropriate to social security programs, as well as to concentrate the funds and income subject to the Social Security Law and invest and utilize the funds and reserves, an independent organization called the "Social Security Organization" affiliated with the Ministry of Health, Treatment and Medical Education, which is called the "Organization" in this law, is established. The organization has legal personality and financial and administrative independence, and its affairs will be managed exclusively in accordance with the statute approved by the Council of Ministers.

Social security is a field of social welfare services that is related to social protection against specific social conditions, including poverty, old age, disability, unemployment, families with children, and the like. Comparatively, a narrower definition of the term social security has been given in England, and for example, in the set of regulations No. 1408 of 1971 concerning migrant workers, it is limited only to the classical branches of social security that are mostly insurance-based (Kaufmann D.1999.4).

Social security is also related to social welfare. The theory of social welfare actually expresses a part of the structure of the state that follows a specific policy in the field of social welfare.

Social security means establishing a sustainable and comprehensive system that finds its mechanisms in the context of the economy of society and politics so that, under no excuse or pretext, it can respond to a human right, which is the right to universal enjoyment of livelihood, housing and cultural facilities commensurate with human dignity. This right is neither a favor from the state nor can it be guaranteed within the framework of individual requests for the greatest facilities and the definition of selfish needs. (Faiz Zadeh, 2012: 6).

-1-2 Psychological Security in the Shadow of Social Security

Studies in human history from the beginning to the present indicate that some of the needs of man, despite the progress that has been made throughout history, have still been with him and not only have their importance not diminished but have also acquired new dimensions that were not considered in the past.

According to experts in the science of psychology, after biological needs, the need for security is one of the most important needs. The growth of society and its self-realization rely on the capital of It is human, material and social capital of families and this capital needs security, feeling of security and safety. This need is considered so valuable and fundamental that some believe that the feeling of security precedes its existence.

Economic, social and political security are always among the most important issues facing human societies. Providing security with the aforementioned components brings to mind the concept of social welfare. Taking those components into account, social welfare can be defined as: a set of conditions and qualities that meet the individual and social needs of members of society to an acceptable level and that all people feel a sense of social, economic and political security from living in those conditions.

The need for security and providing social welfare has been an important factor in the formation of organizations and institutions within every society in the past. In Iran, numerous organizations, institutions and popular formations have emerged to meet this need. Providing aspects of social welfare Since

establishing a coherent system for providing social welfare is always a sovereign duty and to some extent a government duty, this matter has been considered in Article 29 of the Constitution, which was established and formed according to the aforementioned principle. As one of the most important social organizations in the country, it is responsible for creating security for the workforce against insecurities such as reduced workforce capacity, loss of income due to economic crises and unemployment, loss of household productive power, poverty and threats resulting from it, fear of lack of support due to diseases and accidents, and reduction of the ability and strength of the head of the household. (Sattarifar, 2013: 43)

Economic security is one of the most important types of security in establishing, growing, and developing the psychological security of individuals, especially the productive human resources employed in the country's economic complexes and retirees and pensioners, which must be achieved by the Social Security Organization. As mentioned, proper social security can create a security environment that has various dimensions, including economic, social, psychological, etc., and this is one of the most important needs of our society today. (Pirovian, 2003: 85).

-2-1 Examples of social security in international documents

The right to social security in international documents (such as the Universal Declaration of Human Rights, the United Nations Charter, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Labor Organization conventions and the Declaration of Philadelphia) is considered a human right and is recognized in these documents. Therefore, in this part of the discussion, in addition to human rights texts, the authors try to examine the position of the right to social security in some of the most important international documents.

-International Conventions

Although the Universal Declaration of Human Rights, the Covenant on Economic, Social and Cultural Rights, and Convention 102 of the International Labor Organization are the main and fundamental documents related to the "right to social security", there are also other international documents that have been established and ratified in order to emphasize the right to social security of human beings or how they can optimally use the benefits and protections of this right, which have strengthened its foundations. These documents, which are referred to as international conventions, include:

The Convention on the Elimination of All Forms of Racial Discrimination: This convention recognizes the right to social security "without discrimination" and explicitly states: "States Parties shall prohibit and abolish racial discrimination in all its forms and shall guarantee everyone the right to equality before the law, in particular to the right to health (public health), medical care, social security and social services without distinction as to race, colour, or national or ethnic origin" (The International Convention on the Elimination of All Forms of Racial Discrimination. 1965. 30).

The Convention on the Elimination of All Forms of Discrimination against Women: This convention emphasizes the right of women to social security: "Women have the right to social security, in particular in the event of retirement, sickness, unemployment, disability, old age and other incapacity for work, and to paid leave." (The Convention on the Elimination of All Forms of Discrimination against Women. 1979. 20)

Convention on the Rights of the Child: This document, emphasizing the right of children to social security, stipulates: "States Parties shall recognize the right of every child to social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national laws" (The Convention on the Rights of the Child. Adopted on November 20, 1989) Accepting the right to social security for children shows in a way the evolution of social security rights that all human beings, even children, are subject to social security protection.

International Convention on the Rights of Persons with Disabilities: In this document, disabled people, regardless of their physical problems, are entitled to the right to security as human beings like other people (The Convention on the Rights of Persons with Disabilities. 2007. 28).

International Convention on the Rights of All Migrant Workers and Their Families: Considering that one of the main concerns of migrant workers to neighboring countries or other distant countries is exposure to disease, social risks, and economic problems, therefore, in this The Convention on the Protection of the Rights of All Migrant Workers and Their Families emphasizes the protection of this worker in enjoying the benefits of the right to social security (The International Convention on the Protection of the Rights of All Migrant Workers and Their Families. 1990.25)

Regional Documents

One of the factors in the growth and development of social security as a human right, as well as the initiative and creativity of governments in implementing social security programs, is the adoption of new methods in the social security system. And the adoption of regional documents in generalizing and expanding social security benefits and protections, these documents include: European Social Charter (1961): This document, which is called the "European Convention on Social Rights", is considered an important document in the field of adopting advanced regulations related to fundamental rights. According to Article 12 of the Charter: "With a view to ensuring the effective exercise of the right to social security, the Contracting Parties undertake to establish or maintain a system of social security in order to achieve a just level of social security at least equal to the level provided for in Convention No. 102 of the International Labour Organization and to strive progressively to raise the system of social security to a higher level" (The European Social Charter, 1996).

Treaty of the European Union (T.E.U): The Treaty of the European Union was first signed on 25/3/1957 based on the Treaty of Rome, with the participation of the six founding European countries, then the European Economic Cooperation Organization was established and at three stages by increasing its signature and changing its name to the European Common Market. Finally, in 1992 in "Maastricht", a fundamental step was taken towards European unity and a common currency by signing a treaty and by including a protocol called "Social Policy" it stipulated the need to provide complete "social protection". One of the objectives of the contracting states in the Treaty of the European Union is to "establish and provide complete social protection". It is important to note that in the social security sector, it has considered specific protections for workers and their families and also non-discrimination. This protection includes freedom of movement of individuals, social risks, non-deletion of work history when changing places of employment, continuation and continuity of the assistance and support status even when residing in another country, extensive enjoyment of social assistance by workers' family members and coordination of the regulations of the member states (Okur C. 2008. 42).

European Convention on Social Security (1972): According to this document, European countries have committed to provide extensive protection in the event of certain events and risks such as illness, childbirth, disability, old age, accidents at work, occupational diseases, unemployment, family assistance and death benefits. This convention requires that all members of the European Union be covered by the social security protection umbrella. In addition, it has recognized this right for people who are immigrants or are not citizens of European countries. In addition, it wants these protections to be provided to their family members. Equal treatment regarding the right to social security Another principle that this Convention requires of the members of the European Union is that there should be no discrimination in this regard. This is so important that the European Court of Justice has called on European countries to refrain from even hidden discrimination against migrants and stateless persons. (The European Meeting Social Protection of Migrant Workers and Globalization. 2005. p.6) The documents relating to the right to social security are based on the conventions of the International Labor Organization, but this Convention explicitly states that the documents of the Labor Organization are in no way included in this American Convention on Human Rights: The Charter of the Organization of American States (OAS) was adopted at the Ninth International Conference of American States held in Bogota (Colombia) in 1948. At the same conference, the countries of the American region adopted the American Declaration of the Rights and Duties of Man, which is similar in purpose and purpose to the United Nations Universal Declaration of Human Rights, six months before the Universal Declaration. Lee HF.2008) This Convention in Article 26 itself, in addition to requiring the American States to take steps to promote economic, social and cultural

rights, directs the promotion of these rights to other treaties. Therefore, the American Convention on Human Rights adopted a Protocol on the Protection of Economic, Social and Cultural Rights in San Salvador in 1988, which entered into force for all member states on November 16, 1999. (The American Convention on Social Security. 1988. Article.26).

According to Article 9, paragraph a, of the aforementioned Protocol, which has been signed by 21 American States so far, "Everyone has the right to social security which will protect him against the consequences of old age and disability and ensure him, in physical and mental terms, the means of a decent and decent life".

African Charter on Human and Peoples' Rights: The Heads of State and Government of the African Union, at their sixteenth regular session in Libya (July 20, 1970), in compliance with the Universal Declaration of Human Rights And the Covenants on Civil and Political Rights and Economic, Social and Cultural Rights adopted a treaty called the "African Charter of Human and Peoples' Rights" which declared the purpose of creating this treaty to protect human rights and strive to promote them. (The African Charter of Human and Peoples' Rights.2000. Article.16).

Although this charter does not specifically recognize social security, it has placed some of its aspects in the sphere of protection of the states committed to the charter, according to Article 16 of this charter: "Everyone has the right to the enjoyment of the highest attainable standard of physical and mental health and States Parties are obliged to take the necessary measures to protect the health of their people and to ensure that they receive medical care in the event of illness." In this article, the charter requires that member states provide health services to their citizens in the event of illness. Also, in Article 22, member states are asked to recognize the right to (economic, social and cultural) development (Y, 2012: 80) From the perspective of Cox, as the most important critical theorist, international hegemony is rooted in domestic hegemony, meaning that the dominant social classes shaped it. Then this hegemony expanded and influenced the peripheral countries. The peripheral countries also adopted economic, cultural, and technological models from this country without adopting its political model. In general, what critical theorists pay attention to in the possibilities of international transformation are: 1- Return to normative ethics in international relations; 2- Reduction of global inequalities; 3- Establishment of international justice; 4- Respect for diversity, plurality, and difference. The above-mentioned cases indicate that critical theorists in the field of international relations consider transformation in the international system as a prerequisite for establishing just conditions and seek to free humanity from the unjust structures of global politics and economics that are under the control of hegemonic powers. They are trying to unmask the hidden face of the domination of the rich North over the poor South (Jackson, Robert, 2014: 299). In fact, in critical theory, the task is to start where we are and explore the principles and values that structure our political society and to expose the internal contradictions and contradictions in how society is organized to pursue the values it upholds. The emancipatory interest of critical theory is concerned with securing freedom from unacknowledged constraints, relations of domination, and distorted conditions of communication and understanding that deprive people of the capacity to shape their future through full will and awareness. Critical theory is committed to extending the rational, just, and democratic organization of political life beyond the level of the state, that is, to all of humanity, so that in light of such a situation it can secure the rights and entitlements of human beings. Based on these theoretical arrangements, as presented in the theoretical literature of international relations, we will now address the main research question.

-2-3The relationship between human rights and social security

We begin the discussion with the concept of human rights and its relationship with the right to social security. As mentioned, human rights are fundamental and basic rights that every human being has received from God, regardless of color, race, language, nationality, geography, and social circumstances or unique and individual abilities and qualifications. The fundamental rules of human rights include: prohibition of torture, slavery, freedom of belief and expression, reading and writing, the right to life, and the enjoyment of health and well-being (social security) which can never be violated or suspended. (Zakirian, 2011: 26) Human rights are divided into three generations based on the subject:

The first generation of human rights; have a civil and political nature and are used to protect the individual against state extremism, such as freedom of expression, the right to a fair trial, freedom of religion and the right to vote are among the most important of these rights.

The second generation of human rights; which is related to the subject of this article, the right to social security and equality. It was officially recognized by governments after World War I. This group of rights has a social, economic and cultural nature. This generation focuses on collective rights and from this group's perspective, the state is a maximalist state because the benefits and facilities are at the disposal of the state. The second generation includes the right to employment, rights related to health care, and the right to It is also the right to social security and unemployment benefits; like the first generation, the second generation is also covered by the Universal Declaration of Human Rights. Favorev, 2002. 21).

The third generation of human rights is legal equality that goes beyond the purely civil and social nature. As has been stated in many progressive documents of international law. These documents include the Declaration of the United Nations Conference on the Human Environment (Stockholm, 1972), the Declaration on Environment and Development (Rio, 1992) and some other flexible rights (Shue, H. 1997. 373). After the first generation of human rights came to fruition, today the second and third generations of human rights have also been introduced and are recognized as the rights of human beings in society. The generations have several functions, the most important function of individual rights is that their enjoyment brings individual independence. The achievement of universal and general citizenship and equal rights for all citizens, regardless of social and economic class. (Fitzpatrick, 2006: 123) Finally, unlike the first generation of human rights, the enjoyment of economic, social and cultural rights (second generation) requires serious intervention by those involved in public services, along with financial, legal, organizational and executive assistance from the state. A state that is trying to realize the rights of demand is called the welfare state, which endangers democracy and freedom more than anything else. It is to raise the level of social inequalities.

-3-1The right to social security welfare in Iranian laws

The formation of the social security system in Iran has not been exempt from these definitions since its inception, considering the scope of its activities and the people covered; although in these naming and title changes in the past 50 years, the aforementioned considerations may sometimes not have been taken into account. This note attempts to depict the naming process of this insurance fund from its birth to now and to show how compatible this Jang Heidari Nemati is with the content and changes that have occurred in its duties and responsibilities, and how much has the play with words and phrases been able to have an impact on the content of this fund or insurance organization? (Sattarifard, 2013: 8).

Roads and Streets Provident Fund: For the first time on 12/27/1309, the Cabinet of Ministers approved, based on the proposal of the Ministry of Roads and Streets, that from the first of Farvardin 1310, the wages of each worker who works on the roads They were paid one shahri a day and one hundred and two percent of the salaries of all daily wages and contractors working in the roads were deducted and allocated to the creation of a "precautionary fund". In the same resolution, it was decided that the Ministry of Roads would submit the regulations of this "fund" to the Council of Ministers for approval. On August 21, 1311, the regulations of the precautionary fund of the roads departments were approved in fourteen articles, which included health care and granting cash bonuses to the heirs of those who died or became disabled due to performing their duties. (Satake, 1392: 32).

Regulation of Factories and Industrial Institutions: In order to advance the industry and pay more or less attention to the health and general condition of workers and their families, as well as to deal with the affairs of factories and create means to improve the livelihood of workers, in 1335, the Ministry of Trade and Industry was assigned the task of compiling the regulations of factories and industrial institutions through the establishment of an independent department called the General Department of Industry and Cooperation. This regulation was It was approved by the government on August 18, 1315, and included working conditions, the duties of the worker and the employer, the safety and health of the workshops, and the payment of bonuses to workers in cases of work-related injuries and deaths. Accordingly, the

establishment of a "Factory Provident Fund" was envisaged, so that, on this basis, all factories and industrial institutions with at least 10 workers employed, at least one of whom was under the age of eighteen, or machine factories with at least five workers employed, or factories without machinery and no young workers with at least 11 workers working in them, or the number of workers was less than 11 but involved particular risks to the health and well-being of the workers, were subject to the provisions of this regulation. (Estavar Sangari, 2011, 156).

Law on Insurance of Government and Non-Government Workers: As a result of studies conducted at the Ministry of Finance, the new bill on insurance of government and non-government workers was Article and two notes were approved by the parliament on November 19, 1943, with three urgent conditions. According to the Workers' Insurance Law and the regulations dated August 17, 1991, those factories and institutions that had more than 20 workers were required to insure their workers against unemployment, D, disability or incapacitation of body parts, medical expenses during illness and work accidents, with the "Iran Insurance Joint Stock Company". The insurance premiums had to be paid directly by the employer. (Collection of Social Security Laws and Regulations, Publications of Publishing House, Tehran, 2005).

Social Welfare Agency: Simultaneously with the gradual implementation of the Workers' Insurance Law, the Council of Ministers in its meeting on 18 May 1946, upon the proposal of the Supreme Labor Council and the approval of the Trades, Arts and Commerce Commission, temporarily implemented the draft Labor Law consisting of 48 articles until the approval of the Parliament. According to this resolution, "two independent funds" were established under the supervision of the council of each factory as follows:

A: "Health Fund" to help workers with illnesses that are not caused by work.

B: "Cooperative Fund" for assistance in cases of marriage, family, unemployment, disability, retirement, pregnancy and childbirth, burial and the like.

Pursuant to Article 37 of this resolution, in order to unify the way of working and supervise these funds, a "Central Cooperative Fund" known as "Social Welfare Company" was established under the supervision of the Supreme Labor Council; However, since the ratifications of the labor law did not have sufficient executive guarantees, employers were often lenient and delayed in implementing its provisions, and the government institutions that collected these funds used them mainly with the workshop agreement council composed of workers' representative, employer's representative and one representative of the Ministry of Labor. In this way, the implementation of the duties of the social welfare company did not exceed the limits of issuing the circular.

The law allowing the implementation of the report of the profession and art commission related to workers and employers: with the establishment of the social welfare company, the matter of health insurance other than professional diseases and work-related accidents was the responsibility of this company, and professional diseases and work-related accidents were entrusted to the Iran Insurance Joint Stock Company according to the workers' insurance law, and the treatment of the diseases of the worker's family members and the compensation for disabilities were apparently implemented. Inadequacy of the received insurance premium with the obligations and delay of the employers in paying their share caused the company to not get the necessary facilities and executive power. As a result, in the executive stages, there was a strong dispute between Iran Insurance Company and this company regarding the responsibility of treating such patients, and the insured suffered a lot of problems. To solve this problem, on June 17, 1328, the law allowing the implementation of the report of the Profession and Art Commission related to workers and employers was approved by the parliament, and on July 16, 1328, it was announced in a decree for implementation. (Jani Shere-Jini, 2010: 65) According to this law, it was decided that all labor matters would be concentrated in the Ministry of Labor and a committee called the Supreme Labor Council, which had a tripartite approach to make decisions in this regard, would be administered. According to this law, workers' insurance, including work-related accidents and diseases, non-work-related accidents and diseases, worker's immediate family accidents and diseases, worker's old age and disability, marriage and pregnancy, family, pregnancy, burial and burial expenses and assistance to the legal survivors of the worker in cases of hardship and desperation were entrusted to the "Workers' Cooperation and Insurance Fund".

In this way, the "social welfare agency" with its organization became a "workers' cooperative and insurance fund". Despite this, because the regulations for the implementation of Article 16 did not pass the approval of the Council of Ministers, the implementation of the items contained in this article and the implementation of its obligations on the part of the fund faced many problems, and Iran Insurance Company continued its duty with the agreement of the fund, and the workshop council also carried out sickness insurance in the workshop at the expense of their cooperative fund, according to the "Precautionary Fund" regulations. (Stovar Sangri, 1390: 157).

Workers' Social Insurance Law Bill: In the middle of 2013, a relatively comprehensive plan consisting of 96 articles and 16 comments, which included previous obligations including unemployment insurance, was prepared and submitted to the government. In this plan, Articles 16 and 17 of the law on the permission to implement the report of the Trade, Arts and Commerce Commission related to workers and employers were canceled and the name of "Workers' Cooperative and Insurance Fund" was changed to "Workers' Social Insurance Organization" and after going through the legal procedures of the bill, the Worker's Social Insurance Law was approved on 11/1/1331.

In this bill, from an organizational point of view, the Workers' Social Insurance Organization was formed with the four pillars of the Organization Council, the Board of Directors, the CEO and the Supervisory Board. (Stovar Sangri, 1390: 158)

Workers' social insurance law, approved: despite the revision of the workers' social insurance law, approved on 11/1/1331, due to the existence of implementation problems and the impracticality of implementing unemployment insurance, as one of the organization's obligations, unemployment insurance was removed from the organization's obligations in the investigations of the parliamentary commission at that time, and the "workers' social insurance" law bill was approved again on 4/24/1334 with changes; In this amendment, the title "Workers' Social Insurance Organization" remained

In this way, the affairs of the Social Insurance Organization were placed under the supervision of the Ministry of Social Welfare, and the Minister of Social Welfare became the chairman of the supreme council of the organization, and the CEO of the organization was also appointed to the position of deputy minister, and proposals related to the organization could be presented to the cabinet through the Ministry of Social Welfare.

Social security law, approved in July 1354

Less than a year after the establishment of the Ministry of Social Welfare, in July 1354, the Social Security Law containing 118 articles and 40 notes was approved and announced for implementation on August 10, 1354. According to Article 1 of this law, "Social Security Organization" was formed in order to implement, generalize, and expand all types of social insurances and establish a system that is coordinated and appropriate to social security programs. In this way, the name of the organization was changed to "Social Security Organization" for the first time. According to Article 3 of the law, the obligations of the organization were determined as follows: (Social Security Rights, 1384: 60)

a) accidents and diseases, b) pregnancy, c) compensation and wages, d) disability, e) retirement, f) death

Also, the subjects of this law received marriage and family support. According to Article 4, the subjects of this law were:

a) People who work in any capacity against receiving wages or salaries

b) Owners of professions and freelance jobs

c) Recipients of retirement, disability and death pensions

According to Article 9 of this law, the obligations of clauses A and B of Article 3 (accidents and diseases during pregnancy j) was assigned to the Health Services Organization, and thus, the responsibility for implementing these obligations, which were among the duties and missions of the Social Insurance Organization, was taken away from it. According to Article 10, from the date of implementation of this law,

the "Social Insurance Organization" and the "Rural Social Insurance Organization" were merged into the "Social Security Organization", and the debts and claims, budgets and assets of their employees were transferred to the Social Security Organization, while maintaining their rights, records, employment benefits, and all their duties and obligations. Also, according to Article 11 of this law, the medical facilities and equipment of the Social Insurance Organization were placed at the disposal of the Health Services Organization, while maintaining the ownership of the Social Security Organization, and the employees of the medical units mentioned in this article were transferred to the Health Services Organization, while maintaining their rights, records, and employment benefits. According to Article 12, the organization was administered under the supervision of the Minister of Welfare and had legal personality and financial and administrative independence. (Incentive and Mandatory Social Security Strategies in Islam, 2014, 65).

The Law on the Establishment of the Ministry of Health and Welfare In August 1976, the Law on the Establishment of the Ministry of Health and Welfare was approved and implemented.

According to Article 1 of the aforementioned law, the Ministry of Health and Welfare was established in order to provide health and social welfare, medical and rehabilitation services, social security, family planning, and population affairs, as well as to carry out other duties assigned to the Ministry of Health and the Ministry of Social Welfare by relevant laws, and to establish a coordinated system for the implementation of the aforementioned services.

According to Article 2 thereof, all duties, authorities, and responsibilities of the Minister and the Ministry of Social Welfare and the Minister and the Ministry of Health, with their staff, credits, assets, and obligations, as the case may be, were assigned and transferred to the Minister and the Ministry of Health and Welfare.

In Article 3 of this law, the executive duties of the Ministry of Health and Welfare in the provinces and governorates-general were assigned to the regional health and welfare organizations of the province or governorate-general, and it was stipulated that the statutes of these organizations would be approved by the Council of Ministers upon the proposal of the Ministry of Health and Welfare. In Article 6 of this law, all executive duties as well as the employees of the "Social Security Organization", with the exception of the employees required by the fund subject to Article 10 of this law, were transferred to the regional health and welfare organizations of the provinces and governorates-general. The obligations, debts, claims and assets of the aforementioned organization were also transferred to the "Social Security Fund". Also, according to Article 7, all employees, assets, credits and obligations of the Health Services Supply Organization, the Welfare Services Supply Organization and the Rehabilitation Association were transferred to the Ministry of Health and Welfare. According to the article, the laws and regulations of the Social Security Organization and the aforementioned organizations, the scope of duties and powers of the Supreme Council, as well as the procedure for selecting members and the organization of meetings, remained in force as stated in the Social Security Law, and only in the composition of the above members, the title of Minister of Social Welfare was changed to Minister of the Ministry of Health and Welfare, and the Minister of Health was removed from its members. (Estavar Sangari, 2011: 160).

Law on the Structure of the Comprehensive Social Security System and the Formation and Change of Name of Organizations to the Fund:

In this law, based on Article 2, the comprehensive social security system is defined in three areas:

A- Insurance area: It includes the social insurance sector, including retirement, unemployment, accidents and incidents, disability and survivors, and the health insurance sector (health and treatment.)

Note- Social and health insurance services are divided into two levels, universal and supplementary, so that:

1 -The law determines the limits of universal insurance services.

2 -Supplementary insurance refers to those types of insurance services that, in addition to the level of public insurance services, are provided by concluding individual or group contracts between the insured and the

insurer and paying the insurance premium by the insured, and the government does not have a financial obligation for it, but is obliged to provide the necessary legal and legal support for such insurance. (Estavar Sangari, 2011: 161).

B- Support and rehabilitation area: includes providing support and rehabilitation services and granting subsidies and financial assistance to needy individuals and families who are unable to work for various reasons or whose income does not cover their minimum living expenses.

C- Relief area: includes relief and rescue in unexpected events.

Article 3 of this law defines the duties of the insurance sector as follows:

A- Expanding the insurance system and providing a level of universal insurance for all members of society, giving priority to insurance based on the labor market and employment

B- Establishing coordination and coherence between different sectors of social and health insurance

C- Implementing the mandatory insurance plan for wage earners

D- Establishing the necessary insurance funds, such as insurance for free-lancers and freelancers (self-employed and non-permanent employees), insurance for villagers and nomads, special insurance for widows, the elderly, and self-employed women, and special insurance for child protection

E- Expanding special insurance to compensate for losses caused by natural disasters such as floods, droughts, earthquakes, and storms

F- Providing legal support for supplementary insurance

G- Monitoring the performance of insurance funds

H- Pursuing amendments to the statutes of companies and insurance funds in a way that the principle of entrepreneurship is taken into account for companies and insurance funds.

i- Monitoring the balance of funds' resources and expenditures based on insurance accounting

j- Providing information about insurance services

Note 1- Each insurance fund can operate in one of the two areas of social insurance and health insurance or in both.

Note 2- The government is obliged to provide insurance coverage to various segments of society, including villagers, nomads, and seasonal workers, within two years from the date of promulgation of this law.

Note 3- Previous commitments of insurance organizations and funds to covered individuals, provided that they have been members of only one organization or fund It remains in force and the surplus will be established if the necessary resources and financial burden are provided by this system.

In Article 12, the four pillars of the comprehensive social security system are determined in the following order:

1 -The Supreme Council for Welfare and Social Security

2 -The Ministry of Welfare and Social Security

-3Institutions, organizations, institutions and main funds of each of the domains of "social insurance", "health insurance", "support affairs" and "relief affairs" that are responsible for managing and organizing the resources of this system, including public resources and subsidies allocated by the ministry as well as resources obtained from the participation of their social partners, or are responsible for assuming executive duties in the various domains of social insurance, health insurance, support affairs and relief affairs on behalf of the government.

-4Brokerage institutions: include commercial insurance companies, municipalities, village administrations and other structural capacities in the form of banks, funds, service companies and enterprises and

charitable and civil institutions that will operate at the level of executive broker of the comprehensive social security system in the form of contracts and memorandums of understanding.

Note 2 of this article specifies the naming of insurance institutions as follows:

Note 2- Considering the "nature of insurance affairs", all organizational titles of institutions active in the fields of social and health insurance will be renamed "Fund."

-2-3 Effects of the right on welfare and social security in Iran

a) Economic consequences

-1 Poverty alleviation

-2 Poverty alleviation and social welfare

-3 Housing provision

b) Social consequences

-1 Health and hygiene promotion

-2 Education

-3 Human development

-4 Employment

Conclusion

The right to social security has been recognized in international and regional documents and regulations as a fundamental and fundamental human right, and in return for the realization of this right, which seeks to preserve health, provide health, and protect human beings from other social and economic hardships. Duties and responsibilities have also been defined and explained for governments, which demonstrate the regularity of this "right and duty" to protect the acquired rights of human beings to have a healthy and honorable life to preserve their dignity and high value. However, it seems that only "regularizing the right" and determining criteria and standards and explaining the minimum social security cannot guarantee the right of human beings to enjoy social security rights. Rather, it is a fundamental point in implementing the right and realizing it in the real world. Unfortunately, today we are witnessing that a large population of people are deprived of the protections and benefits of the right to social security. This is due to the less than desirable performance of governments as the main obligors of implementing the right to social security, which, due to various political, economic and financial reasons, try to justify their non-compliance with national and international obligations. The right to social security has a valuable position in international documents and regulations and the internal laws of governments, and each government tries to realize it for its citizens according to its capabilities and financial resources. However, by examining the current situation, especially in the scope of its inclusion in The field of health and hygiene and the emergence of some new diseases as well as other economic and social risks that lead to a sharp decrease in individual incomes, it is concluded that the desired realization of this right can be a suitable lever for preserving "human rights" for establishing social and economic justice as well as "stability of national sovereignty" through achieving the maintenance of international peace and security.

The International Convention on the Elimination of All Forms of Racial Discrimination, the Convention on the Rights of the Child, the Convention on the Elimination of All Forms of Discrimination against Women, and the International Labor Organization Conventions and the Declaration of Philadelphia (have been recognized as human rights, because international documents have considered social justice as a necessary condition for lasting peace and consider the expansion of social security for all citizens to be necessary and essential to achieve social justice, and governments have the responsibility to establish appropriate social security for all their citizens, regardless of any restrictions, including sex, color, race, and religion. The right to social security, which is emphasized in the second generation of human rights, arises in the socio-economic field, and is considered one of the fundamental and fundamental rights. Rights such as education,

health care, employment, and an adequate standard of living are considered rights of this generation. Human rights, in addition to freedoms, The fundamental right to social security is considered essential for enjoying a minimum standard of living. Unlike first-generation rights, which generally emphasize the absence of state intervention and the absence of obstacles, second-generation rights emphasize state intervention to realize people's rights. Second-generation rights are positive rights and hold states accountable to individuals, and these rights are called "rights to". The main goal of this generation of human rights should be to establish equality and social justice, and its ultimate goal is to achieve the common good. In fact, international instruments have considered social justice as a necessary condition for lasting peace and consider the expansion of social security for all citizens as necessary and essential for the establishment of social justice. Unfavorable living conditions and poverty are a threat to global security and peace. Therefore, social security through the redistribution of wealth It plays an important role in reducing poverty and social security prevents social exclusion and promotes social participation and enables the establishment of social justice and lasting peace. The Declaration of Philadelphia is the first international document that considers the right to social security as a human right. In this document, it has considered the achievement of minimum levels of social security essential for all individuals. Among other international documents, the International Covenant on Economic, Social and Cultural Rights, which is the crystallization of the second generation of human rights, unlike the Covenant on Civil and Political Rights, which seems to be dominated by a liberalist approach, but the second generation is dominated by a socialist approach, which is the same as the intervention and responsibility of the state towards the right to social security. and governmentsThe members which have become bound by these international instruments, to the best of their ability, individually or through international cooperation, shall take concrete steps towards the progressive achievement and full realization of the right to social security. One of the most important international institutions in relation to the right to social security is the International Labour Organization, which has been established with the aim of maintaining peace and promoting social justice, and which has made great efforts to end the adverse conditions of human life which threaten world peace. One of the most important features of the International Labor Organization, which is also considered a democratic aspect, is tripartism, meaning the participation of workers' and employers' representatives alongside government representatives. In the organization's decision-making, workers' and employers' representatives are influential and have a vote independent of their respective governments. Therefore, a major transformation took place in this organization after the issuance of the Declaration of Philadelphia. With the issuance of this declaration, this organization was given an important responsibility and task to act in such a way that social policies are given first importance and welfare and social security are given special priority. Therefore, the International Labor Organization, while carrying out its assigned duties and taking into account all relevant economic and financial factors, can adopt any regulations it deems appropriate in its resolutions. Therefore, it issues the necessary laws and regulations to achieve the envisaged objectives and determine international standards for better working conditions based on justice and appropriate social security in the form of international labor conventions and recommendations, and governments are also responsible and accountable for these resolutions. The ILO Conventions are international treaties that become binding upon a country's accession to them, and the country that accedes to them incurs responsibility and obligations for them. According to the legal concept of responsibility, compensation for damage caused by harmful acts committed by the State is intended. State responsibility requires that the State be a person with free will who can commit a fault by violating a legal rule and is held responsible when that violation is attributable to it. A state whose organizations, public and governmental institutions guarantee the realization of human rights and achieve it by rejecting abuse and political and administrative corruption and by observing the rule of law is considered good governance. On this basis, the rule of law is one of the fundamental pillars of good governance, according to which equal and non-discriminatory treatment of all people before the law and the existence of basic and real decisions to protect the fundamental rights of citizens are considered essential. It considers itself responsible and accountable to citizens, and to that extent it will be closer to good governance, worthy or desirable. Therefore, the government has a general responsibility to ensure that the institutions and organizations that have this duty properly observe the protections stipulated in the conventions and ensure their establishment in the

case of protected individuals. This indicates that the general responsibility of the government and the ruling system will not prevent the independence of the institutions responsible for social security in managing their affairs, and the government must be accountable to the supervisory systems of the International Labor Organization. But the final word is that the position of social security in international documents has been recognized for this purpose, because human poverty is a threat to global security and peace. In order to prevent the outbreak of devastating war, international documents have considered social justice as a necessary condition for sustainable peace. In order to establish social justice, they consider the expansion of social security to be necessary and essential for all citizens around the world, and international documents of governments Responsible for establishing appropriate social security To establish social justice, they consider the expansion of social security to be necessary and essential for all citizens around the world, and they consider international documents as the responsibility of governments to establish appropriate social security for all their citizens, regardless of gender, color, race, and religion.

In Iran, the modern social security system has gone through a path of ups and downs. Although from the formation of the modern Reza Khani government to the fall of the Pahlavi dynasty, there was a gradual growth of infrastructure, the formation of a labor insurance system, support funds, the birth of various institutions and foundations, and the Social Security Organization, the fragmentation and lack of unified policy-making, along with the increase and decrease in government revenue (especially oil revenues of the second Pahlavi dynasty), caused fluctuations in social and welfare services.

After the Islamic revolution, slogans centered on seeking justice, supporting the vulnerable and providing for everyone were raised, and the most important document for the realization of social welfare was born in the form of Article 29 of the Constitution. This principle promises a government that has many of the functions of a welfare state. At the same time, the formation of foundations and institutions parallel to the government in the field of social support promised the prospect of maximum social security, but the scattered functioning of social security and its resulting shortcomings made it clearer the need to focus and consolidate support measures, threats and relief. The result of more than 80 years of centralized government history and nearly 50 years of Herizi's program in the direction of growth, development and promotion of social life, was the formation and approval of the Comprehensive Welfare and Social Security Law in Iran, which was approved in 1983 in order to put inconsistent welfare measures into the structure, goals and functions of long-term development. One of the first organizations born from this law was the Ministry of Welfare and Social Security. Existing institutions and foundations continued to exist alongside this new ministry. With the passage of more than 10 years since then, it was expected that social security would find a maximum form and be able to cover a larger part of the society. But what happened in practice and different from the legal texts, could not be implemented and realized, and the program that was supposed to protect the society from the economic and social disturbances faced many challenges and obstacles.

Considering the welfare conditions of Iran, the welfare system arising from the social structure of Iran should be able to create a maximum safety net under the steps of the people as well as a safe and wide umbrella over the society.

In February 2019 and after 5 months of legal delay, the government announced that the preparation of the anti-poverty bill is on the agenda of the government. However, at the end of March 2010, this bill was removed from the agenda, without a plan for a comprehensive system being written, the presence of some oppositions against comprehensive welfare prevents the quick achievement of a codified law. They summarize this damaged process in 4 main causes:

- 1Political causes and political conflict between the country's main factions over interests and power prevent the development of a comprehensive welfare and social security system. As everyone tried to organize for their own benefit by interfering in the existing structure.

- 2Organizational causes; There has been a desire of managers of organizations active in the field of social security of the country to maintain and develop organizational powers by reducing the powers of other organizations. These conflicts are imagined as follows.

-3Reasons for the approach: the non-scientific and non-expert nature of the project in some fields.

-4Economic causes: financial benefits resulting from the dispersion and disorder in the system

welfare

The opinion of the government at that time about the welfare system was that considering the social, economic, political and cultural conditions of the society and the extent of absolute poverty, the discussion of social welfare, the welfare state and the welfare system, creating expectations, therefore until the country passes satisfactorily from absolute poverty, the implementation of the comprehensive system is not permissible. Finally, due to the change of the head of the country planning organization and the effectiveness of Dr. Sattar Far, who was one of the supporters of the comprehensive system, as well as the pressures of the parliament, the promised bill was sent to the parliament in 1981 for approval. can be Finally, Bill No. 22559 dated August 16, 2018 regarding the organizational structure of the country's social security system, which was approved as an emergency in the public meeting on November 6, 2018, was approved and approved by the Guardian Council on May 21, 2018 with amendments in the title and text, and was sent to President Abagh for implementation.

The approval of the comprehensive system of welfare and social security showed the intellectual and political maturity of the Iranian society, which had crystallized and reached the stage of emergence due to the government of reforms. The goals and clauses set in this law were hopeful for fundamental changes in the damaged process of social welfare in the country, which, if realized, could remove the intentional part of social and even political problems and put the country on the path of national prosperity and sustainable development. However, the path of annexations that ended at this point could not be continued and during the next ten years, different conditions were created.

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