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The Constitutional and Legal Organization of The Position of Prime Minister in Iraq Under The Constitution of The Republic of Iraq For The Year 2005

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Abstract: The topic of the constitutional organization of the position of Prime Minister is one of the important issues in the field of constitutional law in general, and under the 2005 (C.o.R.IRAQ) in particular, which includes provisions that define the powers and responsibilities of the Prime Minister the mechanism by which he is chosen, and his assignment to form the government. However, it does not explicitly specify the conditions that must be met by the candidate for this position. Additionally, the constitution defines the means through which the political responsibility of the Prime Minister is activated without specifying the mechanism for invoking his legal responsibility. Therefore, it was necessary to address the study of this highly important topic.

Keywords: prime minister, assignment conditions, assignment provisions, political and legal responsibility of the Prime Minister prime minister.

1. Introduction

The political system varies from one country to another. After the establishment of its pillars, a state must have a political authority that exercises its powers as stipulated in its constitution and laws. Some countries adopt a presidential system like the United States, some adopt a parliamentary system like Iraq, others adopt a mixed system like France, while some countries adopt a council system, including Switzerland.

According to the Constitution of the Republic of Iraq of 2005, the Iraqi legislator adopted the parliamentary system as the political system of governance, which is characterized by a duality of authority, meaning that this authority is divided between the (P.O.R) and the Council of Ministers. Under this system, the position of Prime Minister holds great importance, as it enjoys significant, effective, and real powers in managing all state facilities compared to the powers granted to the (P.O.R) [1], [2], [3]. Additionally, the Prime Minister is politically accountable to the House of Representatives. The mechanism for appointing the Prime Minister to this position is subject to legal provisions that must be followed to enable him to perform the duties of this position, which requires a limited time period determined by the Constitution and its complementary laws [4], [5]. This period ends either normally with the expiration of its duration or exceptionally.

Citation: Afar, A. J & Jazaa, I. T. The Constitutional and Legal Organization of The Position of Prime Minister in Iraq Under The Constitution of The Republic of Iraq For The Year 2005. American Journal of Social and Humanitarian Research 2025, 6(9), 2066-2092

Received: 10th May 2025

Revised: 16th Jun 2025

Accepted: 24th Jul 2025

Published: 30th Aug 2025



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2. Materials and Methods

The Objective:

The aims of study to clarify the texts and provisions related to the position of the Prime Minister including the required conditions for the candidate for this position, the specific provisions regarding the mechanism of selection, the mechanism of appointment by the (P.O.R), the duration of the term, the ways to end this term, and the means through which the political responsibility of the Prime Minister is activated. This is done in light of the current Iraqi constitution and its complementary laws, identifying the advantages of these texts, the defects and legislative shortcomings they contain, and presenting results and proposals that could remedy these shortcomings.

Research Problem: The subject of the research raises several issues that will be clarified along with the opinion on suitable solutions for them by answering the following questions: How adequate are the conditions stipulated by the constitutional legislator for the candidate for the position of Prime Minister? How adequate are the powers and authorities granted to him to perform his duties as stipulated in the constitution and national legislations? How effective is the mechanism for assigning the candidate for this position to form the government? How effective are the means stipulated in the constitution and its complementary laws in activating the political and legal responsibility of the Prime Minister?

Research **Methodology**: The researcher in this study adopted a critical analytical approach based on the analysis and critique of constitutional texts and national legislations that addressed the regulation of provisions related to the position of the Prime Minister.

Research Plan: The topic of the research " The constitutional and legal organization of the position of Prime Minister in Iraq under the Constitution of the Republic of Iraq for the year 2005" necessitated its division into three sections. In the first section, we address the mechanism for appointing the (P.M). In the second section, we explore the power of the Prime Minister .In the third section, we discuss the end of the Prime Minister term and their legal responsibility as follows:

Chapter One: Mechanism for Appointing the Prime Minister Section Two: Powers of the Prime Minister Section Three: The Termination of the Prime Minister 's Term and His Legal Responsibility

3. Results and Discussion

The first section Mechanism for appointing the Prime Minister:

The Iraqi legislator adopted the parliamentary republican system as the political system of governance under the 2005 Constitution. In such a type of political system, the (P.O.R) is the one who selects or appoints the Prime Minister [6], [7], [8] .In this regard, the Iraqi legislator granted the (P.O.R) the authority and jurisdiction to appoint the candidate of the largest parliamentary bloc for the position of Prime Minister . Additionally, the aforementioned constitution stipulated the necessity of fulfilling a number of conditions for the candidate for the position of Prime Minister, but these conditions were not explicitly stated [9], [10].

And following from the above, and for the purpose of clarifying the manner in which the Prime Minister of the Republic of Iraq is appointed under the 2005 Constitution, it is necessary to outline the conditions that must be met by the candidate for this position, along with the mechanism for their selection as follows:

The first requirement

The conditions that must be met by the candidate for the position of Prime Minister. These conditions were stipulated in the current Iraqi constitution and in some complementary laws [11]. It is noted from the examination of the constitutional texts that the Iraqi legislator imposed on the Prime Minister the same conditions required for the candidate for the presidency. He also stipulated that the candidate must hold a university degree or its equivalent and have completed thirty-five years of age, in addition to some other conditions mentioned in various constitutional texts. The Law on Candidacy for the Presidency, No. (8) of 2012, also included several conditions that must be met by the

candidate for the presidency [12]. We will outline these conditions as follows:
First: He must be of Iraqi nationality

The Iraqi legislator stipulated that the candidate for the position of (P.O.R) must be an Iraqi by birth and of two Iraqi parents. This is what Article (68/First) of the current Iraqi Constitution states, and this condition was emphasized in Article (1) of the Law on the Provisions of Candidacy for the Position of (P.O.R) mentioned above. This condition also applies to the candidate for the position of Prime Minister based on the provisions of Article (77/First) of the Iraqi Constitution [13], [14]. From the interpretation of the mentioned texts, it is clear that if one of the parents of the candidate for the position of Prime Minister does not hold Iraqi nationality, he is prohibited from running for the mentioned position, even if he is Iraqi by birth.

The Iraqi legislator also prohibited any Iraqi holding a nationality other than Iraqi nationality from running for the position of Prime Minister unless they renounce it, as stipulated in Article (18/ Fourth) of the Iraqi Constitution. This is in addition to what Article (9) of the Iraqi Nationality Law No. (25) of 2005 stipulates.

Where the 2 aforementioned articles obligate anyone holding any high sovereign or security position to renounce any other acquired nationality, to be regulated by law. The study believes that the Iraqi legislator was successful in stipulating that the candidate for this position must be Iraqi by birth and from Iraqi parents, in order to ensure loyalty to the state, as it is unreasonable for the Prime Minister to be non-Iraqi [15], [16]. The researcher also supports the legislator's position in requiring anyone who holds the position of Prime Minister to renounce any other acquired nationality, due to the importance and sensitivity of the position at the same time. Despite this obligation, practical reality has proven the existence of many cases where dual nationals have occupied high security and sovereign positions, the legislator referred the regulation of this matter to a law to be issued for this purpose, but this law has not yet been issued [17]. Therefore, we urge the esteemed (H.O.R) to expedite the enactment of this highly important law

Secondly:

Age requirement the legislative treatment of this condition is reflected in Article 77, first paragraph, of the current Iraqi Constitution, which stipulates that the candidate for the position of Prime Minister must have completed thirty-five years of age [18]. This clearly shows that the Iraqi legislator distinguished between the age required for the candidate for the position of (P.O.R) and the (P.M), as it stipulated that the candidate for the position of (P.O.R) must have completed forty years of age. Despite the fact that the position of Prime Minister is no less important than the position of (P.O.R), and in parliamentary systems, the Prime Minister is considered the actual head of the executive authority, the researcher believes that the Iraqi legislator should have set a specific age, not less than forty years and not more than sixty years, for the candidate for the position of (P.M), in line with the importance and gravity of this position.
Thirdly: He must hold a university degree or its equivalent.

The Iraqi legislator stipulated in Article 77/First of the effective constitution that the candidate for the position of Prime Minister must hold a university degree or its equivalent, and this was a wise decision due to the importance of this position[19], [20].

Which is considered the highest executive authority in the country according to the Iraqi political system. This condition was added to the requirements that must be met by the candidate for the presidency, as stipulated in Article (68) of the constitution, which did not include the university degree requirement for this position [21], [22]. The researcher believes that the Iraqi legislator should have added to the mentioned condition that the university degree obtained by the candidate for this position must be recognized by the Iraqi Ministry of Higher Education and Scientific Research, and that he should have at least 15 years of work experience to be fully familiar with the laws and regulations governing the state's work and to have the administrative experience necessary to perform his duties as mandated by the constitution and its complementary laws.

Fourth:

To be fully competent. The legislative treatment of this condition was represented in Article (68) of the current Iraqi Constitution, which stipulated that the candidate for the position of (P.O.R) must be fully competent, which in turn applies to the candidate for the position of (P.M). Upon careful consideration of this condition, it becomes clear that the competence intended here is mental competence, as evidenced by the fact that the legislator linked it to the age of the candidate, in addition to the legislator's requirement for the candidate for this position to have moral competence when he stipulated that the candidate for this position must not have been convicted of a crime that violates honor and that no judicial decision has been issued against him for these crimes [23], [24]. The researcher believes that it was necessary for the legislator not to limit this condition to crimes that violate honor only, but rather to all crimes included in the Iraqi Penal Code No. (111) of 1969, as amended, provided that these crimes are defined in felonies and misdemeanors and the violation is excluded because it is unreasonable for a person to be deprived of the nomination for the point of Prime Minister because of a ruling issued against him for a violation such as a traffic violation [25].

Fifth: That it is not covered by the Accountability and Justice Commission Law.

This condition can be extracted in more than one place in the constitution, as well as from the National Accountability and Justice Commission Law No. (10) of 2008, as amended, which included the formation of a higher committee under the name of the National Accountability and Justice Commission, one of the most important tasks of which is to identify those included in the de-Beatification, and to take legal measures against them in accordance with the provisions of the law. One of the most important goals of the aforementioned commission is to prevent the return of the Baath Party to public life or authority in Iraq, in addition to purging the institutions of the state and Iraqi society from the system of this party in any form [26], [27]. From examining the texts of the current constitution, we find that it included the prohibition of the Baath Party and preventing it from participating in political life in two places [28], [29]. The first is what is stipulated in Article (7) thereof, which stipulated the prohibition of any entity that adopts racism, sectarian cleansing, or excommunication, especially the Saddam Baath Party and the symbols of this party, provided that this is regulated by law. Indeed, a law was issued banning the Baath Party and racist, terrorist, and excommunication entities, parties, and activities. No. (32) of 2016, which included in many of its provisions the prohibition of the Baath Party from participating in political life, and the second is what Article (135) of the Constitution stipulated, prohibiting persons subject to the de-Beatification from running for the position of (P.O.R), or the presidency or membership of the Council of Ministers, or the (H.O.R), or corresponding positions in the regions, in addition to the condition related to leaving work in the dissolved Baath Party ten years before its fall if he was a member of it, and this condition was stipulated by the Constitution for the candidate for the position of (P.O.R), which applies to the candidate for the position of Prime Minister based on the provisions of Article (77) of the Constitution [30], [31], [32].

Sixth: He must have political experience, good reputation and conduct.:

Enjoy integrity, sincerity in work, and uprightness. These conditions were stipulated by the legislator for the candidate for the position of (P.O.R), which in turn applies to the candidate for the position of (P.M). It is noted that these conditions are personal qualities that are assumed to be present in every person unless proven otherwise.

There is no organization, body, or department that undertakes the task of verifying the presence or absence of these qualities in the person of the candidate [33]. Political experience also indicates the seriousness of the nomination of the candidate and the extent of his ability to manage the position for which he is nominated [34]. In addition to the aforementioned conditions, the Iraqi legislator has stipulated other conditions for the candidate for the position of (P.M), which are that he has not committed a crime against the Iraqi people, and that he has not participated in the suppression of the popular uprising in 1991 or the Anfal, in addition to the requirement that the candidate for this position belong to one of the parliamentary blocs, as this condition can be inferred from the text of Article (76) of the Constitution, which obliges the (P.O.R) to assign the

candidate of the largest parliamentary bloc to form the government, and thus it is understood that the candidate for this position must belong to one of the political and parliamentary blocs, in addition to the condition that the candidate for this position must not be a judge, a member of the public prosecution, a member of the armed forces, or others, as this condition can be inferred from some articles of the Constitution in two places, the first of which is what is stipulated in Article (98/Second), which prohibits judges and members of the public prosecution from belonging to political parties or working in political activities, and the second is what is stipulated in Article (9/First/C), which stipulates that military personnel and members of the armed forces are prohibited from running in elections to occupy political positions. It is noted from all of the above that the Iraqi legislator did not stipulate the conditions that must be met by the candidate for the position of Prime Minister independently, but rather stipulated for the candidate for the aforementioned position what it stipulated for the candidate for the position of (P.O.R) [35], [36]. The researcher believes that it was appropriate for the legislator to explicitly and independently stipulate the conditions that must be met by the candidate for the position of Prime Minister to avoid ambiguity, confusion and interpretation. Also, the aforementioned conditions did not specify the gender of the candidate for this position, and therefore it is possible for the candidate for it to be a woman and not a man [37]. The Iraqi legislator did not stipulate for the candidate for the aforementioned position a specific religious affiliation or political loyalty, contrary to what has been the practice in assuming this position for successive electoral cycles after 2005, as it has been the practice that the person assuming this position be from a specific religious sect [38], [39].

The second requirement

Mechanism for selecting the (Prime minister)

The legislative treatment of the issue of selecting the Prime Minister in Iraq was represented in two places, the first of which is what is stipulated in Article 76 of the current constitution, and the second is what is stipulated in Article 43 of the Iraqi (C.O.R) Law No. 13 of 2018 [40]. From an examination of the texts of the two aforementioned articles, it becomes clear that the constitutional legislator had determined the mechanism and steps that must be followed to select the (P.M), which were represented in the following:

1. The largest parliamentary bloc in the Council of Representatives nominates the (P.M).
2. The (P.O.R) shall assign the candidate of the largest parliamentary bloc as Prime Minister within fifteen days from the date of the election of the (P.O.R). Here, a question arises as to whether the (P.O.R)'s authority to assign the Prime Minister is restricted or absolute, meaning is it a theoretical and unreal authority or is it a relative authority? The answer to this question is from the constitutional and realistic perspectives. From the constitutional perspective, we find that paragraph (first) of Article (76) of the Constitution considered the role of the (P.O.R) to be a moral and honorary role and his authority to assign the Prime Minister is theoretical and unreal, because the aforementioned paragraph obligated the (P.O.R) to assign the candidate of the parliamentary bloc that obtained the largest number of parliamentary seats [41], [42]. Therefore, the (P.O.R) is restricted from assigning this candidate, meaning that the latter is imposed on the (P.O.R). From the realistic perspective, the political reality has witnessed, since the issuance of the effective Constitution, the formation of several successive governments that were represented in being coalition governments. These governments were formed as a result of no political party obtaining a parliamentary majority, as the (P.O.R) had relative freedom in choosing the Prime Minister in those governments.
3. The (P.M)-designate shall nominate the members of his government within 30 days from the date of assignment. It is noted that the period referred to in this paragraph is a mandatory period that the (P.O.R) and the Prime Minister must adhere to [43], [44], [45]. If this period expires without the (P.M)-designate nominating the members of his government, the (P.O.R) is obligated to apply

the text of Article (76/Third) of the Constitution - in the manner that will be explained later.

4. The (P.M)-designate shall present the name of the member of his government and the ministerial program to the (H.O.R)and shall be deemed to have gained its confidence in the event that the ministers individually and the ministerial program are approved by an absolute majority. It is noted that this paragraph does not specify a specific period during which the Prime Minister is required to submit and present the name of the member of his government and the ministerial program to the (H.O.R) representatives, which prompted the latter to submit a request to the Federal Supreme Court. This request included: In the event that the (P.M)-designate submits a presentation of the names of the members of his government and the ministerial program within the period specified in paragraph two of Article 76 of the Constitution, which is thirty days, is the Council obligated to vote to approve the ministerial program and ministers within the same period, or can the Council set another date outside the aforementioned period for voting? The Federal Court responded to the aforementioned request by stating that the Council has the right to vote to approve the ministers and the ministerial program outside the aforementioned period, due to the absence of a constitutional text obligating the (H.O.R) to approve during that period, as the obligation The Prime Minister is required to submit the members of his government and the ministerial program within thirty days, and he has the right to do so until the last day of this period [46], [47]. Therefore, the (H.O.R)has the right to vote in approval outside the aforementioned period. This paragraph did not specify what is meant by absolute majority. Is it an absolute majority of the total number of members of the Council, or an absolute majority of the number of members of the present representatives? The (H.O.R) resorted to the Federal Supreme Court to interpret the phrase (absolute majority) contained in Articles (61/Eighth and 76/Fourth) of the Constitution, where the opinion of the aforementioned court settled that the concept of absolute majority contained in the two aforementioned articles refers to the majority of the number of representatives present in the session after achieving the legal quorum stipulated in Article (59) of the Constitution

It is noted from the above that the mechanism and steps mentioned above are the natural mechanism for selecting and assigning the Prime Minister according to the Iraqi Constitution in force for the year 2005, but the aforementioned Constitution included exceptional cases through which the Prime Minister is selected and assigned, and these referrals are represented by the following:

1. The case of the failure of the (P.M)-designate to form his ministry within the legal period specified for him, and the case of his ministry not gaining the confidence of the Iraqi Council of Representatives, as the (P.O.R) is obligated in this case to assign a new candidate for the presidency of the (C.O.M) within 15 days from the date of the latter's failure to name members of his government within the period granted to him according to the Constitution [48], [49], [50].
2. The Constitution also obligated the (P.O.R) to assign another candidate to form the ministry in the event that the ministry does not gain the confidence of the Council of Representatives, within 15 days from the date of this ministry not gaining confidence.[51]
3. In the event that the position of Prime Minister becomes vacant for any reason, in this case the (P.O.R) takes the place of the Prime Minister and then assigns another candidate to form the government within 15 days and based on the provisions of Article 76 of the Constitution [52], [53].
4. In the event of a vote of no confidence in the (P.M), in which case the entire ministry is considered resigned, and the (P.O.R) is obligated to assign a new Prime Minister based on the provisions of Article 76 of the Constitution [54], [55].

It is noted from the above that the Iraqi legislator has determined the mechanism by which the Prime Minister in Iraq is chosen and assigned under Article 76 of the Constitution, that the (P.O.R) assigns the candidate of the largest parliamentary bloc to form the ministry [56], [57]. It was noted from reading the text of the aforementioned article that the role of the (P.O.R) is limited to assigning the candidate of the largest parliamentary bloc, and he has relative freedom to choose or reject the name of the candidate for this position [57].

The expression “the largest parliamentary bloc” is also ambiguous and has raised many political disputes from the second electoral cycle through the third and fourth electoral cycles and up to the fifth electoral cycle, on the jurisprudential and judicial levels, on the jurisprudential level, many definitions of the concept of the largest parliamentary bloc have been mentioned. Some jurists believe that the concept of the largest parliamentary bloc is identical to the concept of the winning bloc in the elections, as the proponents of this opinion believe that the largest parliamentary bloc is the same as the winning bloc in the elections [58], [59], [60]. Another trend goes to the fact that the concept of the largest parliamentary bloc differs from the concept of the winning bloc in the elections, as they define the largest parliamentary bloc as “the coalition or parliamentary alliance that consists of the majority of parliamentary seats and the largest in the (H.O.R)and registered in the first session of the Council without requiring it to obtain an absolute majority of the total number of members of the House of Representatives.” Another trend went to granting a description to the largest parliamentary bloc, as the candidate of the largest parliamentary bloc is granted a specific description that allows him to form the government, as the government can only be formed by the one who obtained the description of the candidate of the largest parliamentary bloc, in harmony with the adoption of the parliamentary system as a political system of government in the current Iraqi constitution, on the judicial level, several decisions were issued by the Federal Supreme Court, as the authority competent to interpret the provisions of the Constitution [61], [62].These decisions included an interpretation of the concept of the largest parliamentary bloc. The first of these decisions was decision numbered (25/Federal/2010) on March 25, 2010, which included within its terms that the expression “the largest parliamentary bloc” means “either the bloc formed after the elections through a single electoral list that entered the elections with a specific names and numbers and won the largest number of seats, or the bloc that came together from two or more electoral lists that entered the elections with different name and number and then coalesced into a single bloc with a single entity in the House of Representatives, whichever is more numerous [63], [64], [65]. The (P.O.R) shall assign the candidate of the parliamentary bloc whose seats in the first session of the (H.O.R)became more numerous than the bloc, or the other blocs, to form the Council of Ministers based on the provisions of Article 76 of the Constitution. It is evident from the above decision that the Federal Supreme Court interpreted the concept of the largest parliamentary bloc as the bloc that entered the elections through an electoral list One with a specific name and number that obtained the largest number of votes and seats, or the bloc that was formed from the combination of 2 or more lists that entered the elections with different numbers and names then coalesced into one bloc within the (H.O.R)in the first session of the House [66], [67], [68].

It is evident from the above decision that the Federal Supreme Court interpreted the concept of the largest parliamentary bloc as the bloc that entered the elections through a single electoral list with a specific names and numbers and obtained the largest number of votes and seats, or the bloc that was formed from the combination of two or more lists that entered the elections with different name and number and then coalesced into a single bloc within the (H.O.R)in the first session of the Council. The second decision was issued by the Federal Supreme Court on 8/11/2014 under the number (45/T.Q/2014), which included within it an interpretation of the largest parliamentary bloc similar to what was stated in the court’s decision numbered (25/Federal/2010) on 3/25/2010, and thus the aforementioned decision did not change the concept of the largest parliamentary bloc that the Federal Court explained in its first decision [69], [70]. The researcher believes that it would have been more appropriate for the Federal Supreme Court to refrain from

interpreting the concept of the largest parliamentary bloc, due to the existence of its previous decision issued in the same regard, based on the principle of the authority of the final judgment [71], [72].

The third decision was also issued by the Federal Supreme Court, No. (70 of 2019), in which the court adhered to the same principle that it had adopted in its previous decision in terms of its interpretation of the concept of the largest parliamentary bloc, with the addition of a condition, which is that the winning bloc in the elections or the coalition bloc obtains the largest number of parliamentary seats, and it also stipulated the necessity for the winning representatives to take the constitutional oath based on the provisions of Article (50) of the Constitution in order to achieve parliamentary status [73], [74], [75].

The Federal Supreme Court followed the same approach when issuing its decision No. (170 of 2019) regarding the concept of the largest parliamentary bloc, as it is evident from the content of the above decision that the court interpreted the concept of the largest parliamentary bloc stipulated in Article (76) of the Constitution with the same interpretation mentioned in its aforementioned decisions [76], [77], [78]. The court issued its decision No. (29 of 2020), which is considered one of the important decisions, as it is clear from examining the content of the aforementioned decision that it was issued as a result of the apology of the person charged with forming the government based on the provisions of Article (76) of the Constitution, as the court relied on the third paragraph of the aforementioned article by giving the right to the (P.O.R) to assign a new candidate within fifteen days from the date of the apology of the previous candidate, based on the constitutional responsibility of the (P.O.R), provided that the new person charged with forming the government assumes and presents it to the (H.O.R) within a maximum period of thirty days [79], [80], [81]. The researcher believes that this decision is one of the most important decisions taken by the court in interpreting the concept of the largest bloc, as well as interpreting the text of Article 76 of the current constitution, according to which the legislator determined the mechanism for assigning the candidate to form the government and the stages of its formation, as the aforementioned decision was based on the text of paragraph (third) of Article (76) of the constitution, which gave the (P.O.R) the right to assign another candidate to form the government in the event that the candidate of the largest parliamentary bloc fails to form it, as this decision is one of the courageous decisions taken by the court, which reflects great wisdom in interpreting the texts of the constitution in a manner consistent with the desire of the constitutional legislator [82], [83], [84]. The Federal Supreme Court issued Decision No. (7 of 2022), after renewing the judicial body of the court and issuing the first amendment law to the Court Law No. (25 of 2021) [85]. It is noteworthy that this decision came in contrast to previous decisions issued by the court, as it amended its previous decisions in interpreting the largest bloc in two aspects. The first is that it considered the coalition bloc to be the largest bloc that has the right to present the candidate to form the government after submitting a request to the Presidency of the Council for the purpose of scrutinizing it in terms of whether it includes the largest number of representatives. The second is the time change adopted by the court under this decision, which allowed the list or request of the coalition bloc or the largest bloc to be submitted in any session of the Council, even if this session was after the session to elect the (P.O.R), considering that the largest bloc may change according to the alliances between the winning lists and parties and until this bloc is announced by the Presidency of the House of Representatives. We conclude from the above that there are several definitions adopted by jurists and researchers that explain the concept of the largest parliamentary bloc, and that these definitions were diverse and different according to the point of view and interpretation of each of those who adopted this concept [86], [87]. The Federal Supreme Court also issued several decisions to explain the concept of the largest parliamentary bloc in the manner previously explained. Therefore, the researcher believes that the constitutional legislator should have replaced the expression of the parliamentary bloc that won the elections with the expression of the largest parliamentary bloc [88], [89], [90]. It is also noted that the constitutional legislator did not impose a legal penalty in the event that the (P.O.R) did not adhere to the constitutional deadlines stipulated in the aforementioned article in assigning the (P.M). In addition,

there was no legal penalty imposed on the bloc assigned to present the candidate to form the government in the event that it did not commit to presenting the candidate to the (P.O.R) to be assigned within fifteen days from the date of his election, as the political and practical reality witnessed a failure to adhere to the constitutional deadlines stipulated in the constitution related to assigning the candidate to form the government [91], [92], [93].

Section Two

Powers of the Prime Minister

The Prime Minister in parliamentary systems is considered the head of an executive body called the ministry, as in such systems the Prime Minister is directly responsible for exercising the powers of the executive authority and is responsible for managing the affairs of the country. The Prime Minister has the largest share in exercising executive powers, but the amount of these powers varies from one country to another, and from one constitution to another [94], [95]. The Iraqi legislator has adopted the parliamentary system as a political system of government and has defined the powers of the Prime Minister in accordance with the current constitution, as it is noted from reading the texts of the constitution that the Prime Minister exercises powers individually from the members of the Council of Ministers, and also exercises powers jointly with the members of the Council of Ministers [96], [97], [98]. What concerns us in this area is the powers that the Prime Minister exercises individually as they are original powers that he alone has from the members of his government, so this topic will be addressed as follows:

First requirement

Responsibility for implementing the general policy of the state

Article 78 of the current Iraqi constitution states that "The Prime Minister is the direct executive responsible for the general policy of the state,.....", with A careful examination of the aforementioned text leads us to the following:

1. What is meant by responsibility here is political responsibility, which is represented by the (H.O.R)ending the government's term before the end of its term, after raising its responsibility through the legal means stipulated in the constitution and relevant laws [99], [100].

2. The Iraqi legislator made the Prime Minister directly responsible for implementing the general policy of the state, then returned with another constitutional text to make this jurisdiction shared between him and the members of his government [101]. Therefore, the Iraqi legislator had to clarify the constitutional texts regulating this jurisdiction by stipulating that the Council of Ministers be responsible for setting the general policy of the state, and that the Prime Minister be the direct official responsible for implementing it, while giving him full and influential powers in implementing the general policy of the state, because the (P.M), based on the above, does not have sufficient powers to influence the members of his government in order to implement the general policy of the state, as he has one vote within the Council of Ministers and thus has the same legal status as any minister [102], [103]. It is also noted that the Iraqi legislator made the role of the Prime Minister in implementing the general policy of the state a guiding role, as the actual implementation is done through the ministries and according to the jurisdiction of each ministry, while the role of the Prime Minister is limited to supervising its implementation [104]. Therefore, it was necessary for the Iraqi legislator to grant the Prime Minister sufficient powers to enable him to carry out his duties in implementing the general policy of the state, which is set by the Council of Ministers. This is done by ensuring that the laws regulating the work of the executive authority include texts that grant it sufficient powers to enable it to carry out its duties so that it is fully responsible for performing this duty [105], [106].

The second requirement

Leadership of the armed forces

From the reading of the texts organizing the powers of the executive authority, it is noted that the Iraqi legislator assigned the task of leading the armed forces to the (P.O.R) and the Council of Ministers, but he made the (P.O.R)'s leadership of the armed forces for

honorary and ceremonial purposes only, while the actual leadership of the armed forces is the responsibility of the (P.M) [107]. The Iraqi legislator did well, as this trend is in line with the approach followed in parliamentary systems, which make the leadership of the armed forces one of the tasks of the (P.M), which means that the Prime Minister organizes and equips the general command of the armed forces, land, sea and air, in addition to issuing important military decisions and directives that organize the work of the security institution. He also has the authority to move the military units and formations affiliated with these forces, and he has the authority to refer the commanders of these forces to retirement, reward them and punish them [108], [109]. Thus, the Prime Minister is the supreme head of all the armed forces, including the Ministry of Defense, the Ministry of Interior, and other security agencies such as the National Security and Intelligence Services, and the Popular Mobilization Authority.

The Iraqi legislator's granting of the authority to command the armed forces to the Prime Minister is correct, but his position is not without loopholes and shortcomings that must be overcome. Although the Prime Minister is the Commander-in-Chief of the Armed Forces, he does not have the freedom to choose the security leaders of these forces. According to the constitution, the role of the Council of Ministers is limited to recommending to the (H.O.R) the appointment of the Chief of staff of the Army and his assistants, and those who hold the position of division commander or above [110]. The (H.O.R) approves or disapproves their appointment and takes this decision by a simple majority after achieving a quorum. The researcher believes that this position is incorrect because it contradicts the principle of separation of powers stipulated in the Iraqi constitution, which made the mission of the Iraqi (C.O.R) to legislate laws and monitor the performance of the government and independent bodies, and since the leadership of the armed forces and the selection of its leaders is an act related to the executive authority, therefore involving the Council of Representatives in this jurisdiction contradicts the aforementioned principle [111]. In addition, granting the Council of Representatives this jurisdiction will involve the security and military institution for political considerations, which is supposed to be characterized by impartiality and independence and seek to achieve the purpose for which it was established and not be subordinate to a specific party and its loyalty is to the homeland. Therefore, the researcher sees the necessity of amending Articles (61/Fifth/C) and (80/Fifth) of the current Constitution and Article (2/Seventh) of the Internal Regulations of the Council of Ministers No. 2 of 2019 to ensure that the Prime Minister is granted the authority and power to assign security leaders in military institutions of various formations so that he is directly responsible for their performance, with the necessity of removing the (H.O.R) from this jurisdiction as it is a jurisdiction related to the work of the executive authority [112], [113].

Third Requirement

Managing the sessions of the Council of Ministers and chairing its meetings

The legislative treatment of this jurisdiction was represented in the text of Article (78) of the Constitution and Article (3) of the Internal Regulations of the Council of Ministers No. (2) of 2019. From an examination of the text of the two aforementioned articles, it is noted that the current Iraqi Constitution addressed this jurisdiction in general without addressing the details and contents, as the exercise of this jurisdiction was detailed in the Internal Regulations of the (C.O.M) in Article (3) thereof, in terms of managing discussions in the Council on the topics presented on the agenda, taking appropriate decisions regarding them, and presenting any topic not included on the agenda according to the necessities decided by the President of the Council, as well as inviting members of the Council to meet in cases that require it, and inviting those whom the President deems necessary to attend from the general managers and advisors or any employee in the state to stand on their opinion on the topics presented before the Council on the agenda and in coordination with the General Secretariat of the Council of Ministers [114], [115].

Under this system, the Council meets once a week, and the President of the Council or a quarter of its member have the right to invite the Council to convene in cases that require it. The meetings are attended by the members of the Council, the Director of the (P.M)'s Office, the Secretary-General of the Council of Ministers who is the Council's

rapporteur, their two deputies, the government representative in the (H.O.R), and the Chairman of the Advisory Board [116]. The Council's sessions are held with a quorum, with the attendance of the majority of the members. The principle is that decisions are taken by a majority of the votes of the member present. In the event of a tie in the number of votes, the side with the President prevails [117]. However, there are some issues on which decisions are not taken in the same manner as stated above, as decisions are taken by a majority of three-fifths of the votes of those present, including the President of the Council. These issues are related to national sovereignty, including the presence of foreign forces in the country, the method of organizing their work, as well as issues of a strategic nature and issues related to Iraq's international borders and international relations. The meetings and deliberations of the Council shall be confidential, provided that the President of the Council may specify otherwise [118]. The General Secretariat of the Council of Ministers shall publish the decisions of the Council, except for confidential decisions, as the Secretariat shall prepare the government formation that shall be responsible for achieving harmony between the decisions of the (C.O.M) , as well as preparing the agenda, calling the Council to convene, and enabling the President of the Council to manage and supervise the work of the (C.O.M) [119], [120].

It is noted from the above that the Prime Minister is the one who shall manage the sessions of the Council and chair its meetings as stated above. However, the current Iraqi Constitution and the current internal regulations of the Council of Ministers have permitted the sessions of the Council to be managed by a person other than the Prime Minister in two cases:

The first is that, according to the Constitution, the (P.O.R) shall replace the Prime Minister by occupying his position in the event of its vacancy for any reason [121], [122]. The second is what is stipulated in Article (3) of the current internal regulations of the Council of Ministers, as the aforementioned article has permitted the Prime Minister to authorize any of his deputies or any of the ministers to manage the sessions of the Council and chair the meetings in the event of his absence [123].

Fourth requirement

Requesting the Council of Representatives to dismiss ministers

The legislative treatment of this jurisdiction was represented in Article (78) of the Constitution and the text of Article (16) of the Internal Regulations of the Council of Ministers No. (2) of 2019. It is clear from reading the text of Article (78) of the Constitution that the Iraqi legislator authorized the Prime Minister to request the Council of Representatives to dismiss the minister, but with this position he contradicted the prevailing trend in parliamentary systems that allow the Prime Minister to dismiss any of the members of his government from the ministers without resorting to the Council of Representatives as he is directly responsible for the performance of his government, as he made the Prime Minister responsible for the performance of ministers who he does not have the freedom to dismiss [124], [125]. The text of the aforementioned article was general, as it did not address the reasons and cases that allow the Prime Minister to request the Council of Representatives to dismiss any minister from the members of his government, but the internal regulations of the Council of Ministers authorized the Prime Minister to submit a request to dismiss any of the ministers to the Council of Representatives in three cases:

First: The minister suspending his work in the Council of Ministers for a period exceeding 30 days.

Second: The minister's suspension of attending Cabinet meetings.

Third: The minister's refusal to attend Cabinet meetings for three consecutive sessions.

It is understood from the text of the two aforementioned articles that the Prime Minister does not have the freedom to dismiss any of the members of his government from the ministers, as his role is limited to requesting the (H.O.R)to do so. Some cases have also been identified in which the Prime Minister can request the (H.O.R)to dismiss the minister, and these cases are included exclusively in the internal regulations of the Cabinet and in the manner previously stated, despite the existence of other cases in which

the minister can be dismissed, such as the case of the minister's failure to perform his duties, his incompetence or negligence [126], [127].

Therefore, the researcher sees the necessity of amending the text of the two mentioned articles so that the Prime Minister has the right to dismiss any of the members of his government from the ministers in the event that the reasons for dismissal are available without referring to the House of Representatives, considering that this jurisdiction is an original jurisdiction of the Prime Minister and so that he is fully responsible for the performance of his government, with the necessity of giving the dismissed minister the right to appeal the dismissal decision based on objective reasons before the Federal Supreme Court, with the necessity of specifying the cases that permit the Prime Minister to dismiss the minister specifically so that they are not subject to interpretation and interpretation, by specifying those cases in accordance with a clear legal text [128], [129]. From all of the above, it is noted that the Iraqi legislator granted the Prime Minister powers and competencies that he exercises individually from the (P.O.R) and the Council of Representatives, considering that these competencies are original competencies, but these powers were not stipulated by a text that includes an enumeration and detail of these powers, as the legislator was satisfied with stipulating these powers by virtue of the text of Article (78) of the Constitution and in the manner previously stated, in addition to the fact that these powers are modest compared to the great role he exercises as head of the highest executive authority in the country [130], [131], [132]. The Iraqi legislator also granted the Prime Minister other competencies, but these powers are not exercised individually, and such competencies are stipulated in the Iraqi Constitution in several places, as follows:

First place: What he exercises with the (P.O.R), and such competencies are stipulated in the current Iraqi Constitution in two places, the first of which is granting medals and decorations, and the second is issuing a special pardon [133], [134], [135], [136].

The second position: What he practices with the (P.O.R), and their role is limited to submitting a request to the House of Representatives. These powers are represented in submitting a request to the (H.O.R)for the purpose of declaring a state of emergency and war, and submitting a request to the (H.O.R)for the purpose of dissolving it after the approval of the (P.O.R) [137].

The third position: The Prime Minister has some powers and powers related to parliamentary work. These powers are represented in two positions: the first is calling for an extraordinary session, and the second is extending the legislative term.

The fourth position: What the (H.O.R)authorizes him to manage the affairs of the country during the period of declaring war and emergency.

Section Three

The End of the (P.M)'s Term and His Legal Responsibility

The requirements of the democratic system require that a specific person not be perpetuated in managing the position of (P.M), as the Prime Minister cannot continue in his position indefinitely. It is noted from reading the texts of most constitutions in parliamentary systems that they emphasize determining the term of the President of the State, but they do not address determining the term of the (P.M), because his remaining in power is dependent on the remaining of the Speaker of the (H.O.R)and the President of the State [138], [139], [140].

Also, political systems that embrace democracy require that the Prime Minister be questioned in the event that he violates the provisions of the constitution or his job duties and commits an act that requires questioning, because this will achieve the interest of both individuals and the state [141], [142].

Based on the above, this topic will be divided into two requirements. The first requirement includes a statement of the beginning and end of the (P.M)'s term and the conditions necessary to exercise the position. The second requirement includes a statement of the legal responsibility of the Prime Minister as follows:

Requirement One

The beginning and end of the (P.M)'s term

The constitutions of countries that adopt the parliamentary system often stipulate the organization of the provisions of the (P.M)'s term in terms of its duration, beginning and end. By referring to the current Iraqi Constitution and the internal regulations of the Iraqi Council of Ministers, we did not find that they included a text regulating the provisions of the (P.M)'s term as the constitutional legislator did when he defined the term of the (P.O.R), who is the first party in the executive authority, and the term of the Council of Representatives - as will be explained later - and for the purpose of covering this topic, it will be divided into two branches as follows:

The first branch

The beginning of the (P.M)'s term and the conditions necessary to exercise the position

We previously noted that the constitutional and national legislator did not organize the provisions of the (P.M)'s term, as there was no text in the Constitution and its complementary laws that included a statement of the beginning The term of the Prime Minister and the statement of the conditions necessary to exercise his position, however, despite the lack of specifying the beginning of this term, we see that it begins from the date of his taking the constitutional oath, since according to the constitution, after the (P.M)-designate presents the ministerial program and the names of the members of his government to the (H.O.R)and the latter's approval of it, the ministry is considered to have gained the confidence of the council, and in order for the Prime Minister and members of the government to be able to carry out their duties and powers stipulated in the constitution and related laws, they take the constitutional oath before the (H.O.R)in accordance with the formula stipulated in Article (50) of the constitution, based on the provisions of Article (79) thereof, then a republican decree is issued to form the ministry, and thus the date of the beginning of the term of the Prime Minister is from the date of his taking the constitutional oath. As for the conditions necessary for the Prime Minister to exercise his position, after the confidence is granted by the (H.O.R)to the (P.M)-designate, the members of his government, and the ministerial program, and in the manner stipulated in the constitution, the Prime Minister does not assume his position until he takes the constitutional oath. Some laws also require the Prime Minister to disclose his financial assets, which will be explained as follows:

First: The condition of the Prime Minister taking the constitutional oath

The legislative treatment of this condition was represented in Article (79) of the Constitution, where the legislator required the (P.M)-designate to take the constitutional oath before the (H.O.R)and in the form mentioned in Article (50) of the Constitution. Therefore, the Prime Minister is obligated to take the constitutional oath before assuming his duties and exercising his powers stipulated in the Constitution and in the internal regulations of the Council of Ministers. Otherwise, he is considered a violation of a binding and applicable constitutional rule [143], [144], [145].

The researcher believes that the Iraqi legislator was successful in obligating the Prime Minister to take the constitutional oath before the (H.O.R)by including a binding constitutional text in line with the rules of the parliamentary system.

Second: The condition of disclosing financial assets

From the reading of the texts of the current constitution, we did not find that the constitutional legislator stipulated that whoever holds a high position, including the position of (P.M), must disclose and announce his financial assets before assuming his duties. However, after the issuance of the Integrity and Illicit Gains Commission Law No. (30) of 2011, as amended, the Prime Minister was obligated, when occupying the position, to submit a declaration of his financial assets. In addition, the Council of Ministers issued Financial Disclosure Instructions No. (2) of 2017, which obligated whoever holds one of the positions mentioned in Article (17) of the Integrity Commission Law to submit a financial disclosure form to the Integrity Commission according to the form prepared by the Commission for this purpose. The financial disclosure form must be submitted at the beginning of each year from (January 1 to 31) . Law No. 30 of 2019, the first amendment to the Integrity Commission Law No. 30 of 2011, was also issued, which obligated the Prime Minister to declare his financial assets within 90 days from the date of assuming office and the date of the end of his assignment, and obligated to submit a financial

disclosure form during the month of January of each year. As for the penalty for violating the law, anyone who violates the provisions of the aforementioned law shall be punished with custodial penalties and financial fines that vary according to the act committed by the violator of its provisions, as any person charged with refusing to submit a financial disclosure form without a legitimate excuse shall be punished with imprisonment for a period not exceeding one year. Therefore, the failure of the Prime Minister to submit a financial disclosure form according to the timings specified in the law and referred to above exposes himself to legal accountability, although the issue of organizing the trial of the Prime Minister for crimes and violations arising from his job has not yet been resolved due to the failure to issue a law on the trial of the Prime Minister and members of the (C.O.M), based on the provisions of Article 94/Sixth of the Constitution, which will be detailed later.

Section Two

Termination of the (P.M)'s Term

The term of the Prime Minister expires for several reasons, the most important of which are resignation, dismissal, disability and death, in addition to the normal way to end the term, which is the expiration of its duration. These reasons will be discussed in some detail as follows:

First: Resignation

Resignation is one of the exceptional cases that end the term of the (P.M), as the resignation of the Prime Minister is represented by his sole will to leave his powers and retire from the duties of his position permanently. From reading the texts of the current constitution, we did not find that the constitutional legislator explicitly stipulated the organization of the resignation of the Prime Minister in a clear and explicit manner, despite the importance of this issue and the problems and disputes it may raise. However, the internal regulations of the Council of Ministers included a legislative treatment of the issue of the resignation of the Prime Minister by specifying the body to which the Prime Minister submits his request for exemption. However, this text was insufficient to address the resignation, as it did not specify the party that has the right to approve the request for exemption or resignation. This system also did not address the period of validity of the resignation. Is it considered valid from the date of its submission, or is it valid after a certain period has passed from the date of its submission to the (P.O.R)? The researcher believes that the legislator was successful in specifying the party to which the Prime Minister submits his resignation request, which is the (P.O.R), as this is consistent with the text of Article (76/First) of the Constitution, which granted the (P.O.R) the authority to assign the candidate of the largest parliamentary bloc to form the government. However, by referring to the practical precedents of the resignation of the Prime Minister in Iraq, it is noted that Mr. (A.A.M.) submitted his resignation to the (H.O.R) on 11/29/2019, contrary to what was stipulated in Article (18 First) of the Internal Regulations of the Council of Ministers No. (2) of 2019, which required that the Prime Minister submit his resignation to the (P.O.R). Therefore, it was imperative for the legislator to organize the subject of the (P.M)'s resignation with governing and detailed constitutional texts to avoid problems in the future.

Second: Disability and death

Disability and death are natural causes that end the term of the (P.M). By referring to the provisions of the current constitution, we did not find an explicit and clear text that considered disability as one of the reasons that end the term of the (P.M). However, the text can be understood implicitly within the text of Article (81/First) of the constitution, which states the following: "The (P.O.R) shall act as Prime Minister when the position becomes vacant for any reason." Therefore, it is understood from the text that in the event that the Prime Minister is unable to perform his duties, the (P.O.R) shall act as his substitute for a period of fifteen days. However, the legislator did not specify in the event that the position of the (P.O.R) becomes vacant or he is unable to perform his duties, who shall act as Prime Minister in performing his duties?

Therefore, the researcher sees the necessity of regulating the case of the (P.M)'s inability to perform his duties through two cases. The first is to determine the body that

decides the (P.M)'s inability to perform his duties, especially since the legislator has determined the body that decides the MP's inability to perform his duties in the Council, based on a report issued by a specialized medical committee.

The second is the case of the (P.M)'s position becoming vacant for any reason. Who will take his place if the (P.O.R) is also unable to perform his duties? Therefore, it was imperative for the legislator to regulate the case of the (P.M)'s inability to perform his duties according to a clear legal text to avoid any dispute that may arise regarding it. As for the case of the death of the (P.M), from reading the texts of the current Iraqi Constitution, it is noted that this case is not regulated as one of the cases in which the term of the Prime Minister ends, but the text on it is understood implicitly according to the text of Article (81/First) of the Constitution. Therefore, the death of the (P.M), whether the death was natural or planned (assassination, for example), or his inability to perform his duties, the (P.O.R) takes his place for a limited period not exceeding fifteen days, provided that the (P.O.R) assigns the candidate of the largest parliamentary bloc for the purpose of forming the ministry according to the mechanism stipulated in Article 76 of the Constitution. It is understood from all of the above that the Iraqi legislator did not regulate the cases of disability or death of the Prime Minister as cases that end his term, which requires regulating the two mentioned cases with a clear legal text to avoid problems regarding them, especially since the Iraqi legislator considered death and disability as cases that end the mandate, according to the Law of the (C.O.R) and its Formations No. 13 of 2018.

Third: Dismissal or withdrawal of confidence

From the reading of the current (C.O.R) of Iraq and the Law of the (C.O.R) and its Formations No. (13) of 2018 as amended and the Internal Regulations of the Council of Representatives No. (1) of 2022, we did not find that the Iraqi legislator, through the aforementioned legislation, stipulated granting the (P.O.R) the right to dismiss the (P.M), considering that this authority is one of the authorities granted to the head of state in parliamentary systems. However, in contrast, the Iraqi legislator has regulated the case of withdrawing confidence from the Prime Minister in two cases:

First: Where the Iraqi legislator granted the (P.O.R) the right to submit a request to the Council of Representatives to withdraw confidence from the (P.M).

Second, the Council of Representatives, based on the request of (1/5) of its members, has the right to withdraw confidence from the (P.M), but this right is linked to the fulfillment of two conditions:

The request to withdraw confidence in this case shall not be submitted except after questioning the (P.M).

At least seven days have passed from the date of submitting the request.

In both cases mentioned, the decision to withdraw confidence from the Prime Minister is within the jurisdiction of the Council of Representatives and by an absolute majority of its members, as the ministry is considered resigned in the event of withdrawing confidence from the (P.M).

Fourth: The term of the Prime Minister ends at the end of its term

From the stability of the texts of the current Iraqi Constitution and the internal regulations of the Council of Ministers No. (2) of 2019, we note that they did not include a text specifying the term of the Prime Minister and its end, but in contrast, the Constitution stipulated the end of the term of the (P.O.R) at the end of the term of the Council of Representatives, and it also specified the term of the term of the Council of Representatives at four calendar years, starting with the first session of the Council and ending at the end of the fourth year, and it also specified the term of the (P.O.R) at four years.

The Iraqi legislator had to specify the term of the Prime Minister in the Constitution and national laws due to the great importance of this topic and to avoid interpretation and explanation in this extremely important topic, which is no less important than specifying the term of the (P.O.R) and a member of the Council of Representatives, which was specified in the text of the Constitution, with the necessity of issuing legislation stipulating

the regulation of the provisions for specifying the term of the Prime Minister in terms of the duration of this term, its beginning and its end.

Accordingly, and despite the lack of specifying the term of the Prime Minister in the Constitution and its complementary laws, the researcher believes that the term of the Prime Minister ends with the end of the constitutional term of the House of Representatives, which is specified at four years, because the Iraqi constitutional legislator adopted the parliamentary system as a political system of government, which requires that the (H.O.R) be the source from which the executive authority derives its existence and legitimacy. Since the term of the (H.O.R) is specified by the Constitution at four years, the term of the Prime Minister is by default the term of the House of Representatives. In addition, the Constitution adopted the principle of dual executive authority, which consists of the (P.O.R) and the Council of Ministers, and since the (P.O.R) is the first party in this authority, and since his term is specified and ends with the end of the term of the House of Representatives, as stated, the end of the term of the Prime Minister is with the end of the term of the House of Representatives.

The second requirement

The political and legal responsibility of the (P.M)

The (P.M), under the parliamentary system, enjoys an effective and influential role in exercising power, as he enjoys broad powers that begin with drawing up the general policy of the state for the purpose of preserving the entity of the state and developing it in all internal and external fields. In light of these powers and this role, it was necessary for this practice to be subject to parliamentary oversight to ensure that these powers are not abused in violation of the constitution. In addition to the necessity of determining the criminal responsibility of the Prime Minister to ensure that he does not exceed the constitutional powers granted to him and to ensure that power is not abused. The responsibility of the Prime Minister is one of the most important constitutional principles, as this responsibility cannot be determined except by virtue of an explicit constitutional text, as the general rule is that the responsibility of the (P.M), in its political and criminal aspects, is not possible except by virtue of an explicit text that determines it. In light of the above and in order to cover the aspects referred to above, this requirement will be divided into two branches. The first branch includes a statement of the political responsibility of the (P.M), while the second branch includes a statement of his legal responsibility as follows:

The first branch

The political responsibility of the (P.M)

The parliamentary system is based on the basis of balance and cooperation between the executive and legislative authorities. Political responsibility is one of the most important main characteristics of this system and is considered one of the foundations of balance between the two aforementioned authorities through the Parliament's monitoring of the work of the government and its accountability, and the government's authority to dissolve Parliament. In order to clarify the concept of the political responsibility of the Prime Minister under the Constitution of the Republic of Iraq for the year 2005, it is necessary to define the political responsibility of the (P.M), clarify the basis of this responsibility, identify the authorities responsible for activating this responsibility, the means through which these authorities can activate this responsibility, and the effects resulting from the establishment of this responsibility as follows:

First: Definition of the political responsibility of the (P.M)

Just as the name given to the political responsibility of the Prime Minister differed between the political systems in countries, jurists differed in defining it and clarifying its concept: Constitutional law scholars have provided several definitions of the political responsibility of the (P.M). Some of them defined it as "the right granted to Parliament that allows it to withdraw confidence from the government or one of the ministers whenever the action issued by the government or the minister requires accountability." Others defined it as "holding accountable those who practice an act of the executive authority such as the Prime Minister or one of the ministers and their deputies, and holding accountable those who participate in setting the general policy of the country.

This responsibility arises in the event of a breach of constitutional obligations, or in the event of political failure, or in the event of committing serious errors that endanger the interests of the country, and he is held accountable before a competent authority." It was defined as "that responsibility that is held before Parliament in accordance with the provisions of the constitutional law for the actions issued by members of the government that are not consistent with the interests of the state arising from the implementation of the general policy of the state." The researcher believes that the definition of the political responsibility of the Prime Minister refers to the right of Parliament to withdraw confidence from the Prime Minister when he commits acts that require accountability and in accordance with the mechanism stipulated in the Constitution. Second: The constitutional and legal basis for the political responsibility of the Prime Minister in Iraq

The Constitution of the Republic of Iraq for the year 2005 adopted the parliamentary system as a political system of government. This constitution included the principles and foundations on which the system of government is based. Among these principles is the principle of the political responsibility of the Prime Minister before the Council of Representatives, where this responsibility finds its basis in three places: First: What is stipulated in Article (61/Eighth/B 1 and 2) of the current Iraqi Constitution. Second: What is stipulated in Article (40) of the Council of Representatives and its Formations Law No. 13 of 2018, as amended. Third: What is stipulated in Article (64) of the Internal Regulations of the Council of Representatives No. (1) of 2022, as pursuant to the aforementioned texts, the (P.O.R) was granted the right to submit a request to the Council of Representatives to withdraw confidence from the (P.M), and it also allowed five members of the Council of Representatives to submit a request to withdraw confidence from the (P.M).

Third: The authority responsible for initiating the political responsibility of the Prime Minister in Iraq

The current Iraqi constitution has determined the authorities that have the right to initiate the political responsibility of the (P.M), in accordance with the text of Article (61) thereof, and Article (64) of the Internal Regulations of the Council of Representatives No. (1) of 2022 has also determined those authorities, which are as follows:

(P.O.R): The Iraqi legislator has granted the (P.O.R) the right to submit a request to the Council of Representatives to withdraw confidence from the (P.M).

Council of Representatives: The Iraqi legislator has authorized five members of the Council of Representatives to submit a request to withdraw confidence from the (P.M), but this request is linked to two conditions: questioning the (P.M), and at least seven days have passed since the request was submitted.

Fourth: Means of activating the political responsibility of the Prime Minister and the resulting impact

The Iraqi legislator has determined the means through which the (H.O.R) can activate the political responsibility of the Prime Minister as the body granted the political function of monitoring the work of the government, in accordance with the text of Article (61/Second) of the Constitution, and Article (1) of the Internal Regulations of the (H.O.R) No. (1) of 2022, where the current constitution has determined three means of activating political responsibility, which are (the parliamentary question and raising a general topic for discussion and interrogation), and the Internal Regulations of the (H.O.R) added the parliamentary investigation as a fourth means, which will be explained as follows:

Parliamentary question : The Iraqi legislator granted the member of the (H.O.R) the right to direct questions to the Prime Minister on any subject that falls within his jurisdiction, as the legislative treatment of this right was represented in three places, the first of which is what was stipulated in Article (61/Seventh/A) of the current constitution, which set the broad outlines of this method, leaving the internal regulations of the (H.O.R) to organize it, the second is what was stipulated in Article (27/Second) of the (H.O.R) and its formations Law No. 13 of 2018, as amended, and the third is what was included in the internal regulations of the (H.O.R) for the year 2022, which allowed the member of the (H.O.R) to direct written questions to the Prime Minister on matters that fall within his jurisdiction, as this system included organizing this method through the

method of answering the question, the number of questions included in each session, the method of commenting on them, and how the question falls.

Raising a general topic for discussion: Raising a general topic for discussion is the second method through which members of the (H.O.R) can activate the political responsibility of the (P.M), as this method is manifested in discussing a general topic of great importance, whether internally or externally. According to the Iraqi political system, this method finds its basis in several places represented in Article (61/Seventh/B) of the current constitution, Article (30) of the (H.O.R) and its formations Law No. (13) of 2018 as amended, and the internal regulations of the (H.O.R) in force, as the aforementioned texts organized the provisions for raising a general topic for discussion, as they allowed twenty-five members to submit a request to the Speaker of the (H.O.R) to raise a general topic for discussion. This request includes specifying the topic to be discussed, which must be a general topic, and falls within the powers of the government represented by its Prime Minister or one of the ministers, as the Speaker of the (H.O.R) notifies the Prime Minister of the request for the purpose of setting a date for raising the topic to be discussed, and it must be within a period of one month from the date of submitting the request. It is clear from the above that raising a topic for discussion is one of the methods through which the political responsibility of the Prime Minister can be raised in the manner previously explained. This method results in the discussion ending in two ways: the first is closing the discussion and moving to the Council's agenda, after the Prime Minister expresses his observations on the topic, and after the members of the (H.O.R) express their opinions, observations and their conviction in the (P.M)'s answer. The second is for the (H.O.R) to issue another decision, such as forming an investigative committee.

Parliamentary interrogation: The Iraqi legislator adopted the interrogation, considering it one of the means through which the political responsibility of the Prime Minister can be raised. The current Iraqi constitution has organized the provisions of the interrogation of the Prime Minister in a brief manner, leaving it to the law of the Council of Representatives and its formations, and the internal regulations of the Council, to organize its provisions in a precise and detailed manner. The constitution has authorized a member of the Council of Representatives, with the approval of twenty-five of its members, to direct an interrogation to the (P.M), to hold him accountable in the cases and matters that fall within his jurisdiction. As for the law of the Council and its internal regulations, they included organizing the general provisions of the parliamentary interrogation by stipulating the necessity of forming a committee that undertakes to provide advice and opinion to verify the extent to which the conditions for the interrogation are met according to the internal regulations, which stipulated that the request for the interrogation be submitted in writing to the President of the Council, signed by the person requesting the interrogation, and approved by at least twenty-five members, stating the subject of the interrogation, the matters being interrogated, the main points addressed by the interrogation, the most important reasons on which the person requesting the interrogation relies, and the violation attributed to him. The person to whom the interrogation is directed, the grounds on which the interrogator relies in his interrogation, the interrogation must not include matters that violate the constitution or the law or any inappropriate expressions, and must be on matters that fall within the government's jurisdiction, and that there is no private or personal interest for the person being interrogated in its submission, and the interrogation request must not be submitted on a matter that has already been decided by the Council and no new facts have arisen that require it. The Prime Minister shall be notified of the interrogation request and the date of the discussion by the Speaker of the House of Representatives, and the interrogation shall not be discussed until at least seven days have passed since its submission. The interrogation shall be included in the agenda of the session corresponding to the specified interrogation date, and the discussion of the interrogation shall take place between the interrogating MP on the one hand and the Prime Minister on the other hand, in accordance with the mechanism stipulated in the internal regulations of the Council. It is clear from the above that the parliamentary interpellation is the most important means of activating the political responsibility of the Prime Minister and it

results in either conviction of the point of view of the interrogator (the (P.M)), and thus the matter is considered closed, or dissatisfaction with the answers of the interrogator, which results in withdrawing confidence in the Prime Minister in accordance with the procedures stipulated in the internal regulations of the House of Representatives

Parliamentary investigation: From the reading of the texts of the current Iraqi constitution, we find that it is devoid of any text that authorizes the (H.O.R)to conduct a parliamentary investigation. However, in contrast, we find that the (H.O.R)Law and its formations, and the internal regulations of the House, have included texts that authorize the conduct of a parliamentary investigation with the (P.M), considering that this method is one of the supervisory methods that the (H.O.R)enjoys over the government, as they included the organization of this method through the mechanism of forming investigation committees, as the legislator authorized the formation of these committees in two cases, the first of which is based on a proposal from the Speaker of the House and his deputies with the approval of the majority of those present in the House, and the second is a request submitted by fifty members of the members. The committee has the authority to investigate the facts in the cases presented to it, and it also has the right to invite any person to hear his statements through legal means, After the committee completes its work, it submits its report and recommendations to the Presidency of the (H.O.R) for the purpose of presenting them to the House to take the appropriate decision regarding them. It is clear from the above that the parliamentary investigation is a means of raising the political responsibility of the (P.M), as previously stated. However, in contrast, the effectiveness of this means in arranging the legal effect resulting from raising the political responsibility, which is represented by withdrawing confidence from the (P.M), is not sufficient, as confidence cannot be raised in the Prime Minister based on the parliamentary investigation, as the constitutional legislator stipulated that an interpellation must be directed to him before withdrawing confidence from him, which necessitates amending the constitutional and legal texts related to withdrawing confidence from the Prime Minister by adding the means of parliamentary investigation alongside the interpellation in raising political responsibility and withdrawing confidence from the (P.M). Section Two

Legal Liability of the (P.M)

Legal liability is generally defined as the person bearing the consequences of his actions due to his departure from the rules of the law. It represents the case of a person who takes an external path that results in harm to society or one of the people. It is of two types: criminal liability and civil liability. In order to determine the legal liability of the (P.M), it is necessary to clarify his criminal and civil responsibilities as follows:

First: Criminal Liability of the (P.M)

All individuals in the state, rulers and ruled, are subject to criminal liability. Therefore, the Prime Minister is subject to the provisions of this liability The main purpose of subjecting the Prime Minister to the provisions of criminal liability is represented in two matters: the first is to ensure that he does not abuse his authority, and the second is the correlation between responsibility and authority, which means that where there is authority, there is responsibility. In order to clarify the criminal liability of the (P.M), it is necessary to clarify the concept of this liability, its basis, and the authority competent to consider the accusations directed at the Prime Minister as follows:

Definition of Criminal Liability of the Prime Minister Ministers

Jurists differed in defining the criminal responsibility of the ministry or criminal accusation, as some jurists defined it as "the procedures that result in the dismissal of a civil servant from his position due to his committing crimes of bribery, high treason, disloyalty, and serious felonies and misdemeanors" while others defined it as "the procedures that lead to the trial of the Prime Minister and members of the government before the competent courts for crimes committed by them during the performance of their duties, or because of them, and which result in issuing a ruling with the penalties stipulated in the law".

The researcher believes that the concept of the criminal responsibility of the Prime Minister refers to (the questioning of the Prime Minister about the crimes he commits

during his duties, or because of them stipulated in the Constitution, the Penal Code, or the laws related to the trial of the Prime Minister and members of the government before the competent courts, which result in sentencing him with a criminal penalty that deprives him of his freedom or a fine or both).

The constitutional and legal basis for the criminal liability of the (P.M)

The criminal liability of the Prime Minister is based on the violations and errors committed by him, and on the principle of equality before the law. As for the constitutional basis for this liability, by referring to the current constitution, we find that it includes a text stipulating that the Federal Supreme Court is the competent authority to consider the accusations directed at the (P.M).

However, this text did not address the issue of organizing the provisions of the (P.M)'s criminal liability by specifying the criminal charges against him, the parties that have the right to direct this accusation, what are the accusation procedures, what are the trial procedures, the effects resulting from the trial, and specifying the crimes for which this liability is raised, as the legislator did when he specified the crimes for which the (P.O.R) is responsible, as the legislator referred the issue of organizing the provisions of this liability to ordinary law through a law issued for this purpose, but this law has not been issued to date. This responsibility also finds its legal basis in the Federal Supreme Court Law, (Law No. 25 of 2021, the first amendment law to the Federal Supreme Court Law No. 30 of 2005) and its internal regulations, the Iraqi Penal Code No. 111 of 1969, and the Integrity and Illicit Gains Commission Law No. 30 of 2011, as amended, as the Iraqi legislator granted the Federal Court, under its amended law, the jurisdiction to adjudicate the accusations directed at the Prime Minister and referred to the internal regulations of the court the issue of organizing the provisions of this jurisdiction and specified the cases that the court may consider exclusively, which are cases of violation of the constitution, high treason, and perjury of the constitutional oath, as the legislator specified the mechanism for adjudicating the accusation directed at the Prime Minister in the cases mentioned in Article (27) of the internal regulations of the court by specifying the procedures that must be followed by the (H.O.R) and the court to adjudicate this accusation by sending the request for accusation directed at the Prime Minister by a letter signed by the Speaker of the House of Representatives, including the original request that was submitted to the Council, and the charge directed at him, and upon The request is registered and communicated to the (P.M), who is required to respond to it within thirty days from the date of notification. The court may also request him to attend for the purpose of hearing his statements and the statements of the legal representative of the (H.O.R) on the subject of the request. Then, a date is set to consider the request without pleading or through a closed session, after the president and members of the court are provided with a copy of the request and its attachments and the (P.M)'s response to it. The court issues its decision on the subject of the accusation directed at the Prime Minister after completing the procedures in the same session or in another session. The court's decision is sent to the (H.O.R) in the case of acquittal or conviction. The legislator did not stipulate the condition of voting on the request by the (H.O.R) because it is not required in the constitution. It is clear from the above that the current Iraqi Constitution did not include a text specifying the crimes for which the (P.M)'s criminal responsibility is raised, as it did when it specified three cases for which the President's criminal responsibility is raised, in Article (61/Sixth/B) thereof. The Iraqi legislator also specified the effect resulting from the conviction of the Prime Minister of one of the crimes stipulated in Article (28) of the internal regulations of the Federal Supreme Court in force, where this effect was represented in the exemption from office without the condition of a vote on that by the House of Representatives. The researcher believes that the current constitution must include texts regulating the issue of the criminal responsibility of the (P.M), with the necessity of issuing a law to try the Prime Minister and members of the Council of Ministers, provided that this law includes defining the crimes that this responsibility entails, and the penalties resulting from them, in order to prevent the interpretations that may arise in the event of a disagreement over the possibility of raising the criminal responsibility of the Prime Minister in the event of his failure to fulfill his duties stipulated

in Article (50) of the Constitution, Or the crimes stipulated in the Iraqi Penal Code in force, or in the Integrity and Illicit Gains Commission Law in force, which included a provision stipulating the imposition of a prison sentence of no more than one year against the Prime Minister in the event that he fails to submit a declaration of his financial assets according to the form prepared for this purpose. The aforementioned law also stipulated the imposition of a prison sentence of no less than seven years and a fine equal to the value of the illicit gain against the Prime Minister if he is unable to prove the legitimate reason for the increase in his money or the money of his wife or children. In this case, the question arises about the court that considers the subject of the accusation against the Prime Minister for the crimes stipulated in the Integrity Commission Law. Is it the Federal Supreme Court, as it is the authority competent to consider the accusations directed at him, or the courts competent for integrity cases? Is the Federal Supreme Court competent to consider accusations in cases of violating the constitution, high treason, and perjury directed at the Prime Minister only, or does it have full jurisdiction to consider accusations in all crimes stipulated in the Penal Code, the Integrity Law, and other laws? From all of the above, we call upon the Iraqi Council of Representatives to expedite the issuance of a law on the trial of the Prime Minister and members of the Council of Ministers, which specifies, by virtue of this law, the crimes for which criminal liability is imposed and the penalties resulting therefrom, in order to avoid interpretations on this extremely important issue.

Second: Civil Liability of the (P.M)

Civil liability is defined as the obligation of a person to compensate for the harm he caused to others by his actions or by the actions of the persons or things for which he is responsible¹. It is of two types: contractual liability and interpretative liability. The latter is defined as a legal obligation that entails a penalty in the event of a breach of a duty imposed by law not to harm others, and it is the same whether the failure to comply is intentional or inadvertent, such as the obligation to adhere to a certain speed limit. As for contractual liability, it is defined as the penalty that arises from a breach of a contract between two or more parties

By referring to the texts of the current constitution, we did not find that the Iraqi legislator stipulated the organization of the civil liability of the (P.M). However, by referring to the general rules of civil liability provisions, the researcher believes that the Prime Minister is held civilly liable, like ordinary individuals, for the damages he causes to individuals and the state. Therefore, he is obligated to compensate for the damage he causes whenever the elements of civil liability stipulated in the Civil Code are available². The researcher believes that it is necessary to expedite the legislation of the law on the trial of the Prime Minister and members of the Council of Ministers, with the necessity of organizing the provisions of the civil liability of the Prime Minister to avoid differences in determining the body or court before which he is held civilly liable, both contractual and tortious, considering that the constitution made the Federal Supreme Court the competent body to consider the accusations directed at him. Is he held accountable before the aforementioned court or before the civil courts for the damages he causes to individuals or the state?

4. Conclusion

Constitutional Clarity for Prime Minister Candidacy: The Iraqi constitution does not clearly outline the specific conditions for Prime Minister candidacy. The legislator should amend the constitution to define these conditions independently, eliminating ambiguity and contradictions.

Nationality Requirement: The constitution mandates that the Prime Minister candidate be Iraqi by birth and renounce all foreign nationalities. However, the relevant

law on renunciation has not been enacted. It is recommended that the legislator establish a law enforcing renouncement of any foreign nationality.

Age and Qualifications: The constitution stipulates that candidates be at least 35 years old with a university degree. To ensure leadership maturity, we suggest raising the minimum age to 40 and requiring at least 15 years of administrative experience.

Criminal History and Honor: The constitution limits eligibility based on crimes violating honor. This condition should be expanded to include all crimes under the Iraqi Penal Code, excluding minor violations from disqualification.

Qualification and Integrity Standards: The constitutional conditions for integrity and political experience are vague. These requirements need clearer definitions and the responsible body for verification should be specified.

Exclusivity for Prime Minister Candidates: The candidate must not have been involved in crimes against the Iraqi people or specific historical events. This provision should be carefully monitored and enforced to maintain the integrity of the office. **Military and Judicial Exclusions:** Candidates must not be part of the armed forces, judiciary, or prosecution unless they relinquish their posts. This provision should be strictly enforced.

Accountability and Justice: Additional conditions, such as the exclusion from accountability and justice provisions, are already in place. These should be maintained, ensuring candidates are not involved in anti-state activities. **Clarification of the Largest Parliamentary Bloc:** The concept of the largest parliamentary bloc remains ambiguous. The term should be clearly defined and amended to reflect the most representative bloc through a simple majority vote, ensuring the Prime Minister's legitimacy.

Timeframe for Government Formation: While the Prime Minister is required to submit a cabinet and ministerial program, no time frame is given. A maximum period of 30 days should be set to ensure timely government formation. **Prime Minister's Powers:** The current powers of the Prime Minister are limited. To allow effective governance, the Prime Minister should be granted broader authority, including the power to choose or dismiss military leaders and government members without requiring parliamentary approval. **Term End Provisions:** The constitution should address cases that end the Prime Minister's term, such as resignation, death, or disability, with clear legal provisions for each scenario.

Criminal Responsibility: The constitution lacks clarity on when the Prime Minister's criminal responsibility arises. It should include specific cases and allow for the trial and possible removal from office in cases of perjury, constitutional violations, or treason.

Political Responsibility and Accountability: The process for invoking political responsibility needs improvement. The constitution should include the parliamentary investigation as a means for withdrawing confidence, ensuring more effective political accountability for the Prime Minister.

REFERENCES

- [1] "Article (1) of the Constitution of the Republic of Iraq for the year 2005," Constitution of the Republic of Iraq, 2005.
- [2] "The first paragraph of Article (76) of the Constitution of the Republic of Iraq for the year 2005," Constitution of the Republic of Iraq, 2005.
- [3] "The first paragraph of Article (77) of the Constitution of the Republic of Iraq for the year 2005," Constitution of the Republic of Iraq, 2005.
- [4] Al-Aboudi, Explanation of the Provisions of the Iraqi Nationality Law No. (26) of 2006, Domicile and Status of Foreigners, A Comparative Study in the Scope of Private International Law, Al-Sanhouri Library, Baghdad, 2012, p. 37.
- [5] "Article (1/First) of the Law on the Provisions of Nomination for the Position of President of the Republic No. (8) of 2012," Law on the Provisions of Nomination, 2012.
- [6] R. K. S. Shaber, Separation of the Executive and Legislative Authorities in the Parliamentary System in Iraq, Al-Sanhouri Library, Baghdad, 2012, p. 79.
- [7] "Article (18/Fourth) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [8] "Article (9/Fourth) of the Iraqi Nationality Law No. (25) of 2005," Iraqi Nationality Law No. (25) of 2005, 2005.

- [9] "The Federal Supreme Court ruling No. (100/Federal/Media/2013) dated 1/19/2013," Federal Supreme Court Ruling No. 100/Federal/Media/2013, 2013.
- [10] Y. Al-Shukri, *Imbalance in Favor of the Executive Authority in Iraq*, Dar Al-Dhakira for Publishing and Distribution, Baghdad, 2016, p. 30.
- [11] "Article 68/Second of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [12] A. Amin, *The Authority of the President of the State in the Parliamentary and Presidential Systems: A Comparative Study*, Master's Thesis, College of Law, University of Baghdad, 2014, p. 115.
- [13] M. B. Younis and I. A. Abdullah, "The Assumption of the (P.O.R) and His Authority in the (C.O.R) of Iraq for the year 2005," *Journal of the College of Law, University of Nahrain*, vol. 17, no. 3, 2015, p. 288.
- [14] H. Kirah, *Introduction to Law*, Manshaat Al-Maaref, Alexandria, no year of publication, p. 583.
- [15] "The Iraqi Penal Code No. 111 of 1969," Iraqi Penal Code No. 111, 1969.
- [16] "Article (3) of the National Accountability and Justice Commission Law No. (10) of 2008," National Accountability and Justice Commission Law, 2008.
- [17] "Article (7/First) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [18] "Article (3) of the Law on Banning the Baath Party, Entities, Parties, and Racist, Terrorist, and Takfiri Activities No. (32) of 2016," Law on Banning the Baath Party, 2016.
- [19] "Article (135/Third) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [20] "Article (138/Third) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [21] Y. Al-Shukri, *The Iraqi Council of Ministers from Occupation to Independence*, Zain Legal Publications, Beirut, Lebanon, 2018, p. 164.
- [22] Y. Al-Shukri, *Studies on the Iraqi Constitution*, Afaq Foundation for Iraqi Studies and Research, 1st ed., Baghdad, 2008, p. 267.
- [23] "Article (138/Third/D) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [24] "Article (76/First) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [25] A. Sheha, *The Status of the Executive Authority (Head of State - Ministry) in Contemporary Political Systems*, Manshaat Al-Maaref, Alexandria, 2006, p. 27.
- [26] H. Sadek, *The Authority of the Head of State between the Parliamentary and Presidential Systems (A Comparative Study)*, Egyptian Book Organization, Cairo, 2013, p. 178.
- [27] W. A. L. Al-Fadl, *Principles of Parliamentary Work (A Study in Light of the Constitution of the Republic of Iraq for the Year 2005)*, Baghdad, 2006, p. 260.
- [28] Y. M. Kashkoul, "The Direct Election of the Prime Minister and Its Impact on Rationalizing the Parliamentary System," *Al-Kufa Journal of Legal and Political Sciences*, vol. 1, no. 36, Part 1, 2018, pp. 327-328.
- [29] "Article (76/Fourth) of the current Iraqi Constitution and Article (43) of the Council of Representatives and its Formation Law No. 13 of 2018," Iraqi Constitution, 2018.
- [30] "Federal Supreme Court No. (93/Federal/2010) on 12/19/2010," Federal Supreme Court Decision No. 93/Federal/2010, 2010.
- [31] "Ruling of the Federal Supreme Court No. (27/Federal/2009) on 8/11/2009," Federal Supreme Court Ruling No. 27/Federal/2009, 2009.
- [32] "Ruling of the Federal Supreme Court No. (32/Federal/Media/2018) and (34/Federal/Media/2018)," Federal Supreme Court Rulings, 2018.
- [33] "Article 76 of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [34] "Article (81) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [35] "Article (61/Eighth/C) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [36] "Article (61/Eighth/D) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [37] M. H. Al-Harbi and S. D. Salman, *The Constitutional Framework of the Prime Minister's Authority in the Political System*, Al-Sanhouri Library, Baghdad, 2016, p. 82.
- [38] M. A. Talib, *The Largest Parliamentary Bloc Under the Constitution of the Republic of Iraq for the Year 2005*, *Journal of Law, College of Law, Al-Mustansiriya University*, Issue 40, 2021, p. 210.
- [39] H. A. Al-Hilali, *The General Theory of Interpreting the Constitution and the Trends of the Federal Supreme Court in Interpreting the Iraqi Constitution*, Al-Sanhouri Library, Zain Legal, Beirut, 2011, p. 125.
- [40] "Article 93, second, of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [41] "Federal Supreme Court Decision No. (25/Federal/2010)," Federal Supreme Court Decision, 2010.
- [42] "Federal Supreme Court Decision No. (45/Federal/2014)," Federal Supreme Court Decision, 2014.

- [43] "Federal Supreme Court Decision No. (70/Federal/2019)," Federal Supreme Court Decision, 2019.
- [44] "Federal Supreme Court Decision No. (170/Federal/2019)," Federal Supreme Court Decision, 2019.
- [45] "Paragraph (Third) of Article (76) of the current Constitution," Iraqi Constitution, 2005.
- [46] "Federal Supreme Court Decision No. (7/Federal/2022)," Federal Supreme Court Decision, 2022.
- [47] "Article (80) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [48] E. M. Hussein, *The Responsibility of the Head of State*, Dar Al Nahda Al Arabiya, Cairo, 2008, p. 28.
- [49] "Article (80/First) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [50] S. K. Khalil, "Public Policy and the Means of Civil Society Institutions in Making It," *Journal of the College of Education for Girls, University of Baghdad*, vol. 24, no. 2, 2013, p. 429.
- [51] H. A. Al-Sakini, *Controversial Topics in the Iraqi Constitution*, Al-Ghadeer Printing, Basra, 1st ed., 2008, p. 64.
- [52] "Article (73/Ninth) of the current Constitution," Iraqi Constitution, 2005.
- [53] "Article (72/First) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [54] "Article (61/Ninth/A) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [55] "Article (49/Third) of the (H.O.R) internal regulations," Iraqi Parliament Regulations, 2021.
- [56] "Article (79) of the current constitution," Iraqi Constitution, 2005.
- [57] "Article (3) of the Cabinet's Internal Regulations No. (2) of 2019," Cabinet's Internal Regulations, 2019.
- [58] "Article (8) of the Cabinet's internal regulations," Cabinet's Internal Regulations, 2019.
- [59] "Article (5/Second) of the Cabinet's internal regulations," Cabinet's Internal Regulations, 2019.
- [60] "Federal Supreme Court Decision No. (25/Federal/2010)," Federal Supreme Court Decision, 2010.
- [61] "Federal Supreme Court Decision No. (45/Federal/2014)," Federal Supreme Court Decision, 2014.
- [62] "Federal Supreme Court Decision No. (70/Federal/2019)," Federal Supreme Court Decision, 2019.
- [63] "Federal Supreme Court Decision No. (170/Federal/2019)," Federal Supreme Court Decision, 2019.
- [64] "Paragraph (Third) of Article (76) of the current Constitution," Iraqi Constitution, 2005.
- [65] "Federal Supreme Court Decision No. (7/Federal/2022)," Federal Supreme Court Decision, 2022.
- [66] "Article (80) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [67] E. M. Hussein, *The Responsibility of the Head of State*, Dar Al Nahda Al Arabiya, Cairo, 2008, p. 28.
- [68] "Article (80/First) of the Iraqi Constitution of 2005," Iraqi Constitution, 2005.
- [69] S. K. Khalil, "Public Policy and the Means of Civil Society Institutions in Making It," *Journal of the College of Education for Girls, University of Baghdad*, vol. 24, no. 2, 2013, p. 429.
- [70] H. A. Al-Sakini, *Controversial Topics in the Iraqi Constitution*, Al-Ghadeer Printing, Basra, 1st ed., 2008, p. 64.
- [71] "Article (73/Ninth) of the current Constitution," Iraqi Constitution, 2005.
- [72] "Article (72/First) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [73] "Article (61/Ninth/A) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [74] "Article (49/Third) of the (H.O.R) internal regulations," Iraqi Parliament Regulations, 2021.
- [75] "Article (79) of the current constitution," Iraqi Constitution, 2005.
- [76] "Article (3) of the Cabinet's Internal Regulations No. (2) of 2019," Cabinet's Internal Regulations, 2019.
- [77] "Article (8) of the Cabinet's internal regulations," Cabinet's Internal Regulations, 2019.
- [78] "Article (5/Second) of the Cabinet's internal regulations," Cabinet's Internal Regulations, 2019.
- [79] Article (4) of the Council of Ministers' internal regulations," Council of Ministers' Internal Regulations, 2019.
- [80] "Article (5/First) of the Council of Ministers' internal regulations," Council of Ministers' Internal Regulations, 2019.
- [81] "Article 7/First of the Council of Ministers' internal regulations," Council of Ministers' Internal Regulations, 2019.
- [82] "Article (7/Third/1) of the (C.O.M) internal regulations," Council of Ministers' Internal Regulations, 2019.
- [83] "Article (10/First) of the Internal Regulations of the Council of Ministers No. (2) of 2019," Council of Ministers' Internal Regulations, 2019.
- [84] "Article (33) of the Cabinet's Internal Regulations No. 2 of 2019," Cabinet's Internal Regulations, 2019.
- [85] "Article (81/First) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [86] "Article (78) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [87] J. Afar, "The Legal Effect of Breaking the Constitutional Oath Under the Constitution of the Republic of Iraq for the Year 2005 (A Critical Analytical Study)," PhD Thesis, International Islamic University Malaysia, 2018, p. 174.
- [88] "Article (1/first and second) of Instructions No. 2 of 1017, Financial Disclosure Instructions," Financial Disclosure Instructions, 2017.

- [89] "Article (9) of Law No. (30) of 2019, the first amendment to the Integrity Commission Law," Integrity Commission Law, 2019.
- [90] "Article (17/First/A-B) of Law No. 30 of 2019, the first amendment law to the Integrity Commission Law," Integrity Commission Law, 2019.
- [91] "Article (19) of Law No. 30 of 2019, the First Amendment Law of the Integrity Commission Law," Integrity Commission Law, 2019.
- [92] M. A. Talib, The Constitutional and Legal Organization of the Resignation of the Prime Minister in the Constitution of the Republic of Iraq for the Year 2005, Anbar University Journal of Legal and Political Sciences, vol. 10, no. 2, p. 322, 2020.
- [93] "Article (18/First) of the Internal Regulations of the Council of Ministers No. (2) of 2019," Council of Ministers' Internal Regulations, 2019.
- [94] "Article (1/Fourth) of the Employee Health Disability Law No. 11 of 1999," Employee Health Disability Law No. 11, 1999.
- [95] "Article (12/Sixth) of the House of Representatives and its Formation Law No. 13 of 2018, as amended," House of Representatives Law No. 13, 2018.
- [96] A. Aziz, "The Role of the Head of State in Choosing the Prime Minister and Ending His Term in the Iraqi Constitution of 2005 (A Comparative Analytical Study)," Al-Kufa Magazine, vol. 19, p. 268, 2019.
- [97] "Article (12/First and Sixth) of the House of Representatives and its Formation Law No. 13 of 2018," House of Representatives Law No. 13, 2018.
- [98] "Dismissal means 'stripping the holders of general authority, such as representatives and governors, of their legal powers by withdrawing the voters' confidence from them before the end of their term,'" M. R. Al-Helou, Political Systems and Constitutional Law, Manshaat Al-Maaref, Alexandria, 1st ed., 2005, p. 234.
- [99] "Article (61/Eighth/B/1) of the current Iraqi Constitution and Article (40/First) of the (C.O.R) and its Formation Law No. 13 of 2018," Iraqi Constitution, 2018.
- [100] "Article (61/Eighth/B/2) of the current Iraqi Constitution and Article (40/Second) of the (C.O.R) and its Formation Law No. 13 of 2018," Iraqi Constitution, 2018.
- [101] "Article (61/Eighth/C) of the current Iraqi Constitution states: 'The Council of Representatives shall decide to withdraw confidence from the Prime Minister by an absolute majority of its members,'" Iraqi Constitution, 2005.
- [102] "Article (72/Second/A) of the current Constitution states: 'The term of the President of the Republic ends with the end of the term of the House of Representatives,'" Iraqi Constitution, 2005.
- [103] "The year in this text is meant to be the Gregorian year and not the Hijri year, considering that the Gregorian calendar is the official calendar of the state," Iraqi Judicial Association, 2011, p. 24.
- [104] "Article (56/First) of the current Constitution," Iraqi Constitution, 2005.
- [105] "Article (72/First) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [106] "Article (61/Ninth/A) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [107] "Article (49/Third) of the (H.O.R) internal regulations states: 'The ministry shall be deemed to have gained the confidence of the House when the ministers individually and the ministerial program are approved by an absolute majority,'" Iraqi Parliament Regulations, 2021.
- [108] "Article (79) of the current constitution states: 'The Prime Minister and members of the Council of Ministers shall take the constitutional oath before the House of Representatives in the form stipulated in Article (50) of the Constitution,'" Iraqi Constitution, 2005.
- [109] J. Afar, "The Legal Effect of Breaking the Constitutional Oath Under the Constitution of the Republic of Iraq for the Year 2005 (A Critical Analytical Study)," PhD Thesis, International Islamic University Malaysia, 2018, p. 174.
- [110] "Article (1/first and second) of Instructions No. 2 of 1017, Financial Disclosure Instructions," Financial Disclosure Instructions, 2017.
- [111] "Article (9) of Law No. (30) of 2019, the first amendment to the Integrity Commission Law," Integrity Commission Law, 2019.
- [112] "Article (17/First/A-B) of Law No. 30 of 2019, the first amendment law to the Integrity Commission Law," Integrity Commission Law, 2019.
- [113] "Article (19) of Law No. 30 of 2019, the First Amendment Law of the Integrity Commission Law," Integrity Commission Law, 2019.

- [114] M. A. Talib, *The Constitutional and Legal Organization of the Resignation of the Prime Minister in the Constitution of the Republic of Iraq for the Year 2005*, Anbar University Journal of Legal and Political Sciences, vol. 10, no. 2, p. 322, 2020.
- [115] "Article (18/First) of the Internal Regulations of the Council of Ministers No. (2) of 2019," Council of Ministers' Internal Regulations, 2019.
- [116] "Article (1/Fourth) of the Employee Health Disability Law No. 11 of 1999," Employee Health Disability Law No. 11, 1999.
- [117] "Article (12/Sixth) of the House of Representatives and its Formation Law No. 13 of 2018, as amended," House of Representatives Law No. 13, 2018.
- [118] A. Aziz, "The Role of the Head of State in Choosing the Prime Minister and Ending His Term in the Iraqi Constitution of 2005 (A Comparative Analytical Study)," *Al-Kufa Magazine*, vol. 19, p. 268, 2019.
- [119] "Article (12/First and Sixth) of the House of Representatives and its Formation Law No. 13 of 2018," House of Representatives Law No. 13, 2018.
- [120] M. A. Awfi, *Political Responsibility of the Government in the Constitution of the Republic of Iraq for the Year 2005: A Comparative Study*, Master's Thesis, College of Law, University of Baghdad, 2014, p. 52.
- [121] R. Desouky, *The Executive Authority's Dominance over Parliament's Work*, Maaref Establishment, Alexandria, 2006, p. 138.
- [122] M. A. Talib, *The Trial of the President and Members of the Executive Authority: A Comparative Study*, Dar Al-Sanhouri, Baghdad, 1st ed., 2015, p. 44.
- [123] N. Abdullah, *The Extent of Balance between Political Authority and Responsibility in the Modern State*, Dar Al Nahda Al Arabiya, Cairo, 1981, p. 10.
- [124] "Article (61) of the current Constitution and Article (64) of the House of Representatives' Internal Regulations No. (1) of 2022," Iraqi Constitution, 2022.
- [125] "Article (1) of the Internal Regulations of the Iraqi Council of Representatives No. (1) of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [126] M. A. Awfi, *The Political Responsibility of the Government in the Constitution of the Republic of Iraq for the Year 2005: A Comparative Study*, p. 63.
- [127] "Article (61/Seventh/A) of the current constitution states: 'A member of the House of Representatives may direct questions to the Prime Minister and the ministers on any subject that falls within their jurisdiction,'" Iraqi Constitution, 2005.
- [128] "Article (27/Second) of the House of Representatives and its Formations Law No. 13 of 2018, as amended," House of Representatives Law No. 13, 2018.
- [129] M. H. Al-Qaisi, *Rights and Duties of Members of the Council of Representatives in Iraq (A Study of the 2005 Constitution and the Internal Regulations of the Iraqi Council of Representatives)*, Bayt Al-Hikma Publications, Baghdad, 2011, p. 63.
- [130] "Article (50, 51, 52, 53 and 54) of the Internal Regulations of the Iraqi Council of Representatives No. 1 of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [131] R. M. Battikh, *Practical Applications of Parliamentary Immunity Controls and Parliamentary Oversight Means and Procedures*, Dar Al Nahda Al Arabiya, Cairo, 2001-2002, p. 184.
- [132] M. J. H. Al Halbousi, *Parliamentary and Independent Bodies Oversight of the State's General Budget (A Comparative Study)*, Dar Al Fikr Al Arabi, Alexandria, 2019, p. 176.
- [133] "Article (55) of the Internal Regulations of the Iraqi Council of Representatives No. (1) of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [134] "Article (30/Second) of the House of Representatives and its Formations Law No. (30) of 2018, as amended," House of Representatives Law No. 30, 2018.
- [135] F. H. M. Mohsen, *The Constitutional and Legal Organization for Raising a General Topic for Discussion in Light of the Constitution of the Republic of Iraq for the Year 2005: A Comparative Study*, Master's Thesis, College of Law, University of Baghdad, 2022, p. 88.
- [136] "Article (61/Seventh/B) of the current Iraqi Constitution," Iraqi Constitution, 2005.
- [137] "Article (58) of the House of Representatives' Internal Regulations No. 1 of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [138] "Article (34) of the House of Representatives and its Formation Law No. 13 of 2018, as amended," House of Representatives Law No. 13, 2018.

-
- [139] "Article (35) of the House of Representatives and its Formations Law No. 13 of 2018," House of Representatives Law No. 13, 2018.
- [140] "Article (61) of the Internal Regulations of the Iraqi Council of Representatives No. 1 of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [141] "Article (27/Sixth) of the House of Representatives and its Formations Law No. 13 of 2018, as amended," Iraqi House of Representatives Law, 2018.
- [142] "Article (32/Second) of the House of Representatives' Internal Regulations No. 1 of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.
- [143] "Article (83) of the House of Representatives' internal regulations," Iraqi House of Representatives Regulations, 2022.
- [144] "Article (84) of the House of Representatives' internal regulations," Iraqi House of Representatives Regulations, 2022.
- [145] "Article (85) of the House of Representatives' Internal Regulations No. 1 of 2022," Iraqi Council of Representatives' Internal Regulations, 2022.