



## Right to Persuasion; A Perspective on Comparative Studies of Jurisprudence and Citizenship Rights

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### Abstract

The converging and divergent duality of "legitimacy" and "acceptance of the social context" establishes the judicial and legal obligation, or at least, the moral obligation based on internal persuasion. Acting based on valid reasons is something other than external coercion or fear of legal punishments and social pressure in the implementation of governance programs and approaches, and in the meantime, it is a right for the citizens and a duty for the government. It divides This descriptive-analytical writing based on library studies, to establish the foundations and shreds of evidence of the right to persuasion in public law, as the sovereign right and introduction (suspended against) the formation of duties about the government and citizens (including in the field of legislation and Qada) pays. This right is a higher category than the right to access information, and as a consequentialist right, it can base the binding of laws and judicial rulings on something other than coercive power and based on soft power; As the necessity of persuasion, in the application of interpretative principles such as innocence and companionship in the domain of governance (as opposed to the individual and religious domain), as a limiting principle, it regulates the rank and scope of the application of verbal and practical principles. In addition, the right to persuasion can show the objective effectiveness of the government at the threshold of public opinion. In public law, the founding power is dynamic and generative, and it is understood that the connection of the source of legitimacy or, in most interpretations, "acceptability" to this power is permanent and continuous. The founding force, or the social reason, is the public vote and the collection of people's opinions about society's issues, which Stötzl interprets as "the political virtue of popular opinion" and Lazar considers it nothing but the voice of the people, which is caused by judgment. The masses of the people are about the issues of the day.

Ignoring public opinion and not persuading it affects not only the people but also the government, and on this basis, governments should be able to monitor and persuade public opinion in a software and cultural environment. Therefore, in a formulation, the problem of this non-hypothesis-testing writing - to be placed in the field of human sciences - is what they are and how to realize the horizontalization of the relationship between object and subject in public law through the identification of a right called the right to is persuasion.



In this field, all governance decisions, including legislative and judicial governance, will be analyzed in the light of persuasion; Whether all these legislative and judicial decisions are an example of guardianship and possession of citizens' lives and property, and the persuasion of citizens is either a condition for the validity and influence of these measures, or is considered a condition for its implementation. In addition, another reason for discussing judicial issues in this article is that the scope of the right to persuasion also includes jurisdiction.

In addition, persuasion of the judge's conscience should not be considered an abstract matter without the possibility of public monitoring and without the need to align with the persuasion of the parties to the case, in such a way that the judge is considered a person who is aware of alcohol and with a diagnosis different from the people, who even If the persuasion of his conscience does not lead to the persuasion of the conscience of the parties to the dispute and is not compatible with it, It should not be considered very important. This is why the comprehensiveness of the article and the importance of the subject require that the right to persuasion be raised and examined in the jurisdiction as well.

Based on what happened in the entirety of this picture, the correct understanding of the social issue is a simple necessity at all levels of issuing norms by the government towards the people; Among them: policy making, legislation, regulation, and judicial ruling should be taken into consideration.

Also, the absolutist view that the social thing is an engineered and hardware thing, or not at all, will not be accepted; Rather, it is affected by fuzzy logic and an interpretable matter; This means that in the process of persuasion and due to the suspension of government decrees on real benefits and corruptions, it can be engineered and not happen.

In any case, the understanding of public opinion in the eyes of the rulers should not be considered as a security phenomenon. Based on this, the nature of the law in the Islamic government is not such as confiscation and worship and requires persuasion. Also, the persuasive approach laws can be related to the criteria of democracy, where the criterion in democracy is the satisfaction of the people, not necessarily their choice; Therefore, the satisfaction resulting from the persuasiveness of a policy law or judicial ruling is a result in line with the components of democracy.

The most important aspect of this belief is that the court verdict alone is not enough to resolve the conflict, but it also depends on the credibility surrounding the conflict and social reason. Based on this, the rank of obligation in the Islamic government is after persuasion, so that the informed conscience of the society does not consider the decision of the government and the judge as an arbitrary opinion. Also, the inclusion of this right as the priority of duties - which has a precise demarcation between customary and populism in law - will reduce the border between "knowledge of the law and ruling decisions" and "presumption of knowledge of them".

**Keywords:** Persuasion, Right to persuasion, Transparency, Political Jurisprudence, Public law.

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