

## The Impact of Political Systems on Economic Rights: Iraq as an Example

**Nashwan Jabbar Kadhim**

University Al-Qadisiyah, College of Administration and Economics, Department of Economics  
Nashwan.j.kadhim@qu.edu.iq

**Abstract:** Economic rights remain a matter of controversy regarding priorities, without any action taken to address the importance of emphasizing them in domestic constitutional legislation. Therefore, it is time to address these rights with attention commensurate with their importance, given that they represent natural rights that affirm the human dignity of the individual. Most of the major problems facing human society are not inherent in the science of things, but rather in the science of individuals. Humanity's greatest failure lies in its inability to realize its rights, particularly economic rights, as they represent respect for the human being, the preservation of his dignity, and the preservation of his value, as affirmed by divine laws. The inclusion of economic rights in national legislation and the definition of mechanisms for their implementation are indicators of the state's concern and respect for its citizens. This concern can only be achieved by allocating public budgets to implement programs and policies that help secure economic rights. The relationship between sustainable development and economic rights is complementary. Development will not be achieved if constitutions do not express the equality of individuals in rights and basic services. At the same time, the individual's enjoyment of his economic rights strengthens and supports the pillars of progress and development.

**Keywords:** economic rights, political systems, constitution.



This is an open-access article under the [CC-BY 4.0](https://creativecommons.org/licenses/by/4.0/) license

### Introduction

It is a recognized principle in democratic systems that the constitution is the supreme legal document in a state, as it contains the legal foundations that define the form of the state and its system of government, in terms of regulating the powers of public authorities and defining the rights and freedoms of individuals. In addition to regulating fundamental issues in the state, the constitution also regulates individual rights and freedoms, whether personal, political, social, or economic. In order to respect these rights and freedoms, they must be enshrined in the constitution, which is the best guarantor of these rights because enshrining them ensures that the authorities in the state do not exceed these provisions, considering that they are constitutional

provisions and constitutional provisions are superior to other laws. In order to ensure that these authorities do not exceed their powers, it is necessary to activate the issue of constitutional review of laws, which is a legal mechanism whose task is to verify the conformity of laws with the constitution.

### **Importance of the research.**

The importance of the topic lies in the fact that it concerns the economic rights of citizens, which makes it a priority issue that every researcher or person interested in this matter must address, in order to identify any errors or shortcomings or draw the attention of legislators to a specific point related to this topic. There are several reasons for conducting this research, the most important of which is to clarify the concept of the economic rights of citizens and to highlight the importance of these rights in the constitution.

### **Research Problem.**

The problem posed by this research concerns the following questions: Does the Iraqi Constitution, issued in 2005, take into account all the principles related to human rights stipulated in all international conventions? Do Iraqi citizens enjoy sufficient freedom under the provisions of this constitution to enable them to exercise their political and economic lives democratically? To what extent does this constitution guarantee the protection of the freedoms and rights it stipulates?

### **Research methodology.**

The researcher employed an analytical approach due to the nature of the subject, which required us to do so. We would not have been able to follow and monitor developments related to the subject without resorting to this approach.

### **Research Structure.**

We will address the topic of economic rights in the 2005 Constitution in two sections, preceded by an introduction. The first section will be devoted to the nature of economic rights, consisting of two parts: the first part will define economic rights and the types of economic rights. The second section will address the limits of political systems in the field of economic rights, which will be divided into three parts. The first part will address economic rights under the 1970 provisional constitution, and the second part will address economic rights under the 2005 constitution. The third part will address the guarantees of economic rights in the Iraqi constitution.

## **Section I**

### **The Nature of Economic Rights**

The meaning of economic freedoms and rights refers to the individual's freedom to dispose of his property as he wishes and to engage in any form of activity he desires, provided that such activity is not prohibited by law. The state must provide or protect this freedom by providing legal protection for the rights of the individual. The word 'right' is one of the names of God Almighty and is said to be one of His attributes. (1) It is mentioned in the words of God Almighty: 'That is God, your Lord, the Truth. What then is there after the Truth but error? You know.' (2) And also in the words of God Almighty: 'Then they will be returned to God, their true Lord.' Rights are the plural of 'right,' and "right" is the opposite of 'falsehood.' (3) The term 'right' in terminology: From a terminological point of view, there are three schools of thought or approaches that differ in their definition of the term 'right': - (4)

The first school of thought: This is the personal school of thought, which defines the term 'right' as a voluntary power or authority granted by law to a specific person, with defined limits. The second school of thought: This is the objective school of thought, whose proponents define rights as interests protected by law. These interests may be material, such as the right to property or the

right to work, or they may be moral, such as personal rights, which are rights relating to the human person, such as the right to life, the right to freedom of belief, the right to housing and freedom of movement, etc.

The third school of thought: This is the mixed school of thought, so called because it combines the two previous definitions. It defines rights as a volitional power recognised by law and guaranteed protection in order to achieve a social goal.

### **First requirement.**

#### **The concept of economic rights.**

The main objective behind the recognition of economic and social rights is to achieve social justice, provide insurance against illness, poverty, and disability, eliminate unemployment, and create job opportunities. This has prompted many developed and developing countries alike to enshrine these rights in their constitutions and to promote them. Despite the importance of economic and social rights, however, it is from 25/ 9, legal and scientific interest in them has come late, in contrast to the interest in political and civil rights, even though it is the former rights that give the latter their substance and content. This is because recognising individuals' economic and social rights frees them from the material domination of any party and enables them to live a dignified life and play their role in society in the best possible way.

It is certain that the political management of the individual will be freer when he is freed from the fears of unemployment, ignorance, and disease. Furthermore, the attainment of economic and social rights by individuals naturally achieves true equality for them, not the theoretical equality that political and civil rights and freedoms can achieve for them. (5 )

#### **Firstly, economic and social rights require positive action.**

Unlike political and civil rights and freedoms, it is not enough to simply refer to economic and social rights and freedoms in national constitutions; states must also take positive action to fulfil them. In other words, economic and social rights and freedoms require states to take action to assist citizens in various aspects of their lives, while civil and political rights and freedoms only require states to refrain from taking any action that might interfere with the exercise of those rights. and civil and political rights, they only have a negative obligation to refrain from any actions that could prevent citizens from exercising their political and civil rights. It can therefore be said that the obligations of states with regard to economic and social rights and freedoms are positive obligations, which means that states must make efforts to ensure that citizens have adequate employment opportunities, as well as adequate housing, food, clothing, education, health care, and other requirements necessary for a decent and dignified life for their citizens. This means that individuals have the right to demand that the ruling authorities provide them with assistance and support, and provide them with everything they need to live a decent and dignified life.(6)

As for the obligations incumbent upon states with regard to political and civil rights and freedoms, these are not negative obligations that require them merely to refrain from placing obstacles in the way of citizens and preventing them from exercising those rights and freedoms. This means that individuals have no right to demand that the ruling authorities do anything other than refrain from preventing them from exercising their political and civil rights and freedoms. (7)

#### **Second: The International Covenant on Economic and Social Rights: Founding Document.**

The situation differs for constitutional texts dealing with economic and social rights and freedoms from those dealing with political and civil rights and freedoms. While the latter contain a statement of the actual situation, the former are merely a blueprint for programmes that states can follow in the future, given the link between economic and social rights and what should be the

case at the time. In other words, freedom in relation to economic and social rights is a volatile situation that can only be achieved through positive action by the ruling authorities, whereas in relation to political and civil rights, it is a natural freedom that requires only negative action on the part of the ruling authorities, as mentioned above, in the form of refraining from any action that would hinder their realisation for citizens. This explains why some countries, including some Arab countries, had no intention of committing to a document stipulating the fulfillment of economic, social, and cultural rights, considering that they may not have the means to implement them, which constitutes a violation of the international document if they sign it. It can therefore be said that the International Covenant on Civil and Political Rights does not call for a document that reveals existing and previously recognised rights, and therefore, there is an immediate and direct obligation on the signatory states to fulfil them. The International Covenant on Economic, Social, and Cultural Rights is a document that establishes new rights and freedoms. Many countries, therefore, consider that their commitment to these rights and freedoms is not a direct obligation to provide them immediately, but rather a commitment only to specific programmes that can gradually provide these rights and freedoms according to their respective capabilities and resources. (8)

### **Thirdly, economic and social rights impose new burdens.**

Another fundamental difference is the increased burden placed on states by the positive obligations arising from economic and social rights. It is expected that, as states recognise such rights and enshrine them in their constitutions, this will influence the philosophies and policies of government in those states and their financial situations as a result of the expansion of various social services due to directing their expenditures towards the effective realization of the economic and social rights and freedoms they have recognized. Not only that, but there are also other burdens placed on individuals at the same time, given the obligations that the state may impose on them in order to achieve the objectives sought through the recognition of economic and social rights. The new burdens placed on the state necessarily impose it necessarily impose new obligations on its citizens. (9 )

### **The second requirement.**

#### **Types of economic rights.**

These include freedom of ownership or individual property rights and freedom of trade and industry, each of which will be addressed in a separate section below:

- 1- Freedom of ownership: - Freedom of ownership refers to the ability of every individual to become an owner in accordance with the provisions of the law and the right to property. Its most important characteristics are that it is a comprehensive right in the sense that it is a right that entitles its owner to all the benefits that can be obtained from the thing in accordance with its requirements, and that it is a right that can be invoked against everyone, and everyone is obliged to respect it and not to violate it or impede its owner from enjoying it. The right of ownership is no longer an absolute right as it was viewed in the past, but has become a social function, which allows imposing on it the restrictions required by its social function, which is a function whose scope is not determined in a vacuum and does not impose itself arbitrarily, but is dictated by a specific social reality in a particular environment with its own characteristics, elements and orientations. That being the case, the law must regulate the performance of this function, guided in particular by the values espoused by the community at a given stage of its development."
- 2- Freedom of trade and industry: The concept of freedom of trade and industry has undergone development, as has the right to property, in accordance with the individualist doctrine. Freedom of trade and industry refers to the ability of individuals to engage in economic activity without state interference, because economic activity is subject to natural laws in

which the state has no involvement. This was a reaction to the view of the mercantilists, who called for the regulation of trade and industry and subjecting them to severe restrictions. However, the individualist doctrine of economic freedom declined significantly after the spread of socialism and interventionist doctrines. (10 ) Contemporary states have subjected economic freedoms to strict regulation and numerous restrictions in order to achieve the principles of social justice, and the prevailing opinion at present tends to regard these freedoms as social functions aimed at serving the common good of the community rather than as individual rights of their holders. (11 ).

Types of economic rights in Islamic law compared to economic rights in human rights:-

- 1- Right to property: - One of the rights guaranteed by Islam to human beings is the right to own property, as it permits the ownership of real estate and movable property if acquired by lawful means. Since the owner possesses these assets, he has the right to dispose of them and deal with them, whether by sale, bequest or gift. However, it should be noted here that the guaranteed right to property is subject to certain restrictions; it is not an absolute right, but is subject to in the public interest. Examples of these restrictions include not abusing the right or harming others. In some cases, the public interest may require the expropriation of individual property for the common good. We see that Islamic law has imposed zakat (alms) to purify and sanctify wealth and has legislated a system of inheritance and bequests. to prevent the concentration of wealth in the hands of a particular group. Islamic law also promotes an important and fundamental principle in social life, namely the principle of solidarity and social mutual support, whereby the rich in society help the poor (12).
- 2- The right to work: Work is of great importance in Islam, as it preserves human dignity by freeing people from dependence on others and the humiliation of relying on others. It enables people to live their lives with dignity, content with what they earn from their work. Islamic law guarantees workers many rights that preserve their rights as human beings above all else. These rights include treating workers with kindness, not overburdening them, and determining fair wages. Just as Islam guarantees workers their rights, it also imposes certain duties on them, such as maintaining confidentiality at work, being sincere in their work, adherence to the rules and conditions of work and not violating them, and most importantly, that the work does not violate public order and the provisions of Islamic law. This is a summary of the most important rights referred to in Islamic law. In addition to this, there are many other rights that regulate the life of the individual, but we will suffice here with stating these rights (13).

## Section II

Limits of political systems in the field of economic rights

In this section, we will address two issues. The first issue concerns economic rights under the 1970 provisional constitution, while the second issue concerns economic rights under the 2005 constitution. The third issue concerns the guarantees of economic rights in the Iraqi constitution, as follows:

### First requirement

Economic rights under the 1970 provisional constitution

The meaning of economic freedoms and rights refers to the individual's right to dispose of his property as he wishes and to engage in any form of activity he desires, provided that such activity is not prohibited by law and that the state provides or protects it by providing legal protection for individual rights.

We find that the provisional Iraqi Constitution of 1970 addressed freedom of ownership in line with the objectives of the political system and ideology based on socialism, addressing this in Articles 16-18, which stipulate that:

A. Ownership is a social function exercised within the limits of the objectives of society and the policies of the state in accordance with the provisions of the law.

B. Private ownership and individual economic enterprises are guaranteed within the limits of the law and on the basis that they do not conflict with or harm general economic planning.

C. Private property shall not be expropriated except for reasons of public interest and in accordance with fair compensation.

D. The maximum limit of agricultural property shall be determined by law, and anything in excess of that shall be considered the property of the people/ according to (16). (14)

With regard to freedom of trade and industry, the legislator has clearly and directly embraced socialism, as Article 18 stipulates that the state shall plan and direct the national economy. The constitution does not prohibit the confiscation of private property, and several decisions have been issued (ordering the confiscation of private property belonging to citizens who have committed offences or opposed the political system). (15)

### **The second requirement.**

#### Economic rights under the 2005 Iraqi Constitution

Iraq's move towards economic liberalisation at various levels, reducing subsidies or changing their terms, supporting the private sector, liberalising prices and other measures that can be grouped under one general heading, is a shift towards a market economy and expanding the role of the private sector in the economy. This represents a shift from the international model that prevailed before 2003 and a replacement of the administrative and political mechanisms for managing the economy and society with other mechanisms in which market forces play a decisive role.

Iraq has undergone political and economic transformations that have affected the Iraqi economy. and the Iraqi economy experienced an imbalance that led to serious distortions. This situation continues to this day due to the lack of clarity in the economic philosophy of the legal and constitutional references, which has led to a lack of clarity in the role of the state in its pursuit of comprehensive and sustainable economic and social development and integration into the global economic system. Those who follow economic transformations see them from several angles, but the most important is to focus on the new Iraqi constitution of 2005 and reveal its economic content, as it is the highest law.

The 2005 Constitution of the Republic of Iraq defined the form of the state and its system of government. Although it included provisions for a democratic political system, peaceful transfer of power based on the principle of elections, guarantees of public and fundamental freedoms, and the principle of separation of powers, among other things, it contained a number of contradictions and shortcomings in its political and economic provisions.(16)

The Iraqi constitutional legislator guaranteed these rights, which are numerous and varied, such as the right to property, the right to work, the right to social security, and the right to education. The right to property is mentioned in Article 23 of the Constitution, in paragraph 1, which states: "Private property is inviolable, and the owner has the right to use, exploit, and dispose of it within the limits of the law.

Second: Property may not be expropriated except for public benefit in return for fair compensation, and this shall be regulated by law. Third: A. Iraqis have the right to own property anywhere in Iraq, and no one else may own immovable property, except as provided by law. B.

Ownership for the purpose of demographic change is prohibited). (17) It should be noted here that the Iraqi legislature, as in other constitutions, prohibits interference with private property except for public purposes in return for fair compensation. It also refers to the right of every Iraqi to own property anywhere in Iraq and prohibits ownership for the purpose of demographic change in order to avoid any problems related to this matter. (18) As for the right to work, the Iraqi Constitution states in Article (22/First): "Work is a right for all Iraqis, guaranteeing them a decent life. Second: The law regulates the relationship between workers and employers on economic grounds, taking into account the rules of social justice.

Third: The state guarantees the right to establish or join trade unions and professional associations, which shall be regulated by law. It should be noted that the legislator did not detail the regulation of the relationship between the worker and the employer, but rather referred all matters relating to workers and employers to the law.

With regard to social security, the Constitution regulates this right in Articles 30 and 29, with Article 29 stipulating that: (First-b- The State shall guarantee the protection of motherhood, childhood, and old age, and shall care for children and young people and provide them with suitable conditions for the development of their abilities and capacities. Second: Children have the right to be raised, cared for, and educated by their parents, and parents have the right to be respected and cared for by their children, especially in cases of need, disability, and old age. Fourth: The economic exploitation of children is completely prohibited, and the State shall take measures to protect them....) Article 30 stipulates that: First, the state shall guarantee individuals and families, especially children and women, social and health security and the basic necessities for a free and dignified life, providing them with adequate income and suitable housing. Second, the state shall guarantee social security and health care for Iraqis in the event of old age, illness, incapacity to work, displacement, orphanhood or unemployment, and shall work to protect them from ignorance, fear and poverty, and shall provide them with housing and special programmes for their rehabilitation and care, which shall be regulated by law) (19).

It should be noted here that the constitutional legislator, in regulating social security, has followed the approach of Islamic law by emphasising the issue of family solidarity. It is the duty of parents to raise and care for their children, and in return, children must repay their parents by respecting them and providing them with all the assistance they need in case of need and old age (20) The right to education is enshrined in Article 34 of the Constitution: (First: Education is a fundamental factor in the advancement of society and a right guaranteed by the state. It is compulsory at the primary level, and the state shall ensure the eradication of illiteracy. Second: Free education is a right for all Iraqis at all levels. Third: The state encourages scientific research for peaceful purposes that serve humanity, and promotes excellence, creativity, innovation, and various manifestations of maturity. Fourth: Private and community education is guaranteed and regulated by law. (21)

The lack of clarity in the economic philosophy under the constitution was an obstacle to the subsequent formulation of economic policies and legislation, due to the absence of a clear vision among successive governments regarding economic objectives. This may be attributed to the lack of clear perceptions among politicians, especially those involved in forming governments, about the economic situation and what it should be. This has led to these economic policies and legislation being marred by inconsistencies with legislation that is still in force, inherited from the previous regime, even though the latter was put in place at the time to achieve the goal of 'socialism,' which was the main objective of the provisional constitutions of 1968 and 1970. The vagueness of the economic philosophy leads us to the following conclusion:

The vagueness of economic philosophy has led to a lack of clarity in visions and perceptions regarding the understanding and perception of the reality of the Iraqi economy and the economic strategy required to change this reality. Economic trends have therefore suffered from the chaos

that accompanied the new changes in Iraq after 2003, and this has been clearly reflected in the reality that continues to emphasise the economic role of the state, as was the case before 2003. Thus, in practical terms, the state has continued to exercise its economic role as before. Even while recognising the importance and necessity of this role at this stage, it is necessary to lay the foundations for real economic change in the future. This role has been accepted by some political and economic parties, while being rejected by others.

The reality points to a lack of clarity in the visions and perceptions regarding the understanding and perception of the reality of the Iraqi economy and the economic strategy required to change this reality.

– Economic trends have been affected by a kind of ambiguity and chaos, with the new changes in Iraq after 2003, which were clearly reflected in the reality that continued to emphasise the economic role of the state, as was the case before 2003. In reality, the state continued to exercise its economic role as before, and even with the recognition of the importance and necessity of this role at this stage, it is necessary to lay the foundations for a phase of real economic change in the future. This role has been accepted by some political and economic parties, while it has been rejected by others.

### **Third Requirement.**

#### Guarantees of Economic Rights in the Iraqi Constitution

The best guarantee of individual rights and freedoms is the constitution and its provisions affirming these rights through a set of constitutional principles that the state is legally bound to uphold. Otherwise, there is no point in having constitutional provisions that are not respected by state authorities. Therefore, in order to ensure respect for the constitution, there must be a set of guarantees in the form of legal controls that protect constitutional provisions from violation. Guarantees refer to the various means and methods by which rights and freedoms can be protected from infringement.(22) There are a number of guarantees or constitutional principles that are recognised in all countries with democratic systems and are enshrined in the 2005 Iraqi Constitution, including:

- 1- The principle of the rule of law.
- 2- The principle of separation of powers.
- 3- The principle of judicial independence.

We will explain these principles as they appear in the Iraqi Constitution:

1. The principle of the rule of law: This means that everyone is subject to the law, whether they are rulers or ruled, so that the law is supreme and takes precedence over any will in the state. The state's submission to the law, or the principle of legality, aims to make all authorities and bodies in the state subject to rules that are binding on them, just as they are binding on ordinary individuals. (23 )

The Iraqi Constitution emphasises this in Article 5, which states: ‘The rule of law shall prevail, and the people shall be the source of authority and legitimacy, which they shall exercise through direct, secret, and universal suffrage and through their constitutional institutions.’ Article 46 of the Constitution also prohibits the restriction of any of the rights or freedoms enshrined in the Constitution except on the basis of a specific law, provided that such restriction does not affect the essence of the right or freedom. (24)

2. The principle of separation of powers: This principle is one of the most important principles enshrined in the constitutions of countries concerned with human rights. It refers to the distribution of powers among the state authorities, so that each authority exercises its

functions within the limits set by the Constitution without encroaching on the powers of other authorities. The principle of separation of powers does not mean absolute separation between state powers, but rather that all state functions should not be concentrated in the hands of a single authority or body, which is known as flexible separation, because practical experience has shown that it is not possible to apply this principle in its absolute form. (25)

It is no secret that this principle has its roots in the writings of the French thinker Montesquieu. Although he was not the first to articulate it, having been preceded by Greek philosophers such as Plato and Aristotle, it is attributed to Montesquieu because he presented this principle in the form that is commonly understood today. This important guarantee of human rights was explicitly stipulated in the 2005 Iraqi Constitution, as mentioned in Article 47: ‘The federal authorities shall consist of the legislative, executive and judicial authorities, which shall exercise their powers and functions on the basis of the principle of separation of powers.’(26)

3. The principle of judicial independence: This principle is one of the fundamental principles enshrined in most contemporary constitutions, because there is no point in calling for the rule of law and the separation of powers without an independent judiciary that operates free from any interference by other state authorities. The judiciary is the protector of rights and the balance of justice in the state, so in order for it to perform its duties, it must be independent in its work from the legislative and executive branches. (27)

Judicial independence means that it alone has jurisdiction to adjudicate disputes and render judgments. On the other hand, independence means that judges, in performing their duties, are subject only to the law and do not receive instructions from anyone in this regard.(28) The independence of the judiciary is measured by a number of factors, the most important of which are its exclusive jurisdiction to adjudicate disputes arising between individuals or between individuals and the administration, its independence in issuing verdicts of conviction or acquittal, and the prohibition of any act from judicial review (acts of sovereignty) (29). To emphasise the importance of this principle, it was enshrined in the 2005 Iraqi Constitution, in Article 87, which states that: ‘The judiciary is independent and is exercised by courts of various types and levels...’. Article 88 of the Constitution also states that judges are independent, that no authority other than the law shall have power over them in their judgments, and that no authority may interfere in the judiciary or in matters of justice. (30)

### **Conclusion.**

Through the above discussion of the political systems of economic rights in the 2005 Constitution of the Republic of Iraq, we have arrived at a set of conclusions and recommendations, which we present as follows:

#### **First: Findings**

- 1- The permanent Constitution of Iraq of 2005 is one of the most important Iraqi constitutions, addressing in detail all the principles related to human rights stipulated in international declarations and conventions, foremost among which are political, economic, and social rights. Therefore, under the provisions of this constitution, Iraqi citizens enjoy a reasonable degree of rights that are guaranteed to them and surrounded by a set of safeguards that are explicitly stipulated.

2. Like other constitutions, the current Iraqi constitution has some shortcomings and deficiencies with regard to economic rights. as some of its provisions are general and vague, or refer the regulation of a particular issue related to individual rights to subsequent laws, which places the regulation of individual rights and freedoms in the hands of the legislative authority, as we mentioned earlier in the main body of this paper.

3. The Iraqi legislature has surrounded the constitutional provisions with a set of legal guarantees aimed at protecting the economic rights of individuals from infringement or violation by other state authorities. It has therefore adopted a set of democratic principles that constitute the fundamental pillars of a constitutional state.

### **Second: Recommendations**

1- The constitutional legislator must take into consideration all popular demands that arise in the state, if they are deemed to be in the public interest, provided that these demands do not conflict with the provisions of the constitution and are within the limits permitted by the constitution. Otherwise, we will be faced with chaos, which will lead to a breach of the security and independence of the state, especially with regard to the regulation of economic rights.

2- Amend the provisions of the current Iraqi Constitution relating to economic rights, as some of its provisions are general and vague, or refer the regulation of a particular issue relating to individual rights to subsequent laws, which makes the regulation of individual rights and freedoms subject to the will of the legislative authority.

### **References**

1. Al-Ahmad Printing Press, Baghdad, 2007, p. 28
2. Article (23) of the Iraqi Constitution of 2005
3. Article (34) of the Iraqi Constitution of 2005.
4. Article 47 of the Iraqi Constitution of 2005.
5. Articles (22/First) and (29-30) of the Iraqi Constitution of 2005
6. Articles 45-46 of the Iraqi Constitution of 2005.
7. Articles 87 and 88 of the 2005 Iraqi Constitution.
8. Beirut, 1375 AH, 1956 AD, p. 165.
9. By Imam Abu al-Fadl Jamal al-Din Muhammad bin Makram bin Manzur al-Afriqi al-Masri, Lisan al-Arab,
10. By the scholar Abu al-Fadl Jamal al-Din Muhammad ibn Makram ibn Manzur al-Afriqi al-Masri, Lisan al-Arab, Beirut, 1375 AH, 1956 AD.
11. Dar al-Shu'un al-Thaqafiyya al-'Ammah, Baghdad, 1991, p. 67
12. Dr Hamid Hanoun Khalid, Human Rights, 1st edition, Baghdad, Al-Sanhouri Library, 2013, pp. 129-130.
13. Dr. Abdul Karim Alwan, The Mediator in International Law and Human Rights, Dar Al-Thaqafa, 2011
14. Dr. Abdul Karim Alwan, The Mediator in International Law and Human Rights, Dar Al-Thaqafa, 2011, p. 88.
15. Dr. Abdullah bin Yusuf Al-Jadai, Facilitating the Science of Jurisprudence, Taha, Al-Rayyan Foundation for Printing and Publishing, Lebanon, 2007.
16. Dr. Abdullah bin Yusuf Al-Jadai, Facilitating the Science of the Principles of Jurisprudence, Taha, Al-Rayyan Foundation for Printing and Publishing, Lebanon, 2007, p. 201.
17. Dr. Ali Youssef Al-Shukri, Human Rights Between Text and Application, Dar Safaa Publishing, Amman, 2011, p. 17

18. Dr. Ali Yusuf al-Shukri, Human Rights between Text and Application, Dar Safa Publishing, Amman, 2011.
19. Dr. Hamid Hanoun Khalid, Human Rights, Al-Sanhouri Library, p. 228.
20. Dr. Hussein Jamil, Human Rights in the Arab World, 2nd edition, Centre for Arab Unity Studies, Beirut, 2001.
21. Dr. Jaber Ibrahim Al-Rawi, Human Rights and Fundamental Freedoms in International Law and Islamic Law, Dar Wael Printing and Publishing, 1st edition, 1991.
22. Dr. Mansour Milad Younis, Constitutional Law and Political Systems, Book One (General Theory of the State), 1st edition, 2009
23. Dr. Mansour Milad Younis, Constitutional Law and Political Systems, Book One (General Theory of the State), Vol. 1, 2009, p. 299.
24. Dr. Muhammad bin Yaqoub al-Fayrouz Abadi, Al-Qamus al-Muhit, 1st edition, Al-Maymunia Press, Egypt.
25. Dr. Muhammad bin Yaqub al-Fayrouz Abadi, Al-Qamus al-Muhit, 1st edition, Al-Maymaniya Press, Egypt, p. 228.
26. Dr. Mustafa Ibrahim Al-Zalmi, Human Rights and Their Guarantees in Islam, Erbil, 2nd edition, 2011
27. Dr. Mustafa Ibrahim Al-Zalmi, Human Rights and Their Guarantees in Islam, 1st edition, Erbil, 2011, p. 134
28. Dr. Naim Attia, General Theory of Individual Freedoms, National Printing and Publishing House, Cairo, 1965
29. Dr. Naim Attia, The General Theory of Individual Freedoms, National Printing and Publishing House, Cairo, 1965, p. 347
30. Dr. Othman Khalil Othman, General Constitutional Principles, Abdullah Wahba Library,
31. Dr. Othman Khalil Othman, General Constitutional Principles, Abdullah Wahba Library, 1943, p. 89.
32. Dr. Sahar Muhammad Najib, Constitutional Organisation, Guarantees, Human Rights and Freedoms, Shatat Printing Press, Egypt, 2011, p. 165
33. Dr. Sahar Muhammad Najib, Constitutional Organisation: Guarantees of Human Rights and Freedoms, Shatat Printing Press, Egypt, 2011.
34. Dr. Saleh Jawad Kazim, Observations on the Concept of the Supremacy of Human Rights in International Law, Dar al-Shu'un al-Thaqafiyya al-'Amma, Baghdad, 1st edition, 1991.
35. Dr. Saleh Jawad Kazim, Observations on the Concept of the Supremacy of Human Rights, Discussions in International Law, 1st edition,
36. Dr. Walid Al-Shahib Al-Hali and Dr. Salman Ashour Al-Zubaidi, Education on Human Rights, 1st edition, Al-Ahmad Printing Press, Baghdad, 2007
37. Dr. Walid Al-Shahib Al-Hali and Dr. Salman Ashour Al-Zubaidi, Education on Human Rights, 1st edition,
38. Dr. Yahya Al-Jamal, The Constitutional System in the Arab Republic of Egypt, Dar Al-Nahda Al-Arabiya, Cairo, 1974
39. Dr. Yahya al-Jamal, The Constitutional System in the Arab Republic of Egypt, Dar al-Nahda al-Arabiya, Cairo, 1974, p. 237.

40. The Absence of a Clear Economic Philosophy in Iraq and Its Impact on the Economic Performance of the Public and Private Sectors, article on the website <https://kerbalacss.uokerbala.edu.iq/wp/blog/2015/03/13/>
41. The Constitution of Iraq, 2005.
42. The Provisional Constitution of Iraq, 1970
43. The Provisional Constitution of Iraq, 1970.
44. Wasan Hamid Rashid, Constitutional Guarantees of Rights and Freedoms in the 2005 Iraqi Constitution, Master's Thesis, Faculty of Law, Al-Mustaqbal University, 2009
45. Wasan Hamid Rashid, Constitutional Guarantees of Rights and Freedoms in the Iraqi Constitution of 2005, Master's thesis, Faculty of the Future, University, Department of Law, 2009, p. 44.